

LAND USE COMMISSION
MINUTES OF MEETING

August 22, 2008

Maui Prince Hotel Makena Resort
5400 Makena Alanui
Makena, Maui, Hawaii

COMMISSIONERS PRESENT: Thomas Contrades
Kyle Chock
Vladimir Devens
Lisa Judge
Duane Kanuha
Normand Lezy
Nicholas Teves, Jr.
Reuben Wong

COMMISSIONERS ABSENT: Ransom Piltz (excused)

STAFF PRESENT: Orlando Davidson, Executive Officer
Bert Saruwatari, Planner
Sandra Matsushima, Chief Clerk
Holly Hackett, Court Reporter
Walter Mensching, Audio Technician
Diane Erickson, Deputy Attorney General

Chair Kanuha called the meeting to order at 8:35 a.m.

A07-772 A & B PROPERTIES, INC. (Maui)

Chair Kanuha stated that this was a continued hearing on Docket No. A07-772 A & B Properties, Inc. (Maui).

APPEARANCES

Benjamin Matsubara, Esq., representing Petitioner

Curtis Tabata, Esq., representing Petitioner

Dan Yasui,

Kimberly Sloper, Esq., represented the County of Maui Department of Planning

Ann Kua, County of Maui Department of Planning

Bryan Yee, Esq., represented State Office of Planning

Abbey Mayer, State Office of Planning

Debra Mendez, State Office of Planning

Chair Kanuha noted that there were no public witnesses.

Chair Kanuha stated that the parties have agreed to have the Office of Planning's (OP) witness taken out of order.

Mr. Yee commented that they have agreed to present their witnesses today, with the exception of the Director of the OP, to accommodate a scheduling issue.

Mr. Matsubara concurred with Mr. Yee, adding that it was also their understanding to have the OP's witness taken out of order.

State's Witness

1. Glenn Sonma

Mr. Sonma stated that he was Manager of the Statewide Transportation Office, Department of Transportation (DOT). Mr. Sonma was qualified as an expert in the field of transportation. Mr. Sonma referenced figure 5 of the TIAR, petitioner's exhibit 8g, and discussed the DOT's position and recommendations on the fair share agreement.

Mr. Sonma added that there had been discussions between the DOT, the petitioner, and the Maui District Office and was confident that the applicant and the DOT would reach an agreement.

Ms. Sloper noted that the county had no questions.

Chair Kanuha wondered if the petitioner and the DOT would reach a fair share agreement within a reasonable time.

Mr. Sonma noted that the problem they have is not knowing what the future holds in terms of other projects completion by the year 2016. Mr. Sonma added that closer to full build out with the surrounding land uses and existing traffic in place would help to determine the proportionate share.

There were no further questions for Mr. Sonma.

Mr. Yee commented that they had no other witnesses to call upon for the day.

Chair Kanuha noted that this matter would be continued on the September 12 meeting in Maui.

Commissioner Wong commented that he was concerned that there were no other witnesses for today yet the Commissioners and the parties have traveled from other islands for this meeting, adding that it was costly for the petitioner and the state. Commissioner Wong noted that they would need to re-examine their scheduling in future planning.

Mr. Yee noted that there was a scheduling problem because the county's attorneys were all on the Big Island and unable to put on their case today. In trying to streamline the process and being more efficient, the OP put on their witness today.

Commissioner Wong commented that he commends the OP in trying to streamline the process, although all the savings were meaningless.

Ms. Kua noted that they were informed that this meeting was scheduled for today and that their attorney contacted the Executive Officer and was told at that time that the decision had already been made. The county had requested that they be consulted early on. Ms. Kua added that this was a first for them and could not recall a similar situation in the past 25 years.

Vice Chair Devens noted that he appreciated the comments by Mr. Yee and the efforts by the petitioner to try to streamline this process. Vice Chair Devens wondered if there were other attorneys available to handle this matter for the county.

Ms. Sloper stated that she was filling in for Deputy Corporation Counsel Jane Lovell and Mike Hopper who are the attorneys for land use planning.

Mr. Davidson noted that this was an unusual circumstance and they attempted to accommodate the county by having OP's witness testify out of order. Mr. Davidson added that they would try to streamline the process as appropriate.

Chair Kanuha stated that all the comments were well taken and that although the new Executive Officer is trying to get up to procedure and scheduling, the Chair would be more involved in setting the agenda and scheduling their time more efficiently and cost effectively.

Commissioners Chock and Wong left the meeting at this time.

A recess break was taken at 8:55 a.m. The meeting reconvened at 10:00 a.m.

A92-686 AMFAC PROPERTY INVESTMENT CORP., and HOUSING FINANCE & DEVELOPMENT CORPORATION, STATE OF HAWAII (Maui)

Chair Kanuha stated that this was an action meeting to consider Petitioner's Motion to Substitute Parties and Modify Certain Conditions and Other Matters in the Findings of Fact, Conclusions of Law, and Decision and Order dated May 5, 1993.

APPEARANCES

David Nakamura, Esq., representing Petitioner
Howard Hanzawa, Kaanapali Land Management
Kimberly Sloper, Esq., represented the County of Maui Department of Planning
Jeffrey Hunt, County of Maui Department of Planning
Jeffrey Dack, County of Maui Department of Planning
Bryan Yee, Esq., represented State Office of Planning
Abbey Mayer, State Office of Planning
Debra Mendez, State Office of Planning

Chair Kanuha asked petitioner if staff had informed them of the Commission's policy regarding reimbursement of hearing expenses.

Mr. Nakamura replied in the affirmative and added that his client agreed to the policy.

Commissioner Judge entered the meeting at this time.

Chair Kanuha noted that on August 19, 2008 the Commission received correspondence from Michael Hopper, Deputy Corporation Counsel, County of Maui, regarding the Unopposed Request for Deferral; Amfac Property Investment Corp and Housing Finance and Development Corporation; Docket No. A92-686. The purpose of the deferral is to work towards a resolution of the issues raised by the county in its July 25, 2008 memorandum.

Ms. Sloper concurred and stated that the county is moving to continue this motion.

Mr. Nakamura stated that the petitioner has agreed to the continuance.

Mr. Yee noted that the state also agreed with the request for deferral.

Chair Kanuha noted that this matter is rescheduled for September 12 or October 16 or 17 depending on the parties' resolution of the issues and to work with the LUC's Executive Officer on the hearing date.

Chair Kanuha stated that although this matter is rescheduled to a later date, it was an agenda item and that the Commission would remain to hear the public witness testimony. Chair Kanuha added that since there was a number of public witness signed up to testify, it would be appreciated that all testimony be limited to three minutes.

Public Witnesses

1. Stan Fujimoto

Mr. Fujimoto stated that he was the project manager with HHFDC. Mr. Fujimoto noted his support for the petition.

There were no questions posed for Mr. Fujimoto.

2. Howard Hanazawa

Mr. Hanazawa stated that in the interest of time, he would forgo in reading his written testimony in support of the project.

There were no questions posed for Mr. Hanzawa.

3. Henry Ariyoshi

Mr. Ariyoshi stated that he was a member of the Kaanapali 2020 organization and voiced his support for the project.

There were no questions posed for Mr. Ariyoshi.

4. Jo Ann Ridao

Ms. Ridao stated that she was the Executive Assistant to the Mayor and read the written testimony from the Mayor in support of the project and withdrawing the Planning Department's memorandum in response to the motion filed. Ms. Ridao added that since the filing of the memorandum, various County agencies have met to resolve the matters noted in the memorandum.

Mr. Yee commented that typically the OP works with the county's Planning Department on traffic related matters and asked Ms. Ridao if the OP should be dealing with the county's Planning Department, the Department of Transportation, or someone else in the county.

Ms. Ridao commented that she believed that the lead agency was the county's Planning Department.

There were no further questions posed for Ms. Ridao.

5. Hans Michel

Mr. Michel stated that he was a resident of Lahaina for 45 and a half years and a member of Kaanapali 2020 since 1999. Mr. Michel voiced his support for the project.

There were no questions posed for Mr. Michel.

6. George Aikala

Mr. Aikala stated that he was the Field Representative for Labor Union Local 368. Mr. Aikala commented on his support for the project and the proposed workforce housing.

There were no questions posed for Mr. Aikala.

7. May Fujiwara

Ms. Fujiwara stated that she was a resident of West Maui, retired, and a concerned senior citizen. Ms. Fujiwara noted her support for the project and urged the LUC to approve this project.

There were no questions posed for Ms. Fujiwara.

8. Joseph Pluta

Mr. Pluta stated that he was the President of the West Maui Taxpayers Association and a member of the Kaanapali 2020 community planning group. Mr. Pluta urged the LUC to support this project.

There were no questions posed for Mr. Pluta.

9. Robert Buchanan

Mr. Buchanan stated that he lived in Lahaina for a number of years and commented on his support for the project.

There were no questions posed for Mr. Buchanan.

10. Patricia Nishiyama

Ms. Nishiyama stated that she was born and raised in Puukolii Village and asked that the LUC support the project.

There were no questions posed for Ms. Nishiyama.

11. William Kennison

Mr. Kennison stated that he was the Division Director for the ILWU Maui Division with 8400 members county wide. Mr. Kennison noted his support for the project.

There were no questions posed for Mr. Kennison.

12. Ed Lindsey

Mr. Lindsey stated that he was a retired teacher and born and raised in Lahaina. Mr. Lindsey voiced his support of the project.

There were no questions posed for Mr. Lindsey.

13. Ezekiel Kalua

Mr. Kalua stated that he was the Executive Director of the West Maui Taxpayers Association. Mr. Kalua asked the LUC to support Puukolii.

There were no questions posed for Mr. Kalua.

14. Kimokeo Kapahulehua

Mr. Kapahulehua commented on his support for the project, especially for the needed housing for the seniors.

There were no questions posed for Mr. Kapahulehua.

15. Bill Kamai

Mr. Kamai stated that he was a Service Representative for the Hawaii Carpenters Union and commented on their support for the project.

There were no questions posed for Mr. Kamai.

Chair Kanuha noted that this matter would be continued at a meeting date to be determined.

The meeting was adjourned at 11:05 a.m.

(Please refer to LUC Transcript of August 22, 2008 for more details on this matter.)