2015 Hawaii Land Use Law Conference

January 15 & 16, 2015 ◊ YWCA ◊ Fuller Hall
1040 Richards Street ◊ Honolulu, HI 96813

Why You Should Attend:
Over 25 distinguished land-use practitioners, scholars, planners, regulators and attorneys from Hawaii as well as the Mainland will discuss timely and relevant issues regarding land use law including such topics as:

- Transit Oriented Development
- Kaka’ako
- GMO Regulation

This conference offers a unique opportunity to learn from leaders in the field regarding the above topics and other very important issues pertaining to government regulation of land use and developments in land use law in Hawaii. **Space is limited! Register early!**

Conference Co-Sponsors:
HSBA Real Property and Financial Services Section
University of Hawaii at Manoa, William S. Richardson School of Law
Program - Thursday, January 15th

9:00 Welcome and Introduction
   Prof. David L. Callies, FAICP, ACREL, Program Co-Chair
   Kudo Professor of Law, William S. Richardson School of Law, University of Hawaii
   Benjamin A. Kudo, PhD, Program Co-Chair
   Ashford & Wriston LLP

9:10 Critical Legal Issues in Hawaii
   Prof. David L. Callies, FAICP, ACREL, Program Co-Chair
   Kudo Professor of Law, William S. Richardson School of Law, University of Hawaii
   Benjamin A. Kudo, PhD, Program Co-Chair
   Ashford & Wriston LLP

10:00 Keynote Presentation - Stealth Takings: Exactions, Impact Fees and More
   Prof. Richard Epstein
   Laurence A. Tisch Professor of Law, New York University School of Law

11:00 Break (15 minutes)

11:15 Impact Fees and Exactions after Koontz
   David Brittin
   Case Lombardi & Pettit
   Bruce Voss
   Bays Lung Rose & Holma
   Moderator: Robert H. Thomas
   Damon Key Leong Kupchak Hastert

12:15 Lunch (on your own)

1:15 Designation of Critical Habitat Under the Endangered Species Act (ESA)
   Benjamin A. Kudo, PhD
   Ashford & Wriston LLP
   LeeAnn Crabbe
   Vice President, Queen Liliuokalani Trust
   Steve Kelly
   Vice President, Kapolei Property Development, LLC
   Moderator: Naomi Kuwaye
   Ashford & Wriston, LLP

2:15 Legislative Update
   Executive Director, Land Use Research Foundation of Hawaii

3:00 Break (15 minutes)

3:15 Local Zoning: Variances and Form-Based Zoning
   Barry Sullivan
   Sullivan Meheula Lee, LLP
   Jamie Peirson
   Planner, Department of Planning and Permitting
   City and County of Honolulu
   George Atta
   Director, Department of Planning and Permitting
   City and County of Honolulu
   Moderator: Calvert Chipchase, IV
   Cades Schutte

4:15 Kaka’ako
   Executive Director, Hawaii Community Development Authority

Program - Friday, January 16th

9:00 State Districts/Boundary Amendments:
   - DLNR & Land Use Permits
   - Boundary Amendments
   Jesse Souki
   Imanaka Asato LLC
   Dan Orodenker
   Executive Director, Hawaii Land Use Commission
   Bryan Yee
   Office of the Attorney General of the State of Hawaii
   Moderator: Jennifer A. (Benck) Lim
   Carsmith Ball

10:00 Native Hawaiian Rights
   David Forman
   Director of Environmental Law Program
   William S. Richardson School of Law, University of Hawaii

10:30 Break (15 minutes)

10:45 Transit Oriented Development (TOD)
   Daniel A. Grabauskas
   Executive Director/CEO, Honolulu Authority for Rapid Transportation
   Harrison Rue
   City and County of Honolulu, Community Development and Transit Oriented Development Administrator
   Moderator: Christina Ohira
   Starn O'Toole Marcus & Fisher

11:45 GMO Regulation, Preemption and Home Rule
   Mauna Kea Trask
   County Attorney for the County of Kauai
   Paul Alston
   Alston Hunt Floyd & Ing
   Margaret Wille
   Chair, Committee on Agriculture, Water, and Energy Sustainability
   Hawaii County Council
   Moderator: Chynna Stone
   The Resort Group

12:45 Lunch (on your own)

1:45 Ethical Considerations
   Prof. Patricia E. Salkin
   Dean and Professor of Law, Touro Law Center; Central Islip, NY

3:00 Break (15 minutes)

3:15 Ethical Considerations (continued)
   Prof. Patricia E. Salkin
   Dean and Professor of Law, Touro Law Center; Central Islip, NY

5 Easy Ways to Register
1. Online: www.HSBA.org (members only)
2. Fax: 808-521-7936
3. Email: CLE@HSBA.org
4. Phone: 808-537-1868
5. Mail: HSBA CLE Department
   1100 Alakea Street, Suite 1000
   Honolulu, HI 96813
Speakers

Benjamin A. Kudo, PhD (Program Co-Chair), is the Kudo Professor of Law at the William S. Richardson School of Law. He is also the author of Regulating Paradise: Land Use Controls in Hawaii, co-editor of the annual Land Use Law and Policy Review and Environmental Law and Policy Review, and co-author of casebooks on land use and property law. He is past chair of the HSBA Section on Real Property and Financial Services and of the ABA Section of State and Local Government Law.

Naomi Kuwaye of Ashford & Wriston LLP, specializes in environmental and natural resource law, land use, real estate development, telecommunications law, public utilities, and administrative law. Her practice includes environmental litigation and regulatory compliance for both federal and state land use and water law.

Harrison Rue is the Community Building and TOD Administrator for the City and County of Honolulu. He has over 30 years experience in smart growth and sustainability. He is currently leading the creation, adoption, and implementation of Neighborhood TOD Plans around 19 station areas for Honolulu’s 20 mile, $5.2 billion rail line.

Christine Ohira is Starn O'Toole Marcuard & Fisher, concentrates her practice in the areas of real estate and commercial transactions. She has represented Martindale-Hubbell’s highest possible “AV” rating for her legal skill and integrity. Ms. Ohira is a member of the American Bar Association and the Hawaii State Bar Association, and is licensed to practice in the Hawaii State courts and the United States District Court for the District of Hawaii.

Jennifer A. (Benck) Lim is a partner in Carlsna Ball’s Honolulu office and is a member of its Real Estate, Land Use & Hospitality Practice Group. She concentrates her practice on real property and environmental law with an emphasis in the areas of land use planning and real property development.

Dan Orondenker is the Executive Director of the Hawaii Land Use Commission. He is an attorney and real estate and land-use consultant and has held a variety of government positions, including director of the Honolulu Waterfront Program, acting executive director of the Aloha Tower Development Corp and assistant to the director of DBEDT. He also worked with former Honolulu Mayor Mufi Hannemann on developing a transit-oriented development program and worked with Molokai Properties Ltd.

Jamie Peirson is a land use planner with the Department of Planning and Permitting of the City and County of Honolulu. He has been with the city for 25 years and has specialized in municipal land use registration.

Jesse Souki is of counsel to Imanaka Asato LLLC, he recently served as First Deputy of the Department of Land and Natural Resources. Mr. Souki has also practiced law in the areas of land use and environmental law. He was a deputy corporation counsel for the County of Maui and the City and County of Honolulu.

Chynna Stone is with the Resort Group, a leading developer of domestic and international mixed use resort communities. Local projects include the Ko Olina Resort in Honolulu, Hawaii, the Princeville at Hanalei in Kauai. The Resort Group seeks to develop resorts that deliver world-class experiences with a powerful sense of place.

Barn Sullivan is a partner at Sullivan Mehuela Lee, LLP practicing in real estate, real estate finance, development, business litigation, and public interest matters. He has extensive experience in Waikiki including entitlements, land use, shoreline and regulatory matters.

Robert Thomas is a partner at Damon Key Leong Kupchak Hastert. His practice focuses on regulatory takings, eminent domain, water rights, and voting rights cases. He is an experienced land use law and appellate lawyer having tried many cases in HI, CA, and the federal courts. He is also the Hawaii member of Owners’ Counsel of America, a national network of the most experienced eminent domain and property rights lawyers.

Mauna Kea Trask was recently appointed the County Attorney for the County of Kauai. Prior to joining the County Attorney’s office, Mr. Trask was with the Kauai Office of the Prosecuting Attorney and also worked in the Oahu Office of the Public Defender. He drafted the extensive legal opinion that led Mayor Carvalho of to veto a bill to regulate the use of pesticides and growth of genetically modified crops. Trask’s opinion also was the basis upon which the federal court ruled that the county law was pre-empted by state and federal law.

Bryan Yee has been a Deputy Attorney General with the Department of the Attorney General since 1990, and has been representing the Office of Planning before the Land Use and Planning Commission and the Hawaii State legislature for over 15 years. He was the City’s Director of Planning and Development and has served as chief deputy to the Director of Planning. His clients have included CSEA, DCCA, DHHL, DHS, DOH, and PSD.

Register Today!

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Honolulu, HI 96813
REGISTRATION FORM

REGISTRATION

HSBA Member Registration:
HSBA members may register online at hsba.org OR by using any of
the below described methods for non-member registration.

Non-HSBA Member Registration:
• By mail: please submit this form with payment to
  HSBA
  CLE Department
  1100 Alakea St. Suite 1000
  Honolulu, HI 96813
• By fax: please submit this form to 808-521-7936;
  Attn: CLE Department
• By email: please scan and email this form to CLE@hsba.org.

Confirmation of your enrollment will be sent to you via email. Seating
is limited, so please register early. Walk-in registration will be
permitted on the first day of the conference only subject to space
availability. Please arrive by 8:30 AM for walk-in registration.

COURSE ACCREDITATION

Attendance of ALL sessions of this two day conference has been
approved for 14 HI CLE credit hours (4 of which are approved for
ethics) by the HSBA. Partial credit for partial attendance will be given
at the discretion of the HSBA in accordance with the regulations of
the Hawaii State Board of Continuing Legal Education. Registrants
who wish to apply credit hours to other jurisdictions’ CLE or other
continuing education requirements should inquire with such
jurisdiction or licensing body directly. The HSBA does not guarantee
that credit hours earned at this conference will be transferable.

CANCELLATION

Refunds will be given less a $15 cancellation charge if we receive
your cancellation by January 10, 2015. No refunds will be given after
January 10, 2015 or if you fail to attend the course.

DISCLAIMER

The representations made at this Hawaii Land Use Law Conference
and content/materials are those of the presenters and do not
represent the position of the HSBA. Legal opinions, analyses, and
materials provided by the presenters are not reviewed by the HSBA.

OTHER IMPORTANT INFORMATION

• PARKING: Validation is not provided, however convenient and
  affordable parking is available at Ali’i Place or other municipal
  parking garages in the downtown area.
• LAPTOPS: Wireless connection is available at the venue. However,
  outlets are limited so please bring your laptop fully charged.
• MATERIALS: In an effort to go green, all handouts and/or course
  materials will be provided in electronic format only on a USB flash
  drive. Accordingly, please bring your laptop for access to these
  materials during the seminar.
• LUNCH: A continental breakfast, coffee, and afternoon snack
  is included, however lunch will not be provided. There are many
  eateries located around the YWCA for your convenience.

COST

The cost for this conference is as follows:
• HSBA Real Property and Financial Services Section (“RPFSS”)
  Members - $200
• Government Attorneys - $200
• Other HSBA Attorneys - $300
• Other Professionals - $300

The registration fee includes registration for all sessions, continental
breakfast, coffee breaks, and all course materials. Attendees must
register and pay for both days of the conference. University of Hawaii
Law Students may contact us at CLE@hsba.org to register.

QUESTIONS / SPECIAL ACCOMMODATIONS / ADA

Please contact Jasmine Graffis, HSBA CLE Assistant at 808-792-
7336 or by email to jgraffis@hsba.org for special accommodations
if necessary.

Please print

Full Name ________________________ Firm/Company ________________________
Address __________________________________________ Phone ________________________
J.D. Number, if applicable ________________________ Email ________________________

COST

PRICE

□ HSBA Real Property and Financial Services Section (“RPFSS”) Members $200
□ Government Attorneys $200
□ Other HSBA Attorneys $300
□ Other Professionals $300

PAYMENT TYPE: Check □ Visa □ Mastercard □ Credit Card Number___
(Checks made out to Hawaii State Bar Association)
Expiration Date____

Print Card Holder’s Name ______________________________________________________
Card Holder Signature__________________________________________________________