

LAND USE COMMISSION
MEETING MINUTES

August 25, 2011 – 1:00 p.m.

**KULA CATHOLIC COMMUNITY HOLY GHOST HALL
4300 Lower Kula Road
Kula, Maui, Hawai`i, 96790**

COMMISSIONERS PRESENT: Normand Lezy
Ronald Heller
Nicholas Teves, Jr.
Napua Makua
Chad McDonald
Kyle Chock
Thomas Contrades
Lisa Judge

COMMISSIONERS EXCUSED: Ernest Matsumura

STAFF PRESENT: Orlando Davidson, Executive Officer
Diane Erickson, Deputy Attorney General
Bert Saruwatari, Staff Planner
Riley Hakoda, Staff Planner/Acting Chief Clerk

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Walter Mensching

CALL TO ORDER

Chair Lezy called the meeting to order at 1:30 p.m.

APPROVAL OF MINUTES

Chair Lezy asked if there were any corrections or additions to the July 14-15, 2011 minutes. There were none. The minutes were unanimously approved by a voice vote (8-0).

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 LUC meeting at the September 21-23, 2011 HCPO Conference Hotel will address administrative rules.
- Any questions or concerns- please contact LUC staff.

LITIGATION REPORT

Chair Lezy moved to enter Executive Session. Commissioner Heller seconded the motion. The Commission unanimously approved to enter Executive Session by a voice vote (8-0).

The Commission entered Executive Session at 1:33 p.m. and reconvened at 1:49 p.m.

A11-790 KULA RIDGE, LLC (Maui)

Chair Lezy announced that this was a hearing to consider the reclassification of approximately 34.516 acres of land from the Agricultural District to the Urban District and approximately 16.509 acres of land from the Agricultural District to the Rural District at Kula, Maui, Hawai'i for a mix of residential, park and open space uses.

APPEARANCES

Steven Lim, Esq. and Jennifer Benck, Esq., represented Petitioner Kula Ridge LLC
Clayton Nishikawa, Managing Director, Kula Ridge LLC

Michael Hopper, Esq., Deputy Corporate Counsel, represented County of Maui
Planning Department

William Spence, Director, County of Maui Planning Department

Bryan Yee, Esq., represented State Office of Planning

Chair Lezy updated the record and described the procedures to be followed for the hearing and acknowledged the request of the Kula Community Association (“KCA”) to participate in the hearing pursuant to section 205-4 (f), HRS, which allows a representative of a community group to provide testimony. There were no comments and/or objections to this course of action.

PUBLIC WITNESSES

1. Kula Community Association (KCA)- Bobbie Patnode

Ms. Patnode described KCA’s interests in the proposed district boundary amendment and stated that Mr. Mayer would elaborate upon the concerns of their organization. KCA submitted written testimony for the Commission to refer to during their presentation.

There were no questions for Ms. Patnode.

2. Kula Community Association (KCA)- Dick Mayer

Mr. Mayer stated that while the KCA understood the need for affordable housing, it was concerned that the proposed project did not meet the Commission’s criteria for boundary change amendments and described the various reasons why the KCA felt the criteria for various criteria had not been met.

Mr. Lim asked how Mr. Mayer felt about various conditions that the Commission could impose upon the Petitioner to address the KCA concerns. Discussion ensued to determine what conditions the KCA would be agreeable to and would like to have implemented if the Petition were approved by the Commission.

There were no further questions for Mr. Mayer.

3. Debbie Anthony

Ms. Anthony recalled her memories of Kula and described why she supported the proposed project.

There were no questions for Ms. Anthony.

4. Al Chiarella

Mr. Chiarella expressed the reasons why he supported the project.

Mr. Lim asked if Mr. Chiarella was aware of the proposed affordable housing sales prices. Mr. Chiarella responded that he was and provided his estimates of what existing residential prices were for the area.

There were no further questions for Mr. Chiarella

5. Barbara Oura-Tavares

Ms. Tavares expressed her concerns about the proposed project and described her reasons for opposing it.

Mr. Lim asked if Ms. Tavares knew or was related to Daniel Tavares. Ms. Tavares replied that she was not sure.

There were no further questions for Ms. Tavares.

6. Joann Van Guillory

Ms. Guillory stated that she opposed the Petition, submitted written testimony and provided the reasons for her opposition.

Commissioner Judge requested clarification on Ms. Guillory's reference to a Maui County "land plan". Ms. Guillory responded that she was referring to the Maui County General Plan.

There were no further questions for Ms. Guillory.

7. Steve Goldstein

Mr. Goldstein submitted written testimony opposing the Petition and described his suggested remedies for problems that he thought the proposed project had.

Mr. Lim inquired whether conditions imposed by the LUC, if the proposed project were approved, would satisfy Mr. Goldstein's concerns. Mr. Goldstein replied that he would need to know more about the specifics of the conditions used to determine drainage requirements and did not have the expertise to determine whether or not Maui County Public Works engineers' review of this issue was adequate, and that he was not aware that the State Department of Transportation was working with Maui County to revise the traffic impact analysis report.

There were no further questions for Mr. Goldstein.

8. Fran Goldstein

Ms. Goldstein described her concerns about the proposed project and why she opposed its development.

There were no questions for Ms. Goldstein.

9. Doug MacCluer

Mr. MacCluer stated that he was a long-time area farmer and described his community involvement with water/drainage issues and why he opposed the Petition.

Mr. Lim requested clarification on Mr. MacCluer's comments regarding the land use designation for the Petition Area. Mr. MacCluer replied that he thought it had remained in agriculture.

There were no further questions for Mr. MacCluer.

10. Alan Gorg

Mr. Gorg shared his concerns about transportation and the location of the proposed development.

There were no questions for Mr. Gorg.

11. Leina Shirota-Purdy

Ms. Purdy stated that she opposed the proposed project and shared the reasons for her opposition.

Mr. Lim asked if Ms. Purdy would be satisfied if Petitioner could prove to the Commission that she would not be pushed off the water meter list. Ms. Purdy replied that she would not be satisfied and that it should be proven that water was available for the area and that people who had been waiting for their meters should receive their meters first.

Mr. Lim asked if any of Ms. Purdy's children attended Waldorf School and whether any of the children from the proposed project would. Ms. Purdy responded that her children did not attend Waldorf and thought it was unlikely that children from the proposed development would.

There were no further questions for Ms. Purdy.

12. Jocelyn Romero-Demirbag

Ms. Demirbag stated that she represented Haleakala Waldorf School and that the school did not have a formal position on this issue but felt that the KCA did a good job of representing the interests of the area. Ms. Demirbag shared her concerns about safety for her students.

Mr. Lim asked about traffic volume for the school and whether financing plans for students from the proposed project and the DHHL project were being considered. Ms. Demirbag provided her perception of traffic conditions for her school and described how her school might help finance education for students desiring to attend Waldorf from the proposed project.

Commissioner Heller asked what the capacity of Waldorf School was and how additional students might be accommodated. Ms. Demirbag replied that the school was almost full and future expansion would be difficult.

There were no further questions for Ms. Demirbag.

13. Penny Humphries

Ms. Humphries provided her reasons why the Commission should not vote for the proposed project and submitted a petition containing 618 signatures opposing the proposed project.

There were no questions for Ms. Humphries.

14. Joan Crowe

Ms. Crowe expressed her reasons for opposing the proposed project.

There were no questions for Ms. Crowe.

15. Michael Yap Jr.

Mr. Yap stated that he was in support of the Petition and shared his reasons why.

Mr. Lim asked if Mr. Yap could currently afford to purchase a home in the Kula area and if the proposed project would provide an opportunity for him in the future. Mr. Yap responded that he could not currently afford a home in Kula but that the proposed project might help him to in the future.

There were no further questions for Mr. Yap.

The Commission went into recess at 3:03 p.m. and reconvened at 3:18 p.m.

16. Joshua Ulu

Mr. Ulu stated that he supported the proposed Project and provided the reasons for his position.

There were no questions for Mr. Ulu.

17. James Bushlow

Mr. Bushlow described his reasons for opposing the Petition.

Mr. Lim asked if the current Makawao-Pukalani Community plan designations for the area were correct. Mr. Bushlow responded that he was not qualified to answer, and shared his opinion about why the area should not be designated urban.

There were no further questions for Mr. Bushlow.

18. Norman Stubbs

Mr. Stubbs stated that he was a retired developer/contractor and described the problems that he thought the proposed project had based on his experience and why it should not be approved.

Mr. Lim inquired about what improvements to Lower Kula Road Mr. Stubbs felt were needed. Mr. Stubb described the improvements that he felt were needed.

There were no further questions for Mr. Stubbs.

19. Alvin Peterson

Mr. Peterson expressed his concerns about traffic and stated that he opposed the project.

There were no questions for Mr. Peterson.

20. Jim Crowe

Mr. Crowe shared his concerns about the senior housing proposed for the Petition Area.

There were no questions for Mr. Crowe.

21. Marie Parker

Ms. Parker described why she opposed the proposed project.

There were no questions for Ms. Parker.

22. Deborah Sawyer

Ms. Sawyer expressed the reasons why she opposed the Petition.

There were no questions for Ms. Sawyer.

23. Gwyn Gorg

Ms. Gorg expressed why she opposed the proposed project.

There were no questions for Ms. Gorg.

24. Victor Reyes

Mr. Reyes submitted written testimony and expressed his opposition to the proposed development.

There were no questions for Mr. Reyes.

25. Anne Masuda

Ms. Masuda described her reasons for opposing the Petition.

There were no questions for Ms. Masuda.

26. Mark Crowe

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

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Mr. Crowe described why he opposed the proposed project.
There were no questions for Mr. Crowe.

27. Fred Rawe
Mr. Rawe shared his concerns and described why he opposed the proposed project.
There were no questions for Mr. Rawe.

28. Maria Rawe
Ms. Rawe submitted written testimony to support her testimony in opposition to the Petition.
There were no questions for Ms. Rawe.

29. Nara Chow
Ms. Chow described her opposition to the proposed development.
There were no questions for Ms. Chow.

The Commission went into recess at 4:18 p.m. and reconvened at 4:32 p.m.

30. Ruth M. DePonte
Ms. DePonte expressed why she opposed the Petition.
There were no questions for Ms. DePonte.

31. Will Flammer
Mr. Flammer voiced his opposition to the proposed project and described his concerns about road safety.
Mr. Lim asked if Mr. Flammer was in favor of construction of mauka sidewalks proposed for the Petition Area. Mr. Flammer replied that he was.
There were no further questions for Mr. Flammer.

32. Velma Wiese
Ms. Wiese shared her concerns about real property taxes and why she opposed the proposed project.
There were no questions for Ms. Wiese.

33. Marilyn Hill
Ms. Hill expressed her reasons for opposing the Petition.
Mr. Lim asked if Ms. Hill knew or was related to Eileen Hill from Makawao. Ms. Hill responded that she did not know Eileen Hill.

There were no further questions for Ms. Hill.

34. Joey Cremer

Mr. Cremer provided his reasons why the Petition should be granted and voiced his support for the proposed development.

There were no questions for Mr. Cremer.

35. Dana Neone-Hall

Ms. Hall submitted a photograph to support her testimony in opposition to the proposed project, and described why she felt cultural/historical aspects of the Petition Area had not been given enough attention.

Mr. Lim described how Petitioner had identified prior exhibits submitted by Ms. Hall for the Commission and inquired how Ms. Hall perceived the Petition Area. Ms. Hall described what her perception of the Petition Area was and how her submitted photo applied to her testimony.

There were no further questions for Ms. Hall.

36. Alan Vares

Mr. Vares shared his concerns about assessments of the Petition Area that he felt still needed to be made.

There were no questions for Mr. Vares.

37. Rosemary Robbins

Ms. Robbins shared her personal experiences with water issues and other area concerns and described why she opposed the Petition.

There were no questions for Ms. Robbins.

38. Cheryl Zarro

Ms. Zarro expressed her reasons for supporting the Petition.

There were no questions for Ms. Zarro.

39. Bruce U`u

Mr. U`u voiced his reasons for supporting the proposed project.

There were no questions for Mr. U`u.

40. Mariya Donês

Ms. Donês expressed her reasons for opposing the Petition.

There were no questions for Ms. Donês

41. Ron Collins
Mr. Collins expressed his reasons for opposing the proposed project.
Mr. Lim inquired if Mr. Collins was a recent resident. Mr. Collins responded that he had been on Maui since January and rented a place in Kula.
There were no further questions for Mr. Collins.
42. Gene Zarro
Mr. Zarro voiced his support for the Petition.
There were no questions for Mr. Zarro.
43. Nainoa Purdy
Mr. Purdy described why he opposed the Petition.
There were no questions for Mr. Purdy.
44. Alan Kaufman
Mr. Kaufman expressed how he could conditionally support the proposed project if his concerns about it were properly addressed.
There were no questions for Mr. Kaufman.
45. Melissa Bruschi
Ms. Bruschi voiced her opposition to the Petition.
There were no questions for Ms. Bruschi.

There were no other public witnesses. Chair Lezy announced that the Commission would reconvene again at Holy Ghost Hall on August 26, 2011 at 9 a.m.

The Commission went into recess at 6 p.m.