

LAND USE COMMISSION
MEETING MINUTES

September 30, 2015– 9:00 a.m.

The Meeting was held at the following Video Conference Centers simultaneously:

O`ahu- Kalanimoku Building, 1151 Punchbowl St., Room B10, Honolulu, Hawai`i, 96813

Kaua`i – Lihu`e State Office Bldg., 3060 `Eiwa Street, Basement, Lihu`e, Hawai`i, 96766

Maui- State of Hawaii Department of Transportation District Office, 650 Palapala Dr., Kahului, Hawai`i, 96732

Hawai`i- Hilo State Office Bldg., 75 Aupuni Street, Hilo, Hawai`i, 96720

COMMISSIONERS PRESENT: Edmund Aczon (on Oahu)
Aaron Mahi (on Oahu)
Chad McDonald (on Oahu)
Nancy Cabral (on Hawai`i)
Kent Hiranaga (on Maui)
Linda Estes (on Kaua`i)

COMMISSIONERS EXCUSED: Arnold Wong
Jonathan Scheuer

LUC STAFF PRESENT: Daniel Orodener, Executive Officer (on Oahu)
Diane Erickson, Deputy Attorney General (on Oahu)
Scott Derrickson, Staff Planner (on Maui)
Riley Hakoda, Staff Planner/Chief Clerk (on Oahu)

COURT REPORTER: Jean McManus (on Oahu)

CALL TO ORDER

Chair Aczon called the meeting to order at 9:09 a.m.

APPROVAL OF MINUTES

Chair Aczon asked if there were any corrections or additions to the September 10, 2015 minutes. There were none. Commissioner Cabral moved to approve the

minutes. Commissioner Estes seconded the motion. By a voice vote the minutes were unanimously approved (6-0-2 excused).

TENTATIVE MEETING SCHEDULE

Executive Officer Orodener provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners.
- HCPO Conference is scheduled for October 14-16 and there is tentatively a meeting set for October 16, 2015.
- October 22-23, 2015 meeting will be held in Honolulu at the airport.
- The November 4-5, 2015 meeting is open.
- November 18-19 meeting will be for A10-786 Olowalu asking that the LUC be the accepting authority for an FEIS and other associated Maui County matters.
- December 9-10 is planned for possible LUC Commissioner training and a site visit for the Ma`alaea Plantation 201H project.
- The January- February 2016 meetings are planned to complete hearings on the Ma`alaea Plantation docket..
- Any questions or conflicts, please contact LUC staff
- Above dates represent the tentative calendar of meetings and are subject to change

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

ACTION

A15-799 Makila Land Co. LLC, et al; (Maui) ("MLC")

Chair Aczon stated that this was an action meeting on Docket No. A15-798 to consider Petitioner's Motion Requesting the Land Use Commission to be the Accepting Authority for an Environmental Impact Statement (EIS) Under HRS Chapter 343, and Requesting that the Land Use Commission Determine That the Proposed Action Warrants the Preparation of an Environmental Impact Statement, to be Initiated With the Preparation Notice (EISPN)

APPEARANCES

Jennifer A. Lim, Esq., MLC's Representative (on Oahu)

Rory Frampton, MLC (on Oahu)

Tom Witten, PBR Hawaii, for MLC (on Oahu)

Michele Chouteau-McLean, Deputy Director, Maui County Planning Department (County) (on Maui)
Rodney Funakoshi, Land Use Administrator (OP) (on Oahu)
Katie Mineo, Planner (OP) (on Oahu)

Chair Aczon asked if Petitioner had been made aware of and was agreeable to the LUC's hearing expenses reimbursement policy. Ms. Lim acknowledged that Petitioner was aware of the expenses and would comply with the reimbursement policy.

Chair Aczon updated the record, described the procedures for the hearing and asked if there were any Public Witnesses who wished to testify. There were no questions or comments on the procedures.

PUBLIC WITNESSES (all public witnesses were sworn in prior to their testimony)

1. David Jenkins (on Maui)

Mr. Jenkins identified himself as a Board Member of the Makila Plantation Homeowners Association (MPHA) and described the concerns that his organization had with the proposed development and why the homeowners' interests needed to be considered during the EIS process.

Ms. Lim requested clarification on what official capacity and authority Mr. Jenkins had within the MPHA. Mr. Jenkins stated that he served as a Board Member and described his role within the MPHA,

County had no questions.

Mr. Funakoshi requested clarification on the number of owners within the MPHA. Mr. Jenkins responded that according to the Maui County tax records, there were 73 owned lots.

There were no Commissioner questions.

2. George Ii Brown (on Maui)

Mr. Brown shared his concerns that not enough critical information had been provided with the Petition and described how past issues with water dating back to April, 2003 had not been resolved yet.

There were no questions for Mr. Brown.

There were no further public witnesses.

PRESENTATION

Petitioner

Ms. Lim made her presentation to the Commission and argued why the LUC should be the accepting authority for the Environmental Impact Statement (EIS) and why an EIS was warranted; and described the reasons why MLC's motion should be granted.

Petitioner Witnesses

1. Rory Frampton

Mr. Frampton, after being sworn in, described his role with the MLC and provided information on the Maui Island Plan, the County General Plan and how the proposed project conformed to the established urban and rural growth boundaries within those plans. Ms. Lim referred the Commissioners to Petitioner's Exhibit I- Petitioner's EISPN Figure 7 and noted the references that supported Mr. Frampton's testimony.

There were no questions for Mr. Frampton.

2. Tom Whitten, PBR Hawaii

Mr. Witten, after being sworn in, described his personal background and professional experience to the Commission and described the various features and characteristics of the proposed project and its surrounding areas and what areas of study the EIS would include. Mr. Witten also stated that the proposed project was a "low impact" development and described the design elements that were associated with ensuring that minimal disruption to the Petition Area's environment would occur.

County had no questions.

Mr. Funakoshi requested clarification on the time frame involved for the EIS. Mr. Witten responded that he hoped that the EIS would be completed within the next 8 months.

There were no questions from the Commission.

AGENCY COMMENTS

COUNTY

Ms. Chouteau-McLean stated that County had no objections to Petitioner's Motion.

There were no questions for Ms. Chouteau-McClean.

OP

Mr. Funakoshi stated that OP had no objections to Petitioner's Motion.

There were no questions for Mr. Funakoshi.

DECISION MAKING

There were no questions and there was no discussion.

Commissioner Hiranaga moved to have the Land Use Commission agree to be the accepting authority for an environmental impact statement; and based on its judgement and experience that the proposed project may have a significant impact on the environment, therefore an EIS is warranted and the Petitioner should go directly to the preparation of an EIS preparation notice.

Commissioner Mahi seconded the motion.

There was no discussion.

Chair Aczon had the Commission polled and the Commission voted unanimously (6-0 with 2 excused) in favor of the motion.

Ms. Lim commented that she would like the record to reflect MLC's position that the Notice of Intent to Intervene filed by Mr. Jenkins prior to the LUC hearing was faulty and described why it did not meet LUC filing requirements.

Chair Aczon acknowledged Ms. Lim's comments.

There being no further action or other business before the Commission, Chair Aczon declared the meeting adjourned at 9:49 a.m.