

LAND USE COMMISSION
MEETING MINUTES
May 26, 2011
Hale Kupuna O Lāna`i,
1144 `Ilima Avenue,
Lāna`i City, Lanai, Hawai`i 96763

COMMISSIONERS PRESENT: Vladimir Devens
Normand Lezy
Lisa Judge
Ronald Heller
Ernest Matsumura

COMMISSIONERS EXCUSED: Kyle Chock
Nicholas Teves, Jr.
Thomas Contrades
Napua Makua

STAFF PRESENT: Orlando Davidson, Executive Officer
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Acting Chief Clerk
Diane Erickson, Deputy Attorney General

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Hotai Zerba

CALL TO ORDER

Chair Devens called the meeting to order at 9:33 a.m. and introduced Commissioner Matsumura.

APPROVAL OF MINUTES

Chair Devens asked if there were any corrections or additions to the April 21, 2011 minutes. There were none. Commissioner Judge moved to approve the minutes. Commissioner Heller seconded the motion. The minutes were unanimously approved by a voice vote (5-0).

TENTATIVE MEETING SCHEDULE

Executive Officer Davidson provided the following:

- The regular tentative meeting schedule for the calendar year 2011 was distributed in the handout material for the Commissioners.
- The next meeting is planned for June 8, 2011 to complete this docket and attendance will be very important.
- Any questions or concerns- please contact LUC staff.

A11-792 Department of Housing and Human Concerns, County of Maui (Lanai)

Chair Devens announced that this was a hearing on Docket No. A11-792 Department of Housing and Human Concerns, County of Maui (Lanai) To Amend the Agricultural Land Use District Boundary into the Urban District for approximately 73.000 acres at Lanai City, Island of Lanai, State of Hawaii, Tax Map Key No. (2) 4-9-2: 058(por.)

APPEARANCES

Curtis Tabata, Esq., and Benjamin Matsubara Esq., represented Petitioner Department of Housing and Human Concerns, County of Maui (Lanai)
Buddy Alameida, Department of Housing and Human Concerns, County of Maui
Jeffery Ueoka, Esq., Deputy Corporate Counsel, represented County of Maui Planning Department
William Spence, Director, County of Maui Planning Department
Bryan Yee, Esq., represented State Office of Planning

Chair Devens updated the record and asked if Petitioner was willing to abide by the Commission's policy on reimbursement of hearing expenses. Mr. Tabata replied that Petitioner would comply. Chair Devens stated the procedures to be followed for the hearing and there were no questions about them.

LUC staff planner, Scott Derrickson, provided a map orientation for the Commission. There were no questions for Mr. Derrickson.

PUBLIC WITNESSES

1. Councilman Riki Hokama

Councilman Hokama described the community and county support for the proposed project that he was aware of and why he felt the Petition should be granted.

There were no questions for Mr. Hokama.

There were no other public witnesses.

PRESENTATION OF EXHIBITS

Petitioner

Mr. Tabata stated that Petitioner's submitted exhibit 13 had been incorrectly identified as exhibit 12 and should be corrected to read "Exhibit 13" and then offered Petitioner's Exhibits 1-25 and appendix "E" for the record. There were no objections to Petitioner's exhibits and they were admitted to the record.

County

Mr. Ueoka offered County of Maui's Exhibit 1 for the record. There were no objections to County's exhibit.

OP

Mr. Yee, offered the State Office of Planning's Exhibits 1 to 3, for the record. There were no objections to OP's exhibits.

WITNESSES

Chair Devens noted that Petitioner had offered two witnesses, Mr. Munekiyo and Mr. Collin Hashiro. Mr. Tabata replied that the witnesses were present, but that Petitioner was prepared to rest on the exhibits and written testimony it had submitted.

Mr. Ueoka stated that he had one witness, County of Maui Planning Department Director Spence present, but that County was prepared to rest on the exhibits it had submitted.

Mr. Yee stated that he did not intend to call any witnesses and would rest on the exhibits OP had submitted.

PRESENTATIONS

Chair Devens noted that the Commission had a chance to review all the pleadings that were submitted and the Petitioner had filed a very detailed and complete Petition. Chair Devens stated that Petitioner had done a very thorough and complete presentation and that sufficient information and exhibits had been provided for decision-making.

Chair Devens asked if the Parties had anything further to add to the record. Mr. Tabata, County and OP replied that they would stand on their pleadings and other written submissions.

Chair Devens asked if all of the Parties had signed the docket's stipulated Findings of Fact, Conclusions of Law, and Decision and Order. Mr. Tabata confirmed that all Parties had signed the document and that it had been filed with the Commission on May 24, 2011.

Chair Devens asked the County and OP if all issues of concern relating to the Petition had been addressed and resolved. Mr. Ueoka and Mr. Yee confirmed that they were satisfied with the stipulated Findings of Fact, Conclusions of Law, and Decision and Order.

Chair Devens asked if there were any further questions. None of the Parties or the Commissioners had any questions or comments.

Mr. Tabata presented his concluding argument and described how granting the Petition would allow the development of an affordable housing project that would provide housing for the future residents of Lanai.

Mr. Ueoka had nothing further to add.

Mr. Yee stated that this was a 100 per cent affordable housing project that conformed to the State's requirements and assured the Commission that the Office of Planning had thoroughly reviewed the proposed Project and fully supported it.

COMMISSIONER QUESTIONS

Commissioner Judge requested clarification on whether OP still had different proposals being considered. Mr. Yee replied that OP had critically analyzed the Petition and that all OP's suggested changes had been adopted and implemented into the stipulated Findings of Fact, Conclusions of Law and Decision and Order.

Commissioner Heller inquired whether LUC staff had sufficient time to review the stipulated Findings of Fact, Conclusions of Law and Decision and Order after receiving it. Chair Devens noted that there was an insufficient number of Commissioners present to vote on the docket and that the LUC staff would have till the next LUC meeting on June 8, 2011 to review the document.

Chair Devens stated that presentations had been very thorough and complete. Chair Devens inquired if the Parties or the Commissioners had anything further to add.

There were no further additions, comments or questions.

There being no further business to discuss, Chair Devens adjourned the meeting at 9:51 a.m.