

LAND USE COMMISSION  
MEETING MINUTES

April 4, 2013

9:30 a.m.

Maui Arts & Cultural Center, Haynes Meeting Room  
One Cameron Way, Kahului, Maui, Hawai`i 96732

COMMISSIONERS PRESENT: Ronald Heller  
Ernest Matsumura  
Nicholas Teves, Jr.  
Lance Inouye  
Sheldon Biga  
Thomas Contrades  
Chad McDonald  
Kyle Chock

COMMISSIONERS EXCUSED: Jaye Napua Makua

STAFF PRESENT: Daniel Orodener, Executive Officer  
Bert Saruwatari, Staff Planner  
Scott Derrickson, Staff Planner  
Sarah Hirakami, Deputy Attorney General  
Riley Hakoda, Staff Planner/Chief Clerk

CALL TO ORDER

Chair Chock called the meeting to order at 9:30 a.m.

APPROVAL OF MINUTES

Chair Chock asked if there were any corrections or additions to the March 21, 2013, minutes. There were none. Commissioner Biga moved to approve the minutes. Commissioner Contrades seconded the motion. The minutes were unanimously approved by a voice vote (8-0).

TENTATIVE MEETING SCHEDULE

Executive Officer Orodener provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners.

- The April 5, 2013, meeting is scheduled for a site visit and meeting on Oahu for DR12-49 Kunia Loa Ridge Farmlands for consideration for Important Agricultural Land designation with a meeting at the Honolulu Airport to follow.
- April 18-19, 2013, will include Adoption of Order for A12-796 Waikō Industrial Investment, LLC decision-making on Maui, and the DR08-36 Ko Olina Development Boat Launch Status Report, and the Approval of Revised Draft Administrative Rules for Publication, on Oahu at the Honolulu International Airport Conference Room #3.
- May 2-3, 2013, is scheduled for the Adoption of Order for A12-796 Waikō Industrial Investment via video conference.
- May 16, 2013, is open.
- June 13-14, 2013, is scheduled for A11-794 State of Hawai‘i Department of Education (DOE) on Maui.
- Any questions or conflicts, please contact LUC staff.

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

#### ACTION

A12-795 WEST MAUI LAND COMPANY, INC. - KAHOMA RESIDENTIAL, LLC  
(Maui)

Chair Chock announced that the Commission would be considering the adoption of the form of the order for granting the Petition of Docket No. A12-795 West Maui Land Company, Inc. for the reclassification of approximately 16.7 acres of land from the Agricultural District to the Urban District at Lāhainā, Maui, Hawai‘i for a residential subdivision to provide 68 single-family affordable housing units to families earning less than 160% of the median family income of families in Maui County, Hawaii, TMK Nos. (2) 4-5-10:005.

#### APPEARANCES

James Geiger, Esq., represented West Maui Land Co., Inc.

Heidi Bigelow, West Maui Land Co., Inc.

James Giroux, Deputy Corporation Counsel, represented County of Maui,  
Planning Department (County)

William Spence, Director, County

Bryan Yee, Deputy Attorney General, represented State Office of Planning (OP)

Michele Lincoln, Intervenor

Chair Chock updated the record, stated the procedures of the proceedings and called for Public Witnesses.

## PUBLIC WITNESSES

None

There were no questions on the meeting procedures; and no Public Witnesses. Chair Chock concluded the Public Witness portion of the proceedings and entertained a motion to adopt the form of the order. Commissioner Biga moved to adopt the order. Commissioner McDonald seconded the motion.

Commissioner Heller offered two corrections/modifications to Findings of Fact (FOF) 55 and 334 as a friendly amendment to the motion to correct typographical errors and wording. Commissioners Biga and McDonald accepted the friendly amendment.

There was no further discussion.

Chair Chock directed that the Commission be polled.

The Commission voted unanimously (8-0) to adopt the form of the order as amended by Commissioner Heller granting the Petition of Docket No. A12-795 to reclassify the Petition Area Land Use from Agriculture to Urban.

Ms. Lincoln stated that she had submitted a letter to the Commission in January, 2013, that corrected the spelling of her witnesses Jane Imai and Cynthia Catugal but the Proposed Findings of Fact, Conclusions of Law and Decision and Order did not reflect the corrections; and that in FOF#107, the Court Reporter's name, Cammie Gilett was incorrectly depicted as Cammie Smith. Chair Chock replied that her remarks were noted and that the corrections would be made. Ms. Lincoln also expressed her thanks to the Commission for its work and described why she would be continuing to oppose the decision, and her plan to appeal and request a stay to the order. Chair Chock acknowledged Ms. Lincoln's remarks and thanked her for her participation in the process.

The Commission took a recess in place to prepare for Docket No. A12-796 at 9:40 a.m. and reconvened at 9:42 a.m.

## ACTION

### A10-787 Maui R&T Partners, LLC (Maui)

Chair Chock announced that this was an action meeting on Docket No. A10-787 Maui R&T Partners, LLC (Maui), to consider the acceptance of Maui R&T Partners, LLC's Final Environmental Impact Statement for the reclassification of approximately 253.05 acres currently in the Agricultural Land Use District Boundary to the Urban District at Kīhei, Island of Maui, State of Hawai'i, TMK Nos. (2) 2-2-024:016 and 017, and (2) 2-2-002-054 (por).

## APPEARANCES

Curtis Tabata, Esq. and Wyeth Matsubara, Esq., represented Maui R&T Partners, LLC

Steve Perkins, Project Manager, Maui R&T Partners, LLC.

James Giroux, Deputy Corporation Counsel, represented County of Maui Planning Department (County)

Kurt Wollenhaupt, Planner, County

Bryan Yee, Deputy Attorney General, represented State Office of Planning (OP)

Chair Chock updated the record, stated the procedures of the proceedings and asked Mr. Tabata if Petitioner was willing to abide by the Commission's policy on reimbursement of hearing expenses. Mr. Tabata replied that Petitioner would comply.

Chair Chock called for Public Witnesses.

## PUBLIC WITNESSES

### 1. Victoria Huffman

Ms. Huffman stated that she was formerly a traffic engineer in California and that she had reviewed the Traffic Impact Analysis Report (TIAR) for the proposed project and had submitted a letter summarizing her concerns about the TIAR for the Commission to review in preparation for this meeting. Ms. Huffman described how the TIAR she had reviewed failed to consider future major developments and planned traffic measures for the areas surrounding the Petition Area; and other deficiencies that she had identified.

Mr. Tabata requested clarification on Ms. Huffman's professional background. Ms. Huffman replied that she had previously worked in the San Diego area as a traffic engineer and described her experiences and work history. Mr. Tabata inquired whether Petitioner could count on Ms. Huffman's support for the proposed project if all her concerns and recommendations were addressed and adopted. Ms. Huffman responded that she could be supportive and described how the impacts of the proposed project needed to be disclosed to the public and the decision makers involved with its development.

County and OP had no questions for Ms. Huffman.

Commissioner McDonald requested clarification on whether Ms. Huffman had based her comments and review on the February 2013 TIAR. Ms. Huffman replied that she had reviewed the proposed project's TIAR released for public review in

August 2012. Mr. Tabata commented that the February 2013 TIAR had been prepared in response to the comments and objections received on the August 2012 TIAR.

There were no further questions for Ms. Huffman and no more public witnesses.

## PRESENTATIONS

### Petitioner

Mr. Tabata provided the background and history of the Petition and argued why the Final Environmental Impact Statement (FEIS) should be accepted by the Commission.

### County

Mr. Giroux stated that he had no presentation.

### OP

Mr. Yee stated that OP had no objections to the acceptance of the FEIS but had a couple of comments/concerns: 1) the failure of Petitioner to deliver a copy of the FEIS to OP; and 2) the organization and structure of the FEIS. Mr. Yee described how OP had not received a copy of the FEIS and encountered difficulty with locating information and agency comments and concerns about the proposed project in the FEIS; and suggested methods to better format the information for future consideration by the public and other government agencies. Mr. Yee also commented that despite Ms. Huffman's comments and concerns, OP was satisfied enough with the TIAR to move forward on the case; and recommended that the Petitioner better describe how the proposed project would be developed in an amended petition, or both in an amended petition and in a motion to modify the prior D&O and request for consolidation.

Mr. Giroux commented that he would like to record County's position on the matter at hand and stated that County supported the acceptance of the EIS. Chair Chock acknowledged Mr. Giroux's request.

Mr. Tabata stated that Petitioner had been in discussions with OP and would be working on clarifying the Petition to address OP's concerns and better describe how the prior A84-585 petition and the current A10-787 petition would be evolving in the future as the docket moved forward.

Chair Chock requested confirmation that OP had been provided a copy of the EIS. Mr. Tabata acknowledged that OP had received a copy of the EIS.

There was no further discussion.

Commissioner Contrades moved to accept the FEIS for A10-787 Maui R&T Partners docket. Commissioner Teves seconded the motion. There was no discussion. Chair Chock directed that the Commission be polled.

The Commission voted unanimously (8-0) to accept the FEIS.

There were no further comments or questions.

There being no further business scheduled on the agenda for the day, Chair Chock announced that the site visit for DR12-49 would start at 9:00 a.m., April 5, 2013, with a meeting to follow at the airport at 10:30 a.m. and adjourned the meeting for the day at 10:11 a.m.