LAND USE COMMISSION

MEETING MINUTES

**September 17, 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, September 17, 2021

(<https://us02web.zoom.us/webinar/register/WN_e7t5L7WkSNqvL-s_uWiTCA>)

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

Edmund Aczon

Lee Ohigashi

Dan Giovanni

COMMISSIONERS EXCUSED: Arnold Wong

(8 seated Commissioners as of 10/1/19) Dawn N. S. Chang

STAFF PRESENT: Daniel Orodenker, Executive Officer

(Attending via ZOOM conference media) Julie China, Deputy Attorney General (DAG)

Scott Derrickson, Chief 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 9:02 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 September 8-9, 2021 Minutes. The approval of the Minutes was deferred.

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

**TENTATIVE MEETING SCHEDULE**

Executive Officer Orodenker provided the tentative meeting schedule from September 2021 through 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.

Chair Scheuer requested that the LUC staff email the calendar to the Commissioners.

Commissioner Giovanni asked if the meeting could be moved to Friday, October 15th since he would be the Acting Chair on the A11-794 Kihei H.S. matter and unable to attend the currently scheduled October 13, 2021 meeting..

Mr. Orodenker noted that the rest of the Commissioners would be polled in order to assure quorum.

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

Chair Scheuer moved to the next agenda item.

**SP21-411 AES WEST OAHU SOLAR, LLC (OAHU)**

Adoption of the Order for Docket SP21-412 Special Use Permit Application for Mahi Solar Project, for an approximately 120 Megawatt alternating current (Mwac) solar and energy storage facility located in Kunia, Oʽahu. TMK No. (1) 9-2 001:020 (por.). and (1)9-2-004:003 (por.), 006 (por.), 010 (por.), and 012 (por.)

Chair Scheuer asked if there was any written testimony in this matter. Mr. Hakoda stated that there was none but that some informational material was received from Ulupono Initiative and forwarded to the Commissioners.

**APPEARANCES:**

Randall Sakumoto, Esq., representing Petitioner Mahi Solar

Duane Pang, Deputy Corporation Counsel, Department of Planning (DPP)

Alison Kato, Esq., Deputy Attorney General, Office of Planning and Sustainable Development (OPSD)

Lorene Maki, Planner, OPSD

**PUBLIC TESTIMONY**

Chair Scheuer asked if there were any members of the public who wished to testify. There was one public testimony by phone. Chair sworn in the witness.

1. Christopher Delauney - Pacific Resource Partnership (PRP) provided testimony via telephone in support of the Mahi Solar project.

There were no other witnesses.

**FORMAL DELIBERATIONS**

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

Commissioner Giovanni moved to adopt the form of the order. Commissioner Cabral seconded the motion.

Commissioner Okuda commented that he had no preference if the order contained verbatim quotations of the statute or if a shortened version was used to indicate that the solar project satisfied the intent of the legislation.

Chair deferred to Mr. Orodenker on how to handle this matter. Mr. Orodenker suggested that Commissioner Okuda offer a friendly amendment to the current motion. DAG Julie China concurred with the suggestion.

Mr. Okuda offered a friendly amendment to adopt the short version of the form of the order.

Chair Scheuer asked Commissioner Okuda to be more specific for the record.

Commissioner Okuda stated that the form of the order to be adapted to be the version of the order that contained Conclusion of Law, paragraph 19 and quoted that section.

Commissioner Giovanni and Cabral accepted the friendly amendment.

Chair Scheuer asked Mr. Sakumoto if there were any concerns with adding this additional language to the form of the order. There was none.

Commissioner Giovanni and Commissioner Cabral spoke to the motion.

Chair Scheuer asked Mr. Orodenker to poll the Commission. By a roll call the motion to Adopt the Order passed with 6 affirmative votes.

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

**EXECUTIVE SESSION- Personnel Matters**

Chair Scheuer stated that there was no public testimony received in this matter.

Commissioner Ohigashi moved to enter into Executive Session to consider personnel matters. Commissioner Aczon seconded the motion.

By a show of hands, the Commission voted to enter into Executive Session.

The Commission left the regular public meeting at 9:28 a.m. and returned to the meeting at 9:51 a.m.

Chair Scheuer announced that the Commission had reached an agreement to extend the service of the LUC’s Executive Officer, Daniel Orodenker.

There being no further business or items to discuss, Chair Scheuer adjourned the meeting at 9:51 a.m.

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