

LAND USE COMMISSION  
MEETING MINUTES

**April 18, 2013 – 9:30 a.m.**  
**Marriott Courtyard Hotel, Haleakala Room**  
**Kahului, Maui, Hawai`i, 96732**

COMMISSIONERS PRESENT: Chad McDonald  
Lance Inouye  
Ernest Matsumura  
Sheldon Biga  
Napua Makua  
Thomas Contrades

COMMISSIONERS EXCUSED: Kyle Chock  
Ronald Heller  
Nicholas Teves, Jr.

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

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Walter Mensching

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Acting Chair McDonald asked if there were any corrections or additions to the April 4-5, 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 (6-0).

**TENTATIVE MEETING SCHEDULE**

Executive Officer Orodenker provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners.
- April 19, 2013 is scheduled for DR08-36 Ko Olina Development LLC's Boat Ramp Status Report in Honolulu.
- May 2, 2013 meeting for A12-796 Waikō Adoption of Order will be a video conference encompassing 4 islands- Oahu, Maui, Kauai and Kona, Hawaii.
- May 16, 2013 is scheduled for A94-706 Ka'ono'ulu Ranch matters.
- June 13-14, 2013 and June 27-28, 2013 is scheduled for A11-794 State of Hawaii, Department of Education- Kihei High School (Maui) and LUC Commissioner transitioning.
- Any questions or conflicts, please contact LUC staff.

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

## **ACTION**

### **A12-796 WAIKŌ INDUSTRIAL INVESTMENT (MAUI)**

Acting Chair McDonald announced that this was oral argument and deliberation for Docket No. A12-796 Waikō Industrial Investment, LLC (Maui) to Amend the Land Use District Boundary of Certain Lands Situated at Waikapu, Wailuku, Island of Maui, State of Hawai'i, Consisting of approximately 31.222 Acres, from the Agricultural District to the Urban District, Tax Map Key No. (2) 3-8-007:102.

## APPEARANCES

Gregory Garneau, Esq., represented Waiko Industrial Investment  
Charles Jencks, Waiko Industrial Investment Landowners Representative  
James Giroux, Deputy Corporation Counsel, represented County of Maui Planning Department (County)  
Paul Fasi, County  
Brian Yee, Deputy Attorney General, represented State Office of Planning (OP)  
Rodney Funakoshi (OP)

Acting Chair McDonald updated the record and explained the procedures to be followed for the proceedings. There were no questions, comments or objections to the procedures.

Acting Chair McDonald called for public witnesses.

## PUBLIC WITNESSES

None

There were no public witnesses.

## ORAL ARGUMENT

### Petitioner

Mr. Garneau updated the Commission on Petitioner's work on its Proposed Findings of Fact, Conclusions of Law and Decision and Order with Maui County and the State Office of Planning to produce a satisfactory document that all Parties could agree upon and argued why the Petition should be granted.

Mr. Garneau updated the Commission on the activities of the Parties since the last Commission meeting on this docket and described the changes that had been made to the proposed Findings of Fact, Conclusions of Law and Decision and Orders filed on April 4, 2013 (Exhibit "A") and agreed upon by the Parties for the benefit of the Commission and thanked the Commissioners for their efforts. Mr. Garneau asked that the Commission take judicial notice of Maui County Ordinance No. 4004 relating to the Maui County Plan.

### County

Mr. Giroux stated that the County was in agreement with the changes that had been made to the proposed Findings of Fact, Conclusions of Law and Decision and Order (Exhibit "A") and argued how granting the Petition would be beneficial to the long range plans for Maui.

### OP

Mr. Yee confirmed that the State was also in agreement with the changes to the proposed Findings of Fact, Conclusions of Law and Decision and Order; and argued why the State supported the Petition after resolving the issues described by Mr. Garneau. Mr. Yee also cited the legal authority for accepting judicial notices in regards to the submittal of Maui County's ordinance for the record by Mr. Garneau and described the adjustments that were made to conform to recent LUC analyses of representations made by Petitioners.

### Rebuttal

None

## Commissioner Questions

None

## Deliberations

The Commissioners unanimously acknowledged that they were ready to deliberate on the Petition.

Commissioner Biga moved to grant the Petition as agreed to by the Parties. Commissioner Contrades seconded the Motion. There was no discussion.

The Commission voted unanimously (6-0) to grant the Petition as agreed to by the Parties.

There was no further business on the agenda for the day and Acting Chair McDonald adjourned the meeting at 9:47 a.m.