

Approved
10/18/01

LAND USE COMMISSION

Minutes of Meeting

Conference Room 405
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

September 20, 2001

COMMISSIONERS PRESENT: P. Roy Catalani (portion of proceedings)
Bruce A. Coppa (portion of proceedings)
Pravin Desai (portion of proceedings)
Lawrence N.C. Ing
M. Casey Jarman
Merle Kelai
Peter Yukimura

COMMISSIONERS ABSENT: Isaac Fiesta, Jr.
Stanley Roehrig

STAFF PRESENT: John Deller, Esq., Deputy Attorney
General
Anthony J.H. Ching, Executive
Officer
Bert Saruwatari, Staff Planner
Teri Hee, Chief Clerk

Holly Hackett, Court Reporter

Chairperson Kelai called the meeting to order at 9:30 a.m.

STATUS REPORT UPDATE

A92-683 – HALEKUA DEVELOPMENT CORPORATION (Oahu)

Chairperson Kelai announced that this was a meeting to receive an update by Petitioner on progress in complying with conditions imposed by the Commission with special interest in work to date to convey the agricultural park site to the State.

Appearances

Jonathan S. Durrett, Esq., representing Petitioner

Reuben Wong, Esq., representing HRT, Ltd.

Steven Mau, Esq., representing Robinson Estate

Richard Mirikitani, Esq., representing Castle & Cooke

Randy Hara, Department of Planning and Permitting

John Chang, Esq., Deputy Attorney General, Office of Planning

David Blane, Director, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Executive Officer Anthony Ching provided a summary of recent discussions with Petitioner, Mr. Herbert Horita, with respect to Mr. Horita's ongoing efforts to secure financing for the project. Mr. Ching also gave an overview of a meeting with the Petitioner, and representatives from HRT, Castle and Cooke and Robinson Estate. He stated that the object of the meeting was to identify priorities and issues for each of the parties as well as to discuss conceptual or contingency plans in the event that financing for the project by Mr. Horita did not come through.

Mr. Durrett presented a status report update to the Commission. Comments were heard from Mr. Wong and Mr. Mau. Questions were asked by the Commissioners and Mr. Chang. Commissioner Catalani noted for the record that no action could be taken with respect to Petitioner's request to extend time since this request was not noticed on the agenda. Mr. Blane provided comments and reported that the Office of Planning has prepared a motion to rescind the Commission's decision in this docket. Mr. Mirikitani also provided his comments.

Commissioner Desai was present to the proceedings at this time.

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CONTINUED HEARING

A00-734 – CASTLE & COOKE HOMES HAWAII, INC. & PACIFIC HEALTH
COMMUNITY, INC. (Oahu)

Chairperson Kelai announced that this matter before the Commission was a continuation of the hearing previously held on September 6 and 7, 2001 to reclassify approximately 1,247.983 acres of land currently in the Agricultural District into the Urban District at Waipio and Waiawa, Oahu, for residential, school, commercial, and medical park complex uses.

The Commission entered the following correspondence into evidence:

1. Letter dated September 7, 2001, from Annette Yamaguchi.

Appearances

Dickson Lee, Esq., representing Petitioner

William Yuen, Esq., representing Petitioner

Jane Howell, Esq., City & County of Honolulu Corporation Counsel

Bob Stanfield, Department of Planning and Permitting

Matt Higashida, Department of Planning and Permitting

Randy Hara, Department of Planning and Permitting

John Chang, Esq., Land Use Division, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Richard Poirier on behalf of Mililani/Melemanu/Waipio Neighborhood Board #25

Jeff Mikulina on behalf of Sierra Club, Hawai'i Chapter

Commissioner Catalani was excused from this proceeding due to a previously declared conflict of interest.

EXHIBITS

1. Chairperson Kelai verified that Intervenor Mililani/Melemanu/Waipio Neighborhood Board #25's Exhibit Nos. 1 through 11 were admitted into evidence by the Land Use Commission on September 7, 2001.
2. Intervenor Sierra Club's Exhibit Nos. 1 through 24 were admitted into evidence by the Land Use Commission.
3. Petitioner Pacific Health Community Inc.'s Exhibit No. 76 was admitted into evidence by the Land Use Commission.
4. Petitioner Castle & Cooke Homes Hawai`i, Inc.'s Exhibit Nos. 28-A, 30-A, 33-A, 34-A, 38 and 39 were admitted into evidence by the Land Use Commission. Mr. Lee also noted for the record that the numbers for Exhibit Nos. 21 and 22 should be switched.

PETITIONER'S WITNESSES

1. David Adams

A lunch recess was taken at 11:50 a.m. to reconvene at 1:15 p.m.

- 1:15 p.m. -

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Jarman moved to approve the minutes for the meeting date of September 6 and 7, 2001. The motion was seconded by Commissioner Yukimura and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Jarman moved to adopt the Order Denying Motion To Stay Proceedings In Castle & Cooke Homes Petition To Remove Over 1200 Acres Of Land From The Agricultural District Until Hrs Chapter 343 Is Complied With for Docket No.

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A00-734 – Castle & Cooke Homes Hawai`i, Inc. & Pacific Health Community, Inc. The motion was seconded by Commissioner Ing and unanimously approved by voice votes.

PETITIONER'S WITNESSES (continued)

2. Mark Hastert

Commissioner Coppa left the proceedings during the cross examination of Mr. Hastert by the parties.

PETITIONER'S WITNESSES (continued)

3. Ken Ishizaki

The meeting was adjourned at 3:35 p.m.