

LAND USE COMMISSION
MEETING MINUTES

July 19, 2017

2:00 p.m.

Maui Arts and Cultural Center, Morgado Conference Room
One Cameron Way, Kahului, Hawai`i, 96766

COMMISSIONERS PRESENT: Edmund Aczon
Gary Okuda
Jonathan Scheuer
Linda Estes
Nancy Cabral
Dawn Chang
Lee Ohigashi (arrived at 2:02 p.m.)

COMMISSIONERS EXCUSED: Aaron Mahi
Arnold Wong

LUC STAFF PRESENT: Daniel Orodenker, Executive Officer
Diane Erickson, Deputy Attorney General
Bert Saruwatari, Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Jean McManus

CALL TO ORDER

Chair Aczon called the meeting to order at 2:00 p.m.

TENTATIVE MEETING SCHEDULE

Executive Officer Orodenker provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners for the following dates and docket numbers.
 - JUL 26- A17-802 County of Kauai- 201H Lima Ola Project, A16-800 Island School and A16-801 UHCC- (Kauai) and A96-706 Honua`ula (Maui) –LUC accepting authority for EISPN

- AUG 9- Solar Special Permits (SP15-405 & SP15-406 on Oahu)
- AUG 10- Adopt of Orders in Dockets A16-800 and A16-801 (Kauai)
- AUG 23- A15-760 Pukalani Associates, LLC- Motion for Extension of time (Maui)
- SEP 6-7- A15-798 Waikapu Town –DBA and adopt orders relating to Oahu Special Permits (meeting on Maui)
- SEP 20-22- HCPO on Oahu
- Any questions or conflicts, please contact LUC staff.

There were no questions or comments.

ACTION

A94-706 Ka`ono`ulu Ranch (Maui)

Chair Aczon announced that this was an action meeting on Docket No. A94-706 Ka`ono`ulu Ranch (Maui):

- To consider acceptance of the Final Environmental Impact Statement relating to the Pi`ilani Promenade project at Ka`ono`ulu, Makawao, Wailuku, Maui, Hawai`i, TMK: (2) 3-9-01: 16 and 170 through 174

APPEARANCES

Randall Sakumoto, Esq. and Lisa Cataldo, Esq., represented Pi`ilani Promenade North LLC, and Pi`ilani Promenade South LLC, (“PP”)

Michael Hopper, Esq., Deputy Corporation Counsel, represented County of Maui Planning Department (“County”)

Will Spence, Director, County

Ann Cua, Planner, County

Dawn Takeuchi Apuna, Esq., Deputy Attorney General, for State Office of Planning (“OP”)

Rodney Funakoshi, OP

Tom Pierce, Esq., represented Intervenor Maui Tomorrow Foundation, Inc., South Maui Citizens for Responsible Growth and Daniel Kanahela (“Intervenor”)

Curtis Tabata, Esq. and Benjamin Matsubara, Esq. represented Honoua`ula Partners, LLC (“HP”)

Chair Aczon updated the record and explained the procedures to be followed for the proceedings; and confirmed with Mr. Pierce that he represented the individual and organizations referenced in his request for sufficient testimony time.

Mr. Pierce confirmed his representation and discussion ensued to determine whether the testimony time would be public or as part of Mr. Pierce's presentation. Mr. Pierce stated the witness testimony would be part of his presentation.

There were no other questions, comments or objections to the procedures.

Mr. Pierce requested clarification on when he would be allowed to call his witnesses. Chair Aczon confirmed that the witnesses could be called during Intervenor's presentation after public testimony had concluded.

Commissioner Ohigashi disclosed his relationships with various community members associated with the Intervenor organizations; that he knew Clare Apana, Mr. Kanahale and Albert Perez. Chair Aczon asked the Parties if there was any objection to Commissioner Ohigashi's continued participation. There were no objections.

Chair Aczon asked if Mr. Sakumoto was aware of the Commission's policy on reimbursement of hearing expenses and Mr. Sakumoto acknowledged that he was, and that his client accepted the policy.

Chair Aczon called for Public Witnesses and swore each witness in before hearing their testimony.

Due to the large amount of public witnesses, the minutes will provide a list of the witnesses in the order they testified. ("Accept" notation indicates that testimony was in favor of the LUC accepting the FEIS. "Reject" notation indicates that testimony was against the LUC accepting the FEIS. "Other" notation indicates that the testimony was unclear on accepting or denying the FEIS.)

Please refer to the transcripts for further details of public testimony. Only comments and/or questions asked of testifiers are noted. No notation indicates that no questions were posed to the testifier.

PUBLIC WITNESSES

1. Joan Martin – submitted written testimony- Accept
2. Mario Cardone – submitted written testimony- Accept
3. Mike Moran -Reject

4. Linda Berry – Reject
Commissioner Okuda requested clarification from Ms. Berry regarding her testimony relating to EIS alternative plans and requested that a map of the proposed housing alternative be submitted to the Commission. (LUC Exhibit 1)
5. Rob Weltman - Reject
6. Charlene Schulenburg (for Mary Wagner) - Reject
7. Gary Passon - Reject
8. Mike Foley - Reject
9. Amber Putsis (for Pamela Tumpap) – Accept
Commissioner Scheuer requested clarification on Ms. Putsis’ purpose in providing testimony. Ms. Putsis replied that she realized that the proposed project was not under consideration and stated that she was in favor of accepting the EIS.
10. Robin Knox - Reject
11. Basil Oshiro – Reject
Commissioners Scheuer and Chang requested clarification on Mr. Oshiro’s testimony.
12. Ronald Vaught – Accept

The Commission went into recess at 3:05 p.m. and reconvened at 3:15 p.m. Chair Aczon resumed public testimony

13. Vernon Kalanikau – Reject
Commissioner Chang requested clarification on Mr. Kalanikau’s testimony.
14. Chantal Lonergan - Accept
15. Tom Cook - Accept
16. Michelle Del Rosario –Reject
Commissioner Cabral requested clarification on Ms. Rosario’s testimony.
17. Gene Zarro – Accept
18. Cody Tuivaiti – Reject
Commissioners Chang and Okuda requested clarification on Mr. Tuivati’s testimony.
19. Donnie Becker - Other
20. Jay Krigsman - Reject
21. Robert Aldrich - Reject
22. David Kaawa Hewahewa – Reject
Commissioner Chang requested clarification on Mr. Hewahewa’s testimony.
23. Tom Blackburn-Rodriguez –submitted approximately 180 postcards in support of the proposed project-Accept

Commissioner Cabral requested clarification on Mr. Rodriguez's testimony.

24. Wao Kaena (Kaena Elaban)–Reject

25. Ke`eaumoku Kapu- Reject

Commissioners Chang, Okuda and Scheuer requested clarification on Mr. Kapu's testimony.

The Commission went into recess at 4:20 p.m. and reconvened at 4:36 p.m. Chair Aczon resumed public testimony

26. Matthew Cearnly – Reject

Commissioner Chang requested clarification on Mr. Cearnly's testimony.

27. Jill Engledow- Reject

28. Allison Miller – Reject

Commissioner Cabral requested clarification on Ms. Miller's testimony.

29. Koa Hewahewa – Reject

Commissioners Chang, Scheuer and Okuda requested clarification on Mr. Hewahewa's testimony.

30. Mark Sheehan - Reject

31. Councilmember Kelly King - Reject

Mr. Pierce and Commissioner Cabral requested clarification on Ms. King's testimony.

32. Hannibal Starbuck - Reject

33. Jon Jon Tabon - Reject

34. Cecilia Rose Reilley – Other

Mr. Orodenker recalled witnesses who failed to respond earlier in the afternoon. Mr. Pierce stated that Dick Mayer was prepared to give public testimony, but that he would defer Mr. Mayer's witness appearance till Intervenor presented its case.

Chair Aczon permitted the remaining members of the audience who wished to testify as public witnesses to do so.

35. Heali'i Haukane - Reject

36. Kapono Makahanaloa-Antonez – Reject

37. Deborah Mader - Reject

38. Albert Perez – Reject

Commissioner Scheuer requested clarification on Mr. Perez's testimony.

Chair Aczon asked if there were any other members of the public wishing to provide public testimony. There were no responses.

Chair Aczon declared that the Public Testimony portion of the proceeding had concluded and announced that the Commission would reconvene on July 20, 2017 in the Maui Arts and Cultural Central, Morgado Room at 8:30 a.m. and declared the meeting in recess at 5:30 p.m.

