

1 LAND USE COMMISSION MEETING

2 HELD ON DECEMBER 10, 2015

3 COMMENCING AT 9:30 A.M.

4
5 MAUI ARTS & CULTURAL CENTER

6 ALEXA HIGASHI MEETING ROOM

7 ONE CAMERON WAY

8 KAHULUI, MAUI, HAWAI'I 96732

9
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11 A10-786

12 OLOWALU TOWN LLC

13 and

14 OLOWALU EKOLU LLC

15 Adoption of Order

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17
18 A94-706 KA'ONO'ULU RANCH

19 STATUS REPORT

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23
24 Before: Jean Marie McManus, CSR #156

1 APPEARANCES:

2 EDMUND ACZON, Chairperson
3 JONATHAN SCHEUER, VICE CHAIR
4 ARNOLD D. WONG, VICE CHAIR

5 COMMISSIONERS:

6 NANCY CABRAL
7 AARON MAHI
8 LINDA ESTES
9 KENT HIRANAGA

10 DIANE ERICKSON, ESQ.
11 Deputy District Attorney

12 STAFF:

13 DANIEL ORODENKER, Executive Officer
14 SCOTT A.K. DERRICKSON, AICP-Planner
15 RILEY K. HAKODA, Planner/Chief Clerk

16 BRYAN YEE, ESQ.
17 Deputy Attorney General
18 RODNEY FUNAKOSHI, Office of Planning

19 For the State of Hawaii
20 Office of Planning

21 RICHELLE THOMSON, ESQ.
22 Deputy Corporation Counsel
23 ANN CUA, Planning Department

24 For the County of Maui

25 ONAONA THOENE, ESQ.
Carlsmith Ball, LLP
ASB Tower, Suite 2100
1001 Bishop Street
Honolulu, Hawaii 96813

For Petitioner Olowalu

1 APPEARANCE CONTINUED:

2 RANDALL F. SAKUMOTO, ESQ.
3 McCorriston Miller Mukai Mackinnon
4 Five Waterfront Plaza, 4th Floor
5 500 Ala Moana Blvd.
6 Honolulu, Hawaii 96813

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TOM PIERCE, ESQ.
P.O. Box 798
Makawao, Hawaii 96768

1 MR. CHAIRMAN: Good morning. This is
2 December 10th, 2015 Land Use Commission meeting.
3 First order of business is the adoption of the
4 December 7, 2015 minutes, however, LUC staff has
5 advised that those minutes are not completed yet due
6 to the limited amount of time between meetings. The
7 Chair defers the adoption of the minutes to the next
8 meeting in January.

9 The next agenda item is the tentative
10 meeting schedule. Mr. Orodener.

11 EXECUTIVE OFFICER: Thank you, Mr. Chair.
12 January 13th and 14 -- January 13, Kauai, for Special
13 Permit Hearing, January 14th, site visit here on Maui
14 to Maalaea Plantation, with the parties meeting in
15 the Courtyard Marriott, Kahului, and hearing on any
16 motions.

17 January 27th is also reserved for the Kauai
18 Special Permit and that is projected to be a video
19 conference on all items.

20 February 13th and 14th is reserved for the
21 Maalaea Plantation, dba, and on Maui, as-is
22 February 24th and 25th. The March schedule onward is
23 to be determined.

24 CHAIRPERSON ACZON: Any questions?

25 COMMISSIONER ESTES: I understand

1 February 10th and 11 instead of 13 and 14.

2 EXECUTIVE OFFICER: Thank you, Commissioner
3 Estes, that is correct.

4 CHAIRPERSON ACZON: Anyone else? Thank you
5 Mr. Orodenker.

6 This is an Action Meeting on Docket 10-786
7 Olowalu Town LLC, Olowalu Ekolu LLC to approve the
8 form of the order in this matter.

9 Will the parties please identify
10 themselves?

11 MS. THOENE: Good morning, Chair, Onaona
12 Thoene on behalf of the Applicant Olowalu Town LLC
13 and Olowalu Ekolu LLC. With me is Bill Frampton and
14 to my right is Ward the Applicant's representative.

15 MS. THOMSON: Good morning, Chair, Richelle
16 Thomson, Deputy Corporation Counsel, Maui, and to my
17 left is and Ann Cua, Maui County.

18 MR. YEE: Deputy Attorney General, Bryan
19 Yee, on behalf of Office Planning. With me is Rodney
20 Funakoshi.

21 CHAIRPERSON ACZON: Let me update the
22 record in this docket.

23 On December 7, 2015, the Commission met in
24 Kahului, Maui, Hawaii and voted to deny the petition
25 of Docket No. A10-786 Olowalu Town LLC and Olowalu

1 Ekolu LLC (Maui) to accept the Olowalu Town LLC and
2 Olowalu Ekolu LLC's Final Environmental Impact
3 Statement for the reclassification of approximately
4 320 acres of land situated at Olowalu, Island of
5 Maui, State of Hawaii, from the Agricultural District
6 to the Rural and Urban Districts, Portions of Tax Map
7 Key Nos. (2)4-8-003:084, 098, 100, 101, 102, 103,
8 104, 105, 106, 107, 109, 110, 111, 112, 113, 114,
9 115, 116, 117, 118 and 124.

10 On December 10th, 2015, the Commission hand
11 delivered and mailed copies of the LUC's Findings of
12 Fact, Conclusions of Law and Decision and Order to
13 the Parties.

14 Is there anyone in the audience who wishes
15 to provide public testimony on this matter? Let me
16 remind you that all of the public testimony from
17 previous hearings was transcribed and is part of the
18 record. The Commission has voted on this matter and
19 this is a ministerial item to adopt the form of the
20 order.

21 For those that are testifying, again, the
22 Commission would appreciate it if you could confine
23 your testimony to new information.

24 EXECUTIVE OFFICER: Mr. Chair, we have one
25 testifier signed up, Mike Moran.

1 MR. MORAN: I'm on the next item.

2 EXECUTIVE OFFICER: Thank you.

3 CHAIRMAN ACZON: Then there are no
4 testifiers?

5 EXECUTIVE OFFICER: Correct.

6 CHAIRPERSON ACZON: If there is no
7 testifier, Commissioners, before you is the Form of
8 the Order granting the Petition for the denial of the
9 FEIS in this Docket No. A10-786. The Chair will
10 entertain a Motion to approve the Form of the Order
11 in this matter.

12 Commissioners, what is your pleasure?

13 COMMISSIONER ESTES: I so move.

14 VICE CHAIR WONG: Second.

15 CHAIRPERSON ACZON: It has been moved by
16 Commissioner Estes and seconded by Commissioner Wong
17 to accept the order. Discussion?

18 No further discussion. Mr. Orodenger,
19 please poll the Commission.

20 EXECUTIVE OFFICER: The Motion is to Adopt
21 the Order.

22 Commissioner Estes?

23 COMMISSIONER ESTES: Yes.

24 EXECUTIVE OFFICER: Commissioner Wong?

25 VICE CHAIR WONG: Aye.

1 EXECUTIVE OFFICER: Commissioner McDonald?

2 COMMISSIONER McDONALD: Abstain.

3 EXECUTIVE OFFICER: Commissioner Scheuer?

4 VICE CHAIR SCHEUER: Aye.

5 EXECUTIVE OFFICER: Commissioner Mahi is
6 absent.

7 Commissioner Hiranaga?

8 COMMISSIONER HIRANAGA: Aye.

9 EXECUTIVE OFFICER: Commissioner Cabral?

10 COMMISSIONER CABRAL: Aye.

11 EXECUTIVE OFFICER: Chair Aczon?

12 CHAIRPERSON ACZON: Aye:

13 EXECUTIVE OFFICER: Mr. Chair, the motion
14 carries with six votes.

15 CHAIRPERSON ACZON: We will take --

16 MS. THOENE: If I may offer a couple of
17 comments.

18 First off, Ms. Lim offers apologies for not
19 being here today. She had unavoidable activity that
20 she had to attend.

21 I want to thank the Commission and LUC
22 staff, the court reporter, County of Maui and Office
23 of Planning for the time and attention that all of
24 you have given to this matter. It was a couple of
25 really long hearing dates.

1 Although we are disappointed with the
2 results, the Applicant wanted to make sure that the
3 Order that is adopted today is going to provide the
4 Commission specific findings and reasons for why the
5 EIS was not accepted by this Commission at this time
6 pursuant to HRS Chapter 343 and HAR 11-200-23(d) so
7 that the Applicant can revise the EIS accordingly.

8 Is that correct?

9 CHAIRPERSON ACZON: Yes.

10 MS. THOENE: Thank you.

11 CHAIRPERSON ACZON: Thank you, and we look
12 forward to working with you folks again.

13 MS. THOENE: Thank you, folks, again.

14 Let's take a five-minute recess so we can
15 prepare for the next agenda.

CERTIFICATE

STATE OF HAWAII)
) SS.
COUNTY OF HONOLULU)

I, JEAN MARIE McMANUS, do hereby certify:

That on December 10, 2015, at 9:30 a.m., the
proceedings contained herein was taken down by me in
machine shorthand and was thereafter reduced to
typewriting under my supervision; that the foregoing
represents, to the best of my ability, a true and
correct copy of the proceedings had in the foregoing
matter.

I further certify that I am not of counsel for
any of the parties hereto, nor in any way interested
in the outcome of the cause named in this caption.

Dated this 10th day of December, 2015, in
Honolulu, Hawaii.

JEAN MARIE McMANUS, CSR #156