

1 LAND USE COMMISSION

2 STATE OF HAWAI'I

3 DELIBERATION AND ACTION )  
4 )  
5 All-792 Department of Housing and )  
6 Human Concerns, County of Maui, )  
(Lana'i) )  
\_\_\_\_\_)

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9 TRANSCRIPT OF PROCEEDINGS

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11 The above-entitled matter came on for a Public Hearing  
12 at the Four Seasons Resort Lana'i at Manele Bay,  
13 Kaunolu Ballroom, One Manele Road, Lana'i City,  
14 Hawai'i, commencing at 9:15 a.m. on June 8, 2011,  
15 pursuant to Notice.

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21 REPORTED BY: HOLLY M. HACKETT, CSR #130, RPR  
Certified Shorthand Reporter

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COMMISSIONERS:  
THOMAS CONTRADES  
VLADIMIR DEVENS (Chairman)  
RONALD HELLER  
LISA M. JUDGE  
NORMAND LEZY  
JAYE NAPUA MAKUA  
ERNEST MATSUMURA

EXECUTIVE OFFICER: ORLANDO DAVIDSON  
ACTING CHIEF CLERK: RILEY HAKODA  
STAFF PLANNERS: SCOTT DERRICKSON  
DEPUTY ATTORNEY GENERAL: DIANE ERICKSON, ESQ.

Docket No. A11-792

For the Petitioner: CURTIS TABATA, ESQ.  
BENJAMIN MATSUBARA, ESQ.

For the County: JEFFREY UEOKA, ESQ.  
Deputy Corporation Counsel

For the State: BRYAN YEE, ESQ.  
Deputy Attorney General  
JESSE SOUKI  
Director Office of Planning

Also Present: Director Jo-Ann Ridao  
  
Councilmember Riki Hokama

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2 CHAIRMAN DEVENS: Call the meeting to order.

3 Today is June 8th, 2011. We're here on Lana'i for

4 this docket.

5 First item on the agenda is the adoption of

6 minutes. Is there any additions or corrections to the

7 minutes? There being none, is there a motion to

8 adopt?

9 COMMISSIONER CONTRADES: So moved.

10 COMMISSIONER JUDGE: Second.

11 CHAIRMAN DEVENS: All those in favor say

12 aye.

13 (Voting) Aye.

14 CHAIRMAN DEVENS: It's unanimous. Dan, you

15 want to cover the upcoming meeting schedule.

16 MR. DAVIDSON: Thank you, Chair. You have

17 the tentative meeting schedule before you. And if

18 there are any questions or conflicts about our future

19 dockets, as always feel free to contact Riley or

20 myself. We're expecting a pretty big crowd on June 30

21 on the Ho'opili matter motions. Thanks.

22 COMMISSIONER JUDGE: Where would that be

23 held?

24 MR. DAVIDSON: Second floor. We got the big

25 room.

1                   CHAIRMAN DEVENS: Thank you, Dan. The next  
2 item on the agenda, the only docket item on the agenda  
3 is the deliberation and action meeting on Docket No.  
4 All-792 Department of Housing and Human Concerns,  
5 County of Maui (Lana'i) to Amend the Agricultural Land  
6 Use District Boundaries into the Urban District for  
7 approximately 73 acres at Lana'i City, Island of  
8 Lana'i, State of Hawai'i, Tax Map Key No.  
9 (2)4-9-2:058. Can we have the appearances of the  
10 parties starting with Petitioner, please.

11                  MR. TABATA: Good morning, Chair, Members of  
12 the Commission. Curtis Tabata and Benjamin Matsubara  
13 appearing on behalf of Petitioner Department of  
14 Housing and Human Concerns, County of Maui. To my  
15 right is Director Jo-Ann Ridao from the department.

16                  MS. RIDAO: Good morning.

17                  MR. TABATA: Also present is Councilmember  
18 Riki Hokama.

19                  CHAIRMAN DEVENS: Good morning to you all.

20                  MR. UEOKA: Deputy Corporation Counsel  
21 Jeffrey Ueoka for the Maui Planning Department.

22                  MR. YEE: Good morning. Deputy Attorney  
23 General Bryan Yee on behalf of the Office of Planning.

24                  CHAIRMAN DEVENS: Good morning, Mr. Yee. Let  
25 me just update the record. On May 26, 2011 the

1 parties completed their presentations before this  
2 Commission, and the evidentiary portion of the  
3 proceedings was closed. As all the Parties are aware  
4 this is an expedited Chapter 201H proceeding. A  
5 Stipulated Findings of Fact, Conclusions of Law and  
6 Decision and Order has already been filed in this  
7 docket. Are there any public witnesses, Dan?

8 MR. DAVIDSON: One witness, Chair.

9 CHAIRMAN DEVENS: One witness.

10 MR. DAVIDSON: Ron McComber.

11 CHAIRMAN DEVENS: Mr. McComber, if we can  
12 swear you in.

13 RON MCCOMBER

14 being first duly sworn to tell the truth, was examined  
15 and testified as follows:

16 THE WITNESS: I do.

17 CHAIRMAN DEVENS: If you can state your name  
18 and address. I apologize we don't have microphones  
19 today, if you can speak loud enough for our court  
20 reporter to pick it up.

21 THE WITNESS: I think she'll be able to hear  
22 me all right. My name is Ron McComber. I live at 486  
23 Akolu in Lana'i City. I've been here for about 42  
24 years. What else do you want?

25 CHAIRMAN DEVENS: No, that's fine. Go

1 ahead, sir.

2 THE WITNESS: All right. I'm one of the  
3 original people that was in a group that was picked  
4 but the county or by the citizens to walk through this  
5 process, these 73 acres. The 73 acres was a parcel of  
6 115 acres that was given to us by Castle & Cooke, "us"  
7 meaning the community.

8 And when the high school needed more land to  
9 develop their parcel we gave them 50 acres,  
10 approximately, so they could do that. And the  
11 remainder is the 73 acres that we're talking about  
12 here.

13 The county has been very, very clear and  
14 very helpful with us. We had a focus group came over,  
15 talked about the project. The architects worked with  
16 us real close. We know what's going on. And we know  
17 probably in my age I probably will never see the  
18 completion of this. But at least we started the  
19 process and it takes a long time.

20 I would like to compliment the county. They  
21 did a great job in communicating with the community so  
22 we know what's going to happen. We had to divide the  
23 parcel up in about two or three different sections so  
24 that we could afford to do a section at a time. I'm  
25 very much in favor of this. I should have been here

1 last week but I was on business on Maui and just  
2 couldn't make it. So anyway thank you for coming back  
3 and doing this and thank you for paying attention.  
4 This is good for Lana'i City. Thank you very much.

5 CHAIRMAN DEVENS: Thank you, Mr. McComber.  
6 Let me just ask the parties, any questions for this  
7 witness?

8 MR. TABATA: No, no questions.

9 THE WITNESS: They're afraid to ask  
10 questions.

11 (Audience laughter).

12 CHAIRMAN DEVENS: Thank you for taking the  
13 time to be here. Any other witnesses, Dan?

14 MR. DAVIDSON: No other witnesses, Chair.

15 CHAIRMAN DEVENS: At this time we are going  
16 to move into formal deliberations. Before we do so is  
17 there anything else the parties want to add to the  
18 record before we move along?

19 MR. TABATA: Petitioner has nothing to add.

20 MR. UEOKA: County, nothing to add.

21 MR. YEE: Nothing further.

22 CHAIRMAN DEVENS: Let me just first confirm  
23 with the Commissioners that you're prepared to  
24 deliberate in this matter; that you've had an  
25 opportunity to review the record and read the



1 transcripts. Commissioner Contrades?

2 COMMISSIONER CONTRADES: Yes.

3 CHAIRMAN DEVENS: Commissioner Heller?

4 COMMISSIONER HELLER: Yes.

5 CHAIRMAN DEVENS: Commissioner Makua?

6 COMMISSIONER MAKUA: Aye.

7 CHAIRMAN DEVENS: Commissioner Matsumura?

8 COMMISSIONER MATSUMURA: Yes.

9 CHAIRMAN DEVENS: Commissioner Lezy?

10 COMMISSIONER LEZY: Yes.

11 CHAIRMAN DEVENS: Commissioner Judge?

12 COMMISSIONER JUDGE: Yes.

13 CHAIRMAN DEVENS: I'm also prepared to

14 deliberate in this matter. We do have the Stipulated

15 Findings of Fact, Conclusions of Law and the Decision

16 and Order. Did the parties have any objections to the

17 standard conditions the LUC normally imposes in this

18 type of case?

19 MR. TABATA: No. In fact, I believe we've

20 included those standard conditions into our Stipulated

21 Order.

22 CHAIRMAN DEVENS: Is there a motion at this

23 time on this matter?

24 COMMISSIONER JUDGE: Chair.

25 COMMISSIONER DEVENS: Commissioner Judge.

1                   COMMISSIONER JUDGE: In the matter of Docket  
2 No. A11-792 I move to grant the Petition to Amend the  
3 Agricultural Land Use District boundary into the Urban  
4 District for approximately 73 acres at Lana'i City.

5                   CHAIRMAN DEVENS: Is there a second?

6                   COMMISSIONER LEZY: Second.

7                   CHAIRMAN DEVENS: Any discussion?

8                   COMMISSIONER LEZY: Chair, I'd just like to  
9 say that I'd like to echo something that Mr. Tabata  
10 said at the last hearing, we have a lot of matters  
11 that come before us as a commission. A lot of them  
12 are very contested. And a lot of them have people  
13 pulling on both sides whether or not the project  
14 itself is worthy or not. It's nice to have a docket  
15 matter come before us that everyone has cooperated  
16 with and everyone believes is a worthy project.

17                  CHAIRMAN DEVENS: Thank you, Commissioner  
18 Lezy. I too wanted to recognize that I think the  
19 Petitioner did an outstanding job in this case working  
20 with the parties and bringing to us such a  
21 comprehensive presentation in this case. And wanted  
22 you to know that we really appreciate the work that  
23 went into this matter. With that, any further  
24 discussion? If not call, for the vote.

25                  MR. DAVIDSON: Motion to Approve:

1 Commissioner Judge?

2 COMMISSIONER JUDGE: Yes.

3 MR. DAVIDSON: Commissioner Lezy?

4 COMMISSIONER LEZY: Yes.

5 MR. DAVIDSON: Commissioner Matsumura?

6 COMMISSIONER MATSUMURA: Yes.

7 MR. DAVIDSON: Commissioner Contrades?

8 COMMISSIONER CONTRADES: Yes.

9 MR. DAVIDSON: Commissioner Makua?

10 COMMISSIONER MAKUA: Aye.

11 MR. DAVIDSON: Commissioner Heller?

12 COMMISSIONER HELLER: Yes.

13 MR. DAVIDSON: Chair Devens?

14 CHAIRMAN DEVENS: Yes.

15 MR. DAVIDSON: Motion passes 7-0 with 2

16 excused, Chair.

17 CHAIRMAN DEVENS: Is there a Motion to Adopt

18 the Stipulated Findings of Fact, Conclusions of Law,

19 Decision and Order? Commissioner Judge.

20 COMMISSIONER JUDGE: So moved, Chair.

21 CHAIRMAN DEVENS: Is there a second?

22 COMMISSIONER LEZY: Second.

23 CHAIRMAN DEVENS: Any discussion? There

24 being none, call for the vote, Dan, please.

25 MR. DAVIDSON: Motion to approve D&O.

1 Commissioner Judge?

2 COMMISSIONER JUDGE: Yes.

3 MR. DAVIDSON: Commissioner Lezy?

4 COMMISSIONER LEZY: Yes.

5 MR. DAVIDSON: Commissioner Matsumura?

6 COMMISSIONER MATSUMURA: Yes.

7 MR. DAVIDSON: Commissioner Contrades?

8 COMMISSIONER CONTRADES: Yes.

9 MR. DAVIDSON: Commissioner Makua?

10 COMMISSIONER MAKUA: Aye.

11 MR. DAVIDSON: Commissioner Heller?

12 COMMISSIONER HELLER: Yes.

13 MR. DAVIDSON: Chair Devens?

14 CHAIRMAN DEVENS: Yes.

15 MR. DAVIDSON: Also passes 7-0, Chair with 2

16 excused.

17 CHAIRMAN DEVENS: Thank you. Parties want

18 to add anything else to the record before we conclude

19 this matter?

20 MR. TABATA: Nothing to add.

21 MR. UEOKA: Nothing.

22 MR. YEE: No, thank you.

23 CHAIRMAN DEVENS: That concludes this

24 proceeding. At this time I'm going to move to go into

25 executive session to discuss issues relating to our

1 powers and authority.

2 COMMISSIONER LEZY: Second.

3 CHAIRMAN DEVENS: Any discussion? If not,  
4 all those in favor say aye.

5 (Voting) Aye.

6 CHAIRMAN DEVENS: It's unanimous. We'll go  
7 into executive session.

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9 (The proceedings were adjourned at 9:25 a.m.)

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## C E R T I F I C A T E

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5 I, HOLLY HACKETT, CSR, RPR, in and for the State  
6 of Hawai'i, do hereby certify;

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That I was acting as court reporter in the  
8 foregoing LUC matter on the 8th day of June 2011;

9

That the proceedings were taken down in  
10 computerized machine shorthand by me and were  
11 thereafter reduced to print by me;

12

That the foregoing represents, to the best  
13 of my ability, a true and correct transcript of the  
14 proceedings had in the foregoing matter.

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16 DATED: This\_\_\_\_\_ day of\_\_\_\_\_2011

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HOLLY M. HACKETT, HI CSR #130, RPR  
Certified Shorthand Reporter

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