

LAND USE COMMISSION
MEETING MINUTES

June 8, 2011

Four Seasons Resort Lāna`i at Mānele Bay, Kainolu Ballroom,
Lāna`i City, Lāna`i , Hawai`i 96763

COMMISSIONERS PRESENT: Vladimir Devens
Normand Lezy
Lisa Judge
Ronald Heller
Ernest Matsumura
Thomas Contrades
Napua Makua

COMMISSIONERS EXCUSED: Kyle Chock
Nicholas Teves, Jr.

STAFF PRESENT: Orlando Davidson, Executive Officer
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Acting Chief Clerk

COURT REPORTER: Holly Hackett

CALL TO ORDER

Chair Devens called the meeting to order at 9:15 a.m.

APPROVAL OF MINUTES

Chair Devens asked if there were any corrections or additions to the May 26, 2011 minutes. There were none. Commissioner Contrades moved to approve the minutes. Commissioner Judge seconded the motion. The minutes were unanimously approved by a voice vote (7-0).

TENTATIVE MEETING SCHEDULE

Executive Officer Davidson provided the following:

- The regular tentative meeting schedule for the calendar year 2011 was distributed in the handout material for the Commissioners.
- The next meeting is planned for June 30, 2011 and will address A06-771 DR Horton-Schuler Homes LLC. A large public turnout is expected and meeting room accommodations have been made.
- Any questions or concerns- please contact LUC staff.

Commissioner Judge inquired where the meeting would be held. Executive Officer Davidson replied that the meeting would be held in Conference Room 204 of the Leiopapa A Kamehameha State of Hawai`i Office Tower Building in Honolulu.

There were no other questions.

A11-792 Department of Housing and Human Concerns, County of Maui (Lāna`i)

Chair Devens announced that this was a deliberation and action hearing on Docket No. A11-792 Department of Housing and Human Concerns, County of Maui (Lāna`i) To Amend the Agricultural Land Use District Boundaries into the Urban District for approximately 73.000 acres at Lāna`i City, Island of Lāna`i , State of Hawai`i, Tax Map Key No. (2) 4-9-2: 058(por.)

APPEARANCES

Curtis Tabata, Esq., and, Benjamin Matsubara Esq., represented Petitioner Department of Housing and Human Concerns, County of Maui (Lāna`i)
Jo Ann Ridao, Director, Department of Housing and Human Concerns, County of Maui

Jeffery Ueoka, Esq., Deputy Corporate Counsel, represented County of Maui Planning Department

Bryan Yee, Esq., represented State Office of Planning

Chair Devens updated the record and asked if there was any public testimony.

PUBLIC WITNESSES

- 1, Ron McOmber

Mr. McOmber described his participation in the community efforts to promote the proposed project and provided the reasons why he felt the Petition should be granted.

There were no questions for Mr. McOmber.

There were no other public witnesses.

Chair Devens asked if the Parties had anything more to add before the Commission began deliberations.

Petitioner, County of Maui and the State Office of Planning had nothing further to add.

DELIBERATIONS

Chair Devens polled the Commission to confirm that each Commissioner had reviewed the record and the transcripts for any meetings that they may have missed; and asked if they were prepared to deliberate on this Petition.

All Commissioners present signified that they were prepared to deliberate (7-0).

Chair Devens inquired if the Parties had any objections to the standard conditions that the Land Use Commission included in its Decision and Orders. Mr. Tabata replied that the standard conditions had been included in the Stipulated Findings of Fact, Conclusions of Law and Decision and Order.

Commissioner Judge moved to grant the Petition. Commissioner Lezy seconded the motion.

Commissioner Lezy commented that he appreciated the cooperation displayed by the Parties during the preparation and presentation of the Petition of what he considered a very worthy project.

Chair Devens expressed that he also appreciated that the Petitioner had filed a very detailed and thorough Petition

The Commission was polled as follows:

Ayes: Commissioners Judge, Lezy, Matsumura, Contrades, Makua, Heller and Chair Devens.

Nays: None

(Please refer to LUC Transcript for more details on this matter)

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The Motion passed seven to zero with two excused.

Commissioner Judge moved to adopt the Stipulated Findings of Fact, Conclusions of Law and Decision and Order. Commissioner Lezy seconded the motion.

The Commission was polled as follows:

Ayes: Commissioners Judge, Lezy, Matsumura, Contrades, Makua, Heller and Chair Devens.

Nays: None

The Motion passed seven to zero with two excused.

There were no further comments or questions.

EXECUTIVE SESSION

Chair Devens moved to enter Executive Session. Commissioner Lezy seconded the motion. The Commission unanimously approved to enter Executive Session by a voice vote (7-0).

The Commission entered Executive Session at 9:24 a.m. and reconvened at 9:43 a.m.

ELECTION OF OFFICERS

Chair Devens moved to nominate Commissioner Lezy as LUC Chair, Commissioner Chock as First Vice Chair, and Commissioner Teves as Second Vice Chair. Commissioner Contrades seconded the motion. There was no further discussion.

The Commission was polled as follows:

Ayes: Commissioners Judge, Lezy, Matsumura, Contrades, Makua, Heller and Chair Devens.

Nays: None

The Motion passed seven to zero with two excused.

There were no further comments or questions.

There being no further business to discuss, Chair Devens adjourned the meeting at 9:45 a.m.