

LAND USE COMMISSION
MEETING MINUTES

December 4, 2009 – 9:30 a.m.

**Leiopapa A Kamehameha
Conference Room 402
235 S. Beretania St.
Honolulu, Hawaii**

COMMISSIONERS PRESENT: Thomas Contrades
Kyle Chock
Ransom Piltz
Nicholas Teves Jr.
Lisa Judge
Normand Lezy

COMMISSIONERS ABSENT: Vladimer Devens
Duane Kanuha
Rueben Wong

STAFF PRESENT: Orlando Davidson, Executive Officer
Bert Saruwatari, Staff Planner
Riley Hakoda, Staff Planner
Holly Hackett, Court Reporter
Ho'tai Zerba, Audio Technician

CALLED TO ORDER

Chair Piltz called the meeting to order at 9:34 a.m.

APPROVAL OF MINUTES

Commissioner Contrades moved to adopt the November 13, 2009 meeting minutes. Commissioner Teves seconded the motion. The motion was unanimously approved by a voice vote.

TENTATIVE MEETING SCHEDULE

Executive Officer Davidson provided the following:

- The January 7, 2009 meeting is planned to be a site visit to the A07-775 Castle & Cooke Homes Koa Ridge Project area (optional for the Commissioners) and the January 8, 2009 meeting will be on Lanai for

deliberation on the pending motions on docket A89-649 Lanai Resort Partners.

- The January 21-22 meetings will be the beginning of hearings on A07-775 Castle and Cooke Homes, Inc.

ACTION- A07-775 Castle & Cooke Homes, Inc.
Mililani/Waipio/Melemanu Neighborhood Board #25

Chair Piltz stated that this was an action meeting on Docket No. A07-775 Castle & Cooke Homes, Inc. to consider separate Motions to Intervene filed by Mililani/Waipio/Melemanu Neighborhood Board #25 and The Sierra Club.

APPEARANCES

Benjamin Matsubara, Esq. and Curtis Tabata, Esq. represented Petitioner
Matt Higashida represented the City & County of Honolulu, Dept. of Planning
and Permitting

Bryan Yee, Esq., represented State Office of Planning
Abby Mayer, State Office of Planning

Richard Poirier represented Mililani/Waipio/Melemanu Neighborhood Board
#25

Colin Yost, Esq., represented The Sierra Club

PUBLIC WITNESSES

None

MILILANI/WAPIO/MELEMANU NEIGHBORHOOD BOARD #25 (NHB#25)

Mr. Poirier provided a background and history of the NHB#25 and described its relationship to other regional Neighborhood Boards and stated the reasons why the NHB#25 had submitted its Petition to Intervene. He identified that the Petition to Intervene addressed concerns about traffic, schools and quality of life

PETITIONER

Mr. Matsubara stated that Petitioner had filed a Statement of No Opposition to Intervention by NHB#25 and noted that it was Petitioner's understanding that NHB#25's intervention, if granted, would be limited to the interests described in the Statement of No Opposition.

CITY AND COUNTY OF HONOLULU

Mr. Higashida had no objections to the Petition to Intervene.

OP

Mr. Yee had no objections to the Petition to Intervene.

COMMISSIONERS

Commissioner Lezy requested clarification on who would be representing NHB#25 if the Petition to Intervene was granted. Mr. Poirier replied that he would represent NHB#25 and his alternate would be William Bass. Commissioner Lezy moved to grant the Petition to Intervene.

Commissioner Judge requested clarification on the limits of the Intervenor's interests. Discussion ensued to identify the areas of interest. Commissioner Lezy restated his motion and identified the interests as stated in the Statement of No Opposition to the Petition to Intervene and noted that Mr. Poirier and Mr. Bass would represent NHB#25 during the proceedings. Commissioner Judge seconded the motion.

The Commission was polled as follows:

Ayes: Commissioners Lezy, Judge, Contrades, Teves, Chock and Piltz.
Nays: None

The motion passed 6-0 with 3 excused.

ACTION – A07-775 Castle & Cooke Homes, Inc.

The Sierra Club

APPEARANCES

Benjamin Matsubara, Esq. and Curtis Tabata, Esq. represented Petitioner
Matt Higashida represented the City & County of Honolulu, Dept. of Planning
and Permitting
Bryan Yee, Esq., represented State Office of Planning
Abby Mayer, State Office of Planning
Richard Poirier represented Intervenor- Mililani/Waipio/Melemanu
Neighborhood Board #25
Colin Yost, Esq., represented The Sierra Club

PUBLIC WITNESSES

None

THE SIERRA CLUB

Mr. Yost provided a background and history of The Sierra Club and stated the reasons why The Sierra Club had submitted its Petition to Intervene. He noted that The Sierra Club Petition to Intervene included a broad range of concerns.

PETITIONER

Mr. Matsubara stated that Petitioner had filed a Statement of No Opposition to Intervention by the Sierra Club and acknowledged the concerns identified in The Sierra Club Petition. Discussion ensued to clarify the details on the limits to the areas of interest identified in the Statement of No Opposition.

CITY AND COUNTY OF HONOLULU

Mr. Higashida had no comments on the Petition to Intervene.

OP

Mr. Yee had no comments on the Petition to Intervene.

INTERVENOR-MILILANI/WAPIO/MELEMANU NEIGHBORHOOD BOARD #25 (NHB#25)

Mr. Poirier had no objections to the Petition to Intervene

COMMISSIONERS

Commissioner Lezy requested clarification on who would be representing The Sierra Club if the Petition to Intervene was granted. Mr. Yost replied that he and Mr. Harris of The Sierra Club would serve as representatives. Discussion ensued to clarify what the areas of interest would be limited to and how relevant information would be provided during the proceedings.

Commissioner Judge moved to grant The Sierra Club's Petition to Intervene in the limited areas of interest identified in the Statement of No Objection to the Sierra Club's Petition to Intervene with Mr. Yost and Mr. Harris as The Sierra Club's representatives. Commissioner Lezy seconded the motion.

The Commission was polled as follows:

Ayes: Commissioners Lezy, Judge, Contrades, Teves, Chock and Piltz.

Nays: None

The motion passed 6-0 with 3 excused.

There being no further business, the meeting was adjourned at 9:56 a.m.