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LAND USE COMMISSION

STATE OF HAWAI'I

ADOPTION OF ORDER)
A12-796 WAIKO INDUSTRIAL INVESTMENT, LLC)
)
)
)

TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for an action meeting held at the following Video Conference Centers simultaneously: O'ahu-Kalanimoku Building, 1151 Punchbowl St., Room B10, Honolulu, Hawai'i; Kauai'-Lihu'e State Office Bldg. 3060 'Eiwa Street, Basement, Lihu'e, Hawai'i; Maui-Wailuku Judiciary Bldg., 2145 Main Street, First Floor, Wailuku, Hawai'i commencing at 9:35 a.m. on May 2, 2013, pursuant to Notice.

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

A P P E A R A N C E S

COMMISSIONERS:

SHELDON R. BIGA
THOMAS CONTRADES
RONALD HELLER
LANCE M. INOUE
JAYE NAPUA MAKUA
CHAD McDONALD
NICHOLAS TEVES, JR.

EXECUTIVE OFFICER: DAN ORODENKER (O'ahu)
CHIEF CLERK: RILEY HAKODA (O'ahu)
STAFF PLANNER: BERT SARUWATARI (Maui)

DEPUTY ATTORNEY GENERAL: SARAH HIRAKAMI, ESQ. (O'ahu)

Docket No. A12-796 Waiko Industrial Investment, LLC
(Maui)

For the Petitioner: GREGORY GARNEAU, ESQ.

For the County: JAMES GIROUX, ESQ.
Deputy Corporation Counsel
PAUL FASI

For the State: BRYAN YEE, ESQ.
Deputy Attorney General
RODNEY FUNAKOSHI
OP Planning Program Administrator

1 PRESIDING OFFICER HELLER: (Gavel) Okay.
2 Let's call the meeting to order. First order of
3 business is adoption of the minutes from April 18th
4 and 19th. Is there a motion?

5 COMMISSIONER BIGA: So moved.

6 COMMISSIONER TEVES: Second.

7 PRESIDING OFFICER HELLER: Any comments or
8 discussion? All in favor say aye. (Aye) Any
9 opposed? Minutes are adopted. Dan, will you please
10 update us on the tentative meeting schedule.

11 MR. ORODENKER: Thank you, Mr. Chair. Can
12 everybody hear me?

13 COMMISSIONER CONTRADES: Loud and clear.

14 MR. ORODENKER: Okay. As May 16, that
15 hearing has been taken off the schedule due to
16 requests by the Petitioner or the Movant. June 13-14
17 we begin the state of Hawai'i DOE Kihei High School
18 hearings at the Maui Marriott on Maui.

19 June 27th and 28th: On the 27th we once
20 again are on Maui for the state of Hawai'i DOE Kihei
21 High School hearings. The 28th we have Ko'ana'ulu
22 Ranch Motion to Stay also on Maui. No, that's off.
23 Excuse me I apologize.

24 MR. HAKODA: It's going to be on Maui the
25 first day.

1 MR. ORODENKER: Yeah. That's going to be
2 on Maui the first day. The 28th we're on O'ahu.
3 July 11 and 12 is still to be determined.

4 PRESIDING OFFICER HELLER: Thank you. Next
5 order of business is an action meeting on A12-796
6 Waiko Industrial Investment, LLC. This is an action
7 meeting on Docket No. A12-792 to approve the Form of
8 the Order in this matter. This meeting is being
9 conducted via video conference linking conference
10 centers on O'ahu, Kaua'i and Maui.

11 Would our neighbor island Commissioners
12 please acknowledge that they are present when called
13 upon to verify that the audio is working and that they
14 are ready to begin the hearing. Commissioner
15 Contrades on Kauai?

16 COMMISSIONER CONTRADES: Present.

17 PRESIDING OFFICER HELLER: Commissioner
18 Makua on Maui?

19 COMMISSIONER MAKUA: Aye.

20 PRESIDING OFFICER HELLER: Commissioner
21 Biga on Maui?

22 COMMISSIONER BIGA: Present.

23 PRESIDING OFFICER HELLER: The LUC staff
24 planner Saruwatari and Maui County on Maui?

25 MR. SARUWATARI: Present.

1 MR. GIROUX: Present.

2 PRESIDING OFFICER HELLER: Commissioners
3 Inouye, McDonald, Teves, Heller and LUC staff and OP
4 are present on O'ahu. Let me update the record in
5 this matter.

6 On April 18th, 2013 the Commission met in
7 Kahului, Maui and voted to grant Docket No. A12-796,
8 with conditions, the Petition to Amend the Land Use
9 District Boundary of Certain Lands Situated at
10 Waikapu, Wailuku Island of Maui, State of Hawai'i,
11 Consisting of approximately 31.222 Acres, from the
12 Agricultural District to the Urban District, Tax Map
13 Key No. (2) 3-8-007:102 and instructed staff to
14 prepare a proposed Findings of Fact, Conclusions of
15 Law, and Decision and Order consistent with its
16 decision for consideration, deliberation, and
17 adoption. At that meeting, prior to voting, the
18 commissioners affirmed that they had reviewed the
19 record and transcripts.

20 Will the Parties please identify themselves
21 for the record.

22 MR. GARNEAU: Yes. This is Greg Garneau on
23 behalf of Waiko Industrial Investment, LLC.

24 MR. GIROUX: James Giroux on behalf of
25 Department of Planning Maui County. With me is Paul

1 Fasi.

2 MR YEE: Bryan Yee, deputy attorney
3 general, on behalf of the Office of Planning. With me
4 is Rodney Funakoshi from the Office of Planning.

5 PRESIDING OFFICER HELLER: Thank you. As a
6 preliminary matter, Commissioner Teves, have you had
7 an opportunity to review the record and transcripts in
8 this docket including the transcript of April 18,
9 2013? And if so are you prepared to vote on this
10 matter?

11 COMMISSIONER TEVES: Yes, I have and I'm
12 prepared to vote.

13 PRESIDING OFFICER HELLER: Thank you. The
14 Acting Chair also confirms that I have reviewed the
15 transcript and am prepared to vote. Is there anyone
16 in the audience who wishes to provide public testimony
17 on this matter? Hearing none and seeing none,
18 Commissioners before you are the proposed Findings of
19 Fact, Conclusions of Law, and Decision and Order
20 prepared by staff as instructed at the last meeting on
21 this docket for your consideration, deliberation and
22 adoption. Is there any discussion? (Pause) The
23 Chair will entertain a Motion to Approve the Form of
24 the Order in this matter.

25 COMMISSIONER BIGA: So moved.

1 PRESIDING OFFICER HELLER: Is there a
2 second?

3 COMMISSIONER CONTRADES: Second.

4 PRESIDING OFFICER HELLER: Commissioners,
5 what is your pleasure?

6 COMMISSIONER CONTRADES: To adopt Order of
7 A12-796 Waiko Industrial Investment Maui.

8 PRESIDING OFFICER HELLER: Any discussion
9 or comments? Hearing none, would you please poll the
10 Commission.

11 MR. ORODENKER: Thank you, Mr. Chair. The
12 motion is to adopt the Order. Commissioner Biga?

13 COMMISSIONER BIGA: Yes.

14 MR. ORODENKER: Commissioner Contrades?

15 COMMISSIONER CONTRADES: Yes.

16 MR. ORODENKER: Commissioner Teves?

17 COMMISSIONER TEVES: Yes.

18 MR. ORODENKER: Commissioner McDonald?

19 COMMISSIONER McDONALD: Yes.

20 MR. ORODENKER: Commissioner Makua?

21 COMMISSIONER MAKUA: Aye.

22 MR. ORODENKER: Commissioner Inouye?

23 COMMISSIONER INOUE: Yes.

24 MR. ORODENKER: Chair Heller?

25 PRESIDING OFFICER HELLER: Yes.

1 MR. ORODENKER: Mr. Chair, the motion
2 carries unanimously.

3 PRESIDING OFFICER HELLER: Thank you.
4 Anyone have any other business to raise? If not then
5 is there a motion to adjourn?

6 COMMISSIONER TEVES: So moved.

7 COMMISSIONER INOUE: Second.

8 PRESIDING OFFICER HELLER: Meeting
9 adjourned.

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11 (The proceedings were adjourned at 9:40 a.m.)

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C E R T I F I C A T E

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

That I was acting as court reporter in the
foregoing LUC video conferenced matter on the 2nd day
of May 2013;

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

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

DATED: This _____ day of _____ 2013

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