

LAND USE COMMISSION  
MINUTES OF MEETING

July 27, 2007

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

COMMISSIONERS PRESENT: Thomas Contrades  
Vladimir Devens  
Michael Formby  
Howard Hamamoto  
Lisa Judge  
Ransom Piltz  
Nicholas Teves, Jr.

COMMISSIONERS ABSENT: Reuben Wong  
Duane Kanuha

STAFF PRESENT: Diane Erickson, Deputy Attorney General  
Anthony Ching, Executive Officer  
Cameron Lowry, Staff Planner  
Sandra Matsushima, Chief Clerk  
Holly Hackett, Court Reporter  
Walter Mensching, Audio Technician

Chair Judge called the meeting to order at 8:45 a.m.

A07-773 EMMANUEL LUTHERAN CHURCH OF MAUI (Maui)

Chair Judge stated that this was a continued hearing on Docket No. A07-773  
Emmanuel Lutheran Church of Maui.

## APPEARANCES

Blaine Kobayashi, Esq., represented Petitioner

Jane Lovell, Esq., represented the County of Maui Department of Planning

Jeffrey Dack, Director, County of Maui Department of Planning

Bryan Yee, Esq., represented State Office of Planning

Abe Mitsuda, State Office of Planning

Koren Ishibashi, State Office of Planning

## Admission of Additional Exhibit

Mr. Kobayashi briefly described and offered petitioner's exhibit number 20. As there were no objections by the parties or the Commissioners, petitioner's exhibit number 20 was admitted into evidence.

## County's Witnesses

### 1. Jeffrey Dack

Mr. Dack briefly summarized his experience in the field of planning. As there were no objections by the parties or the Commission, Mr. Dack was qualified as an expert in planning. Mr. Dack described the county's exhibit numbers 2, 3, and 4 and discussed the county's community plan and the general plan. Mr. Dack also discussed issues of quasi-public designation, infrastructure, water and sewer lines, public safety services, and infrastructure to facilitate safe access to schools. Mr. Dack added that the county is in support of this project and supports the companion rezoning application.

Mr. Yee posed a few questions regarding urban growth, rezoning and subdivision approvals, the adequacy of water demands, and incorporating methods to reduce the amount of water and energy use for this project.

Commissioner Piltz raised questions relative to county rezoning approvals and the community plan.

Commissioner Hamamoto had a few questions in reference to the agriculturally zoned parcel across the project site.

Vice Chair Formby posed questions related to the dedication of the Waiale Road extension to the county, the estimated timeline for petitioner's rezoning request, and whether there was sufficient drinking water and non-potable irrigation water available for this project.

Commissioner Devens raised a few questions regarding the proposed water infrastructure extension and whether that would trigger the requirements of Chapter 343.

Chair Judge had questions and concerns regarding the county's community plan, the quasi-public zoning, and the adjoining properties that are zoned in agricultural designation. Chair Judge referenced county's exhibit number 2 and posed questions related to the size of the adjoining acreages.

After a brief discussion, there were no further questions for Mr. Dack by the parties or the Commission.

A recess break was taken at 9:30 a.m. The meeting reconvened at 9:45 a.m.

## 2. Jeffrey Eng

Mr. Eng noted his past experience with water system operations, deep well reservoirs and knowledge of PUC, DOH, and EPA regulations. Mr. Eng discussed his familiarity with the Emmanuel Lutheran project, the estimated amount of water demand, potable and non-potable water uses and availability. Mr. Eng also explained the process of the DWS meter assignments, and alternate projects that are being planned by the county to accommodate the future increase in water demands.

Mr. Kobayashi posed questions related to the Maluhia and South Waikapu wells, the sustainable yield, water demand and availability in the area or petition area.

Mr. Yee raised questions regarding the current maximum sustainable yield, the Iao aquifer, the water management area, and conservation measures.

Commissioner Hamamoto had a few questions regarding the South Waikapu and Maluhia wells, cost figures for desalination, and the designated surface water flow.

Chair Judge had a few questions related to the completion date of the Maluhia well, the Waikapu aquifer, and the anticipated 32,000 gallons per day use based on the total head count for the Emmanuel Lutheran project.

Commissioner Piltz posed questions regarding the designation of surface water, the streams in the Wailuku area, and the Water Commission requirement for user applications.

Ms. Lovell had a few questions regarding the agency that presently controls the surface water in the Wailuku area.

After a brief discussion, Ms. Lovell indicated that the county had no other witnesses to call upon since they believed that previous witnesses have adequately covered the wastewater issues.

A recess break was taken at 10:25 a.m. The meeting reconvened at 10:40 a.m.

Chair Judge noted that the state would be calling for several live witnesses and continued this hearing to a later date.

#### EXECUTIVE SESSION

Commissioner Teves moved to go into executive session under §92-5(a)(4), Hawaii Revised Statutes, on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities with respect to ex parte communications and the deliberative process. Commissioner Hamamoto seconded the motion. The motion was approved by a show of hands.

The Commission entered into executive session at 10:45 a.m.

The open meeting reconvened at 10:55 a.m.

The meeting adjourned at 10:55 a.m.

*(Please refer to LUC Transcript of July 27, 2007 for more details on this matter.)*