

LAND USE COMMISSION
MEETING MINUTES

August 23, 2017 – 9:30 a.m.

**Maui Arts and Cultural Center- Haynes Room
One Cameron Way, Kahului, Maui, Hawai`i, 96732**

COMMISSIONERS PRESENT: Edmund Aczon
Nancy Cabral
Linda Estes
Lee Ohigashi
Aaron Mahi
Jonathan Scheuer

COMMISSIONERS EXCUSED: Dawn Chang
Gary Okuda
Arnold Wong

STAFF PRESENT: Daniel Orodener, Executive Officer
Scott Derrickson Staff Planner
Diane Erickson, Deputy Attorney General
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Laura Savo

CALL TO ORDER

Vice Chair Scheuer called the meeting to order at 9:30 a.m.

APPROVAL OF MINUTES

Vice Chair Scheuer asked if there were any corrections or additions to the August 9-10, 2017 minutes. There were none. Commissioner Estes moved to approve the minutes. Commissioner Cabral seconded the motion. The minutes were unanimously approved by a voice vote (6-0-3).

TENTATIVE MEETING SCHEDULE

Executive Officer Orodenker provided the following:

The regular tentative meeting schedule for the calendar year 2017 was distributed in the handout material for the Commissioners.

- SEP 20-22- HCPO on Oahu- site visit Kunia IAL on SEP 22.
- SEP 27-28- A15-798 Waikapu Town is rescheduled to December 6-7.
- OCT 11-12- Kunia IAL on Oahu
- OCT 18-19- Molokai IAL on Molokai
- NOV 8-9 – now open
- NOV 21-22- Hono`uli`uli Special Permits on Oahu
- DEC 6- 7- A15-798 Waikapu (Maui) and Adopt Hono`uli`uli Special Permits
- Any questions or concerns- please contact LUC staff.

ACTION

A05-760 PUKALANI ASSOCIATES, LLC-(Maui)

To consider Motion for Extension of Time to Complete Construction of Infrastructure Improvements

APPEARANCES

William Yuen, Esq., represented Pukalani Associates LLC (“Pukalani”)

Jordan Hart, Project Planner, Pukalani

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

Will Spence, Director, County

Dawn Takeuchi-Apuna Esq., represented State Office of Planning (OP)

Lorene Maki, Planner, OP

Rodney Funakoshi, Land Use Administrator, OP

Vice Chair Scheuer updated the record and described the procedures for the day. There were no questions or comments. Mr. Yuen acknowledged that Petitioner was agreeable to the Commission’s policy on reimbursements.

PUBLIC WITNESSES

NONE

PETITIONER

Mr. Yuen argued the reasons why Conditions 18 and 19 of the Findings of Fact, Conclusions of Law, and Decision and Order filed on June 29, 2009 needed to be amended and why the Commission should grant the petition to extend the time to complete construction of infrastructure improvements to the Petition Area from June 29, 2019 to June 29, 2024..

There were no questions for Mr. Yuen.

COUNTY

Mr. Hopper stated that the County had no opposition to the petition.

There were no questions for Mr. Hopper.

OP

Ms. Apuna stated that OP had no objection to the petition and described how OP had arrived at that conclusion, and how the Petitioner had shown good cause to justify the extension request.

Commissioner Ohigashi requested clarification on whether the Department of Transportation's request for a new revised Traffic Impact Analysis Report (TIAR) needed to be included in the amendment request. Ms. Apuna replied that Condition 2 already addressed that issue so no additional amendments were needed.

REBUTTAL

None.

COMMISSIONER QUESTIONS

There were no Commissioner questions or further discussion.

Commissioner Ohigashi moved to amend Conditions 18 and 19 of the Findings of Fact, Conclusions of Law, and Decision and Order filed on June 29, 2009 to extend time to complete construction of infrastructure improvements to the Petition Area by an additional 5 years till June 29, 2024. Commissioner Estes seconded the motion. There was no discussion.

The motion passed 6-0 with 3 excused.

There being no further business, Vice Chair Scheuer thanked the Parties, and LUC staff and announced that a site visit for A15-798 was scheduled for 11 a.m. later in the day; and adjourned the meeting at 9:47 a.m.

LAND USE COMMISSION
SITE VISIT MEETING MINUTES

August 23, 2017 – 11:00 a.m.
Tropical Plantation Meeting Area, Wailuku, HI

COMMISSIONERS PRESENT: Edmund Aczon
Nancy Cabral
Linda Estes
Aaron Mahi
Jonathan Scheuer

COMMISSIONERS EXCUSED: Dawn Chang
Arnold Wong
Lee Ohigashi
Gary Okuda

STAFF PRESENT: Daniel Orodener, Executive Officer
Scott Derrickson Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk

Vice Chair Scheuer called the site visit to order at 11:00 a.m. Mr. Orodener provided a briefing on the protocol for the site visit.

Petitioner Michael Atherton provided an overview of the site visit and the proposed project and described what the route of the site visit would be, and what points of interest would be discussed at the various planned stops.

The Petitioner and his staff described various facets of the proposed project and responded to questions posed by the Commissioners during the site visit.

The site visit ended at approximately 12:05 p.m.