

LAND USE COMMISSION
MEETING MINUTES

April 22, 2010

Leiopapa A Kamehameha
Conference Room 406, 4th Floor
235 S. Beretania St.
Honolulu, Hawai'i

COMMISSIONERS PRESENT: Duane Kanuha
Normand Lezy
Nicholas Teves, Jr.
Ransom Piltz
Reuben Wong
Kyle Chock
Thomas Contrades
Lisa Judge (arrived at 9:34 a.m.)
Vladimir Devens

COMMISSIONERS ABSENT: None

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

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Walter Mensching

CALL TO ORDER

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

CONTINUED HEARING

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

Chair Piltz 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

Benjamin Matsubara, Esq., Wyeth Matsubara, Esq. and Curtis Tabata, Esq., represented Castle & Cooke Homes Hawaii, Inc.
Laura Kodama, Castle & Cooke Homes Hawaii, Inc.
Rodney Funakoshi, Castle & Cooke Homes Hawaii, Inc.
Dawn Takeuchi-Apuna Esq., represented City and County of Honolulu
Department of Planning and Permitting
Matthew Higashida, Department of Planning and Permitting
Bryan Yee, Esq., represented State Office of Planning
Abbey Mayer, State Office of Planning
Robert Harris, Esq. represented Intervenor-The Sierra Club
Colin Yost, Esq., represented Intervenor-The Sierra Club (arrived at 10:23 a.m.)
Richard Poirier, Intervenor-Mililani/Waipio/Melemanu Neighborhood Board No.25
Karen Loomis, Intervenor-Mililani/Waipio/Melemanu Neighborhood Board No.25

PUBLIC WITNESSES

Curtis Crabbe

Chair Piltz announced that the Commission would hear public testimony from Mr. Crabbe since he was unable to fly in from Molokai on April 21 to testify.

Mr. Crabbe shared his historical knowledge of the Petition Area and provided his reasons for opposing the Petition. There were no questions for Mr. Crabbe.

EXECUTIVE SESSION

Commissioner Devens moved to enter into Executive Session. Commissioner Wong seconded the motion. By a unanimous show of hands the Commission exited at 9:39 a.m. to enter into Executive Session. The Commission reconvened at 9:54 a.m.

Chair Piltz announced that the Commission had agreed to extend Executive Officer Davidson's term of employment.

CONTINUED HEARING

INTERVENOR SIERRA CLUB WITNESSES

Peter Flaschbart

Mr. Yost offered Professor Peter Flaschbart as an expert witness in Urban Land Use Planning. There were no objections.

Professor Flaschbart described his methodology in preparing his testimony that was submitted as Intervenor's Exhibit 16 and shared that he felt that the Project had used 10 Smart Growth principles from the Smart Growth Network in its planning process. He identified 7 that were related to internal site design and 3 that were related to the location of the Petition Area. Professor Flaschbart stated that he would be addressing the 3 principles that were related to the location of the Petition Area- preservation of open space, directing development toward existing developments, and providing a variety of transportation choices and described his concerns over these three areas. Professor Flaschbart stated that he thought Smart Growth would be a necessary component for developments to face the challenges of climate change and depleted oil resources and described sections of Honolulu that could be revitalized.

Mr. Benjamin Matsubara requested clarification on the sources and reasoning that Professor Flaschbart used to study the Smart Growth principles used by the Petitioner. Discussion ensued over the details and reasoning why Professor Flaschbart used only 6 of 14 principles cited by an Anthony Downs' article on Smart Growth to evaluate the 10 identified by the Petitioner and; how Smart Growth principles could be applied in certain areas of Honolulu.

Mr. Matsubara requested clarification on Professor Flaschbart's credentials and experience. Professor Flaschbart provided that he was not a licensed engineer or a transportation specialist.

Commissioner Judge excused herself from the meeting with the Chair's concurrence at 10:30 a.m. and did not return.

Mr. Yee requested clarification on the terms "gray field", "green field", and "brown field" and how the 6 principles from the information resource written by Downs had been used to comment on the 10 principles mentioned by the Petitioner. Professor Flaschbart described how he constructed his testimony using Downs' article and could not recall specific details of all the Smart Growth principles cited by Downs' article.

Mr. Yee inquired if Professor Flaschbart had made any recommendation in his testimony. Professor Flaschbart indicated that his testimony did not make any recommendations and was primarily to provide information without any mitigation suggestions. Discussion ensued over the relationship of urban growth boundaries to Smart growth and how it applied to the proposed project.

Mr. Poirier asked if residual pesticides in a "green field" would turn it into a "brown field". Professor Flaschbart responded that it would depend on the concentration levels.

Commissioner Devens asked if the TIAR for the Project had been reviewed. Professor Flaschbart replied that he had not reviewed the TIAR and did not have any

rebuttal testimony on DOT Director Morioka's testimony. Professor Flaschbart indicated that he did not know the details of traffic impacts since he did not have access to the information.

Commissioner Chock asked for a definition of the term "concurrency" and its "triggers" as applied to the project. Professor Flaschbart provided his understanding of the term and explained how it applied to his testimony.

Commissioner Chock requested clarification on how mass transit and residential density levels might affect Smart Growth urban "infill" efforts. Professor Flaschbart provided his perspectives on these issues.

Commissioner Lezy asked if growth outside the current proposed rail corridor should be allowed. Professor Flaschbart indicated his opinion that it should not and that if development were not along the current proposed rail corridor, it should be denied.

Commissioner Devens inquired if the anticipated increase in travel time would be problematic. Professor Flaschbart replied that it was subjective and would depend on the individual's feelings on the matter.

Commissioner Kanuha requested clarification on Professor Flaschbart's work experience in development and construction. Professor Flaschbart described his experience with living in a Planned Unit Development and in working on his personal residence.

There were no further questions for Professor Flaschbart.

The Commission went into recess at 11:00 a.m. and reconvened at 11:15 a.m. Commissioners Devens and Wong returned at 11:17 a.m.

INTERVENOR NEIGHBORHOOD BOARD No. 25 WITNESSES

Melissa Vomvoris

Ms. Vomvoris stated that she had been a past Chair of the Mililani Mauka-Launani Valley Neighborhood Board No. 35 and was a long-time Mililani resident. She shared her experiences on her Neighborhood Board, described what "concurrency" meant to her and described how a "community manifesto" submitted as Intervenor's Exhibit 7 had been developed. Ms. Vomvoris provided her concerns and recommendations and those of Neighborhood Board No. 35 for the proposed project.

Ms. Vomvoris expressed her concern that during community forums, a large number of participants were carpenter union members. She expressed that if LUC Commissioners had union relationships, they should be aware of the appearance of

conflicts of interest that could be drawn from those relationships and should consider recusing themselves.

Mr. Matsubara asked if Ms. Vomvoris was aware that the community manifesto was passed in January, 2004 and that Neighborhood Board No. 35 was now on record as supporting the proposed Project. Ms. Vomvoris acknowledged that she was aware and explained why she was still concerned about the issues raised in the document.

There were no further questions for Ms. Vomvoris.

Laura Brown

Ms. Brown stated that she was a member of Neighborhood Board No. 25 and expressed her concerns about the lack of educational infrastructure and the discrepancies that existed between what the developer had promised for Mililani and what had actually occurred before and during her residency in the area.

Mr. Yee asked if Ms. Brown's expectation was that Castle & Cooke's mitigation for educational impacts be binding, in writing with time deadlines, and concurrent. Ms. Brown acknowledged that it was.

There were no further questions for Ms. Brown.

Karen Loomis

Ms. Loomis stated that she was a member of Neighborhood Board No. 25 and provided her concerns about the educational impacts for the proposed project. Ms. Loomis described what she envisioned would occur in providing schools for the area if the Petition were granted and suggested a mitigation measure that she thought would be effective.

Mr. Matsubara requested clarification of how much funding Ms. Loomis expected that Castle & Cooke would provide. Ms. Loomis acknowledged that she was aware that 9.8 million would be provided by the Petitioner to construct educational facilities for the proposed Project.

There were no further questions for Ms. Loomis

Richard Poirier

Mr. Poirier described the history of the Neighborhood Board's involvement with City and County issues and provided the resolutions that the Neighborhood Board had enacted in attempting to deal with development issues and the lack of response from government authorities to their concerns.

Mr. Yost inquired how effectively Mr. Poirier thought the 2002 Sustainable Communities Plan responded to his Board's concerns. Mr. Poirier provided his

impressions of what occurred and described his suggested mitigation measures for traffic and the problems that still needed solutions.

The Commission went into recess at 12:08 p.m. and reconvened at 12:17 p.m.

Hector Valenzuela

Mr. Yost offered Professor Valenzuela as an expert witness in agricultural issues. There were no objections. Professor Valenzuela had submitted written testimony regarding the preservation of valuable agricultural land and described his study's findings in regards to the Petition Area's land.

Professor Valenzuela used a slide show visual aid and identified the areas where his findings did not agree with what the Petitioner had represented and disclosed that, according to an analysis that he had seen, Hawaii could not sustain itself agriculturally. Professor Valenzuela described what he envisioned the Petition Area could do if it were designated for agricultural production and provided his recommendations for designing communities to accommodate agriculture.

Mr. Yost requested clarification on what could be done to help ensure food security. Professor Valenzuela described what could be done locally to facilitate crop production and supply island needs.

Commissioner Chock excused himself at 12:56 p.m. and returned at 1:00 p.m.

Mr. Wyeth Matsubara requested clarification on Professor Valenzuela's work history and experience with farming. Professor Valenzuela described his past activities and provided information on how non-intensive and intensive farming operations were conducted. Discussion ensued to determine and qualify reference sources for portions of the oral and written testimony that Professor Valenzuela had submitted and to determine the types of crops that could be produced with different soil conditions.

Mr. Yee asked if there were factors other than soil classification that were involved with determining if land was suitable for agriculture. Professor Valenzuela acknowledged that there were other factors to consider in determining how much land was suitable for agriculture other than soil classification.

Commissioner Lezy requested clarification on Professor Valenzuela's impressions of why more available agricultural land was not in active agricultural production. Professor Valenzuela provided his opinions on why more agricultural activity was not occurring and explained his study's estimated amount of acreage that would be necessary to attain self-sufficiency. Commissioner Lezy asked what Professor Valenzuela's definition of self-sufficiency was. Professor Valenzuela described what he envisioned self-sufficiency could be in Hawaii.

Chair Piltz inquired about the feasibility of using sugar cane land for feed crop or biomass production. Professor Valenzuela expressed his concerns of how mono-crop use could be detrimental to farmland resources.

Mr. Yost requested clarification on how Japan had implemented food security measures and what Hawaii needed to do to achieve its food security goals. Professor Valenzuela provided his perception of what could be done.

Commissioner Wong questioned if the Petitioner could respond to issues regarding: 1) having the land that was proposed to be substituted and leased to the farmers currently on the Petition Area being conditionally designated with OP's proposed agricultural easements; 2) whether photo-voltaic systems should be required on at least 10% of new construction and 3) whether commercial users should be required to produce 50% of their energy requirements.

Commissioner Devens stated that he agreed with the issues raised by Commissioner Wong as being something the Petitioner should give some thought to.

There being no further business to discuss, the meeting was adjourned at 1:20 p.m.