

LAND USE COMMISSION
MEETING MINUTES

August 25, 2021 – 9:00 a.m.

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

PLACE: Zoom Webinar Virtual Meeting
Meeting Link for Wednesday, August 25, 2021

https://us02web.zoom.us/webinar/register/WN_-qjRBJdtRmWkLItz4iihHA

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
Gary Okuda
Arnold Wong
Edmund Aczon
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) Dan Morris, Deputy Attorney General (DAG)
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk
Natasha Quinones, Program Specialist

COURT REPORTER: via Naegeli Deposition and Trial
(from recorded ZOOM conference media)

CALL TO ORDER

Chair Scheuer called the meeting to order at 9:00 a.m.

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 approval of the July 14, 2021 minutes and asked if any public testimony had been submitted and if any corrections needed to be made. There was no public testimony and no corrections to be made. Commissioner Cabral moved to adopt both sets of minutes. Commissioner Ohigashi seconded the motion. There was no discussion.

By a roll call, the July 14, 2021 minutes were approved unanimously (7-0).

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

TENTATIVE MEETING SCHEDULE

Executive Officer Orodener provided the tentative meeting schedule from September 2021 to December 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.

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

MODIFICATION OF LUC FILING REQUIREMENTS

Chair Scheuer moved to the next agenda item, the Modification of LUC filing requirements.

There was no written Public Testimony received on this matter.

Mr. Orodener expressed staff's concerns with paper waste and requested the Commission to modify by order HAR 15-15-40 on the number of copies required for filing by the parties from one electronic, one Original and one copy to one electronic and one Original copy.

There were no questions from the Commissioners.

Commissioner Wong moved to make a motion to modify HAR 15-15-40 regarding the filing requirements of the LUC. Commissioner Cabral seconded the motion.

Chair Scheuer asked Mr. Orodenker to poll the Commission.

By a roll call, the motion to modify LUC filing requirements passed unanimously (7-0).

A11-794 SOH, DEPT. OF EDUCATION- KIHEI H.S.

Chair Scheuer moved to the next agenda item, an action regarding Docket No. A11-794 SOH, DEPT. OF EDUCATION – (Kihei High School) (Maui) to Consider Petitioner’s Motion to Amend the LUC’s Findings of Fact, Conclusions of Law and Decision and Order Filed July 29, 2013.

Chair Scheuer stated that the LUC received a late filing from the Department of Education requesting a hearing on the Emergency Motion for Recusal or Disqualification of LUC’s Chair.

Chair Scheuer explained that the Motion to Amend would be deferred because a hearing for the Emergency Motion was requested and because of the last-minute filing, staff was unable to agendize this matter for this hearing. Also, because the Emergency motion takes precedence, it was necessary for this matter to be heard prior to the Petitioner’s Motion to Amend. This matter was deferred to September 8th and 9th, 2021.

Chair Scheuer declared recess at 9:14 a.m. and resumed meeting at 9:15 a.m. to accommodate Commissioner’s Okuda request to be on the record for the A11-794 matter.

Commissioner Okuda requested the parties to supplement the record with the following documents:

- 1) “Safe Routes to Kihei High School: Pedestrian Route Study Kihei”, Maui, 2014. Prepared for Group 70 and Hawaii Department of Education Prepared by Walkable and Livable Communities Institute.
- 2) FHWA/TX-01/2136-2 (“Pedestrian Crossing Guidelines for Texas”, December 2000).
- 3) NCHRP Report 189 (“Quantifying the Benefits of Separating Pedestrian and Vehicles,” 1978).
- 4) NCHRP Report 240 (“A Manual to Determine the Benefits of Separating Pedestrians and Vehicles,” 1981).

Mr. Orodener asked Commissioner Okuda to email his request so that it could be forwarded to the parties.

Chair Scheuer recognized the request and restated that the proceedings in this matter were deferred to September 8-9.

EXECUTIVE SESSION- Personnel Matters

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

No public testimony was received in this matter.

Commissioner Wong moved to enter into Executive Session to consider personnel matters. Commissioner Cabral seconded the motion.

By a show of hands, the Commission voted to enter into Executive Session at 9:24 a.m.

The Commission returned to the regular public meeting at 10:25 a.m.

There being no further business or items to discuss, Chair Scheuer adjourned the meeting at 10:26 a.m.



