

LAND USE COMMISSION
MEETING MINUTES

February 19, 2010

Leiopapa A Kamehameha
Conference Room 405, 4th Floor
235 S. Beretania St.
Honolulu, Hawai'i

COMMISSIONERS PRESENT: Duane Kanuha
Normand Lezy (arrived at 9:37 a.m.)
Kyle Chock
Vladimir Devens
Lisa Judge
Reuben Wong

COMMISSIONERS ABSENT: Nicholas Teves, Jr.
Ransom Piltz
Thomas Contrades

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

Vice-Chair Devens called the meeting to order at 9:21 a.m.

HEARING

A07-775 Castle & Cooke Homes Hawaii Inc. (OAHU)

Vice-Chair Devens announced that this was a continued hearing on Docket No. A07-775 to amend the Agricultural Land Use District Boundary into

the Urban District for approximately 767.649 acres at Waipio and Waiawa, Island of Oahu, State of Hawaii.

APPEARANCES

Ben Matsubara, Esq., Wyeth Matsubara, Esq. and Curtis Tabata, Esq., represented Castle & Cooke Homes Inc.
Laura Kodama, Castle & Cooke Homes, Inc.
Rodney Funakoshi, Castle & Cooke Homes, Inc.
Don Kitaoka Esq., represented City and County of Honolulu
Department of Planning and Permitting
Matthew Higashida, Department of Planning and Permitting
Randolph Hara, Department of Planning and Permitting
Bryan Yee, Esq., represented State Office of Planning
Abbey Mayer, State Office of Planning
Colin Yost, Esq., represented Intervenor-The Sierra Club
Karen Loomis, Intervenor-Mililani/Waipio/Melemanu Neighborhood Board
No.25

PETITIONER'S WITNESSES (continued)

5. Barry Neal

Mr. Neal was qualified as an expert witness on Air Quality Assessment and had prepared an air quality study that had been submitted as Petitioner's Exhibit #7K, and written testimony and curriculum vitae submitted as Petitioner's Exhibit #42.

Mr. Neal detailed the extent and methodology for conducting his study and reported his findings and recommendations.

Mr. Yost requested clarification on the focus of Mr. Neal's study. Mr. Neal described the types of pollutants that were included in his study and the assumptions that were made in conducting his analysis.

Commissioner Judge requested clarification on the pollution source mentioned in the last paragraph of the written testimony. Mr. Neal responded that the source was from outside the Petition Area.

There were no further questions for Mr. Neal.

CITY AND COUNTY'S WITNESS

1. Matthew Higashida

Mr. Higashida stated that he was a Planner in the Policy Planning Branch of the Department of Planning and Permitting for the City and County of

Honolulu. Mr. Higashida utilized the City's and Petitioner's Exhibit Maps to explain his understanding of Urban Growth Boundaries as they applied to the Central Oahu Sustainable Communities Plan and described the review process that the City utilized in its zoning and subdivision determinations.

Mr. Benjamin Matsubara requested clarification on the dates that the Urban Community Boundaries were established. Mr. Higashida provided the historical background of how Urban Community Boundaries for the Petition Area were developed and explained what he knew about the process for making boundary determinations.

Mr. Yee requested clarification on how the City had determined where urban growth would occur before Urban Growth Boundaries started being used. Mr. Higashida described how the City processed development plans before the use of Urban Growth Boundaries.

Mr. Yee requested clarification on how the City would exercise its jurisdiction over the detention basins that were proposed for the Petition Area. Mr. Higashida expressed his perception of how construction, management and maintenance of the detention basins would occur and how ownership responsibilities for the basins would be handled after the project was completed. Discussion ensued to establish the relevance of the technical nature of the questions and identify whether they were within the scope of Mr. Higashida's testimony.

Mr. Yost requested clarification of Mr. Higashida's familiarity with the reference maps he was using and whether or not he had seen a map with the Petition Area outside the Urban Growth Boundaries depicted on it.

Mr. Higashida stated that Plans were usually updated every five years and described what was happening with the current sustainable communities plan. Discussion occurred to clarify what had been said in regards to the referenced exhibits.

Ms. Loomis inquired about the role that Bob Stanfield would have in the review process. Mr. Higashida replied that Hal Center would be the primary DPP lead for the project.

Mr. Kitaoka asked if there was ever a time when the Koa Ridge Development was outside of the Urban Growth Boundary. Mr. Higashida

provided his understanding of the history of the location of the Petition Area within the Urban Growth Boundary.

Commissioner Kanuha requested clarification about what would happen in the entitlement process if the Petition was approved. Mr. Higashida described his understanding of what would occur during the subdivision and zoning process for the proposed project and other requirements that could be imposed by the County.

Commissioner Judge requested clarification on how the Petition Area would be located on the newer updated map. Mr. Higashida replied that the new maps would accurately depict the Petition Area's location within the Urban Growth Boundary area.

Mr. Yost requested clarification on how the map might change during the public review process and what might occur if the Petition Area were to fall outside of the Urban Growth Boundary after the review process. Mr. Higashida responded that it was unlikely that the boundary might change due to the zoning determinations for the proposed area. Mr. Yost asked if the Petition Area was outside of the Urban Growth Boundary that was in effect from 1997- 2002. Mr. Higashida responded that it was.

Commissioner Lezy asked how long the public review portion lasted on the last sustainable community plan update. Mr. Higashida did not know the answer to the question.

Discussion ensued to determine why the Parties did not have their witnesses ready to testify before the Commission. The various circumstances were explained and the Parties acknowledged that their agreed upon deferral of the traffic witness' scheduled appearance had altered the flow of their presentations. All parties indicated they would be better prepared in the future.

There being no further business to discuss, the hearing was adjourned at 10:35 a.m.
(Please refer to LUC Transcript of February 18-19, 2010 for more details on this matter.)