

Approved 1/18/02

LAND USE COMMISSION

Minutes of Meeting

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

November 15, 2001

COMMISSIONERS PRESENT: P. Roy Catalani (Portion of Proceedings)
M. Casey Jarman
Bruce Coppa (Portion of Proceedings)
Isaac Fiesta, Jr.
Lawrence N. C. Ing
Pravin Desai
Peter Yukimura (Portion of Proceedings)

COMMISSIONERS ABSENT: Merle Kelai
Stanley Roehrig

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

Holly Hackett, Court Reporter

Presiding Officer Ing called the meeting to order at 9:05 a.m.

ACTION

A99-729 – THE NEWTON FAMILY LIMITED PARTNERSHIP (Hawaii)

Presiding Officer Ing announced that this matter before the Commission was an action to consider the Draft Proposed Findings of Fact, Conclusions of Law, and Decision and Order as proposed by staff to reclassify approximately 885.40 acres of land

MINUTES – November 15, 2001

Page 2

currently in the Conservation District into the Agricultural District at Kukuau, South Hilo, Hawaii, for an agricultural subdivision.

Presiding Officer Ing entered into evidence the correspondence from the Department of Land and Natural Resources (DLNR) dated August 22, 2001, which indicates that the Petition will have no effect on significant historic sites; and it was noted to all present that Chapter 6E-42 requires that opportunity be given to DLNR to review and comment on the potential impact of the proposed project on historic properties or archaeological sites.

Presiding Officer Ing announced that except for Commissioners Desai and Yukimura, all other Commissioners present today were also in attendance at the August 9, 2001 meeting in its entirety and therefore are eligible to vote. Presiding Officer Ing asked Commissioners Desai and Yukimura if they had received and reviewed the transcript on this matter, which was transmitted to them on August 29, 2001. Both Commissioners Desai and Yukimura confirmed that they received and read the transcript on this matter. Therefore, it was determined by Presiding Officer Ing that all of the Commissioners present at this time are eligible to participate in the action on the petition.

Executive Officer, Anthony Ching, presented his report and noted that the parties had just agreed upon the details of a stipulated Findings of Fact, Conclusions of Law, and Decision and Order the day before. Mr. Ching described the stipulations as being consistent with that draft previously circulated to the Commission by staff. The single exception to that draft was circulated to the Commission for their review. This single exception consolidated language noting that "conditions run with the land," into condition number 23 of the stipulated Decision and Order. Mr. Ching recommended that the Commission give the stipulated Findings of Fact, Conclusions of Law, and Decision and Order their favorable consideration.

APPEARANCES

A. Bernard Bays, Esq., representing Petitioner

Norman Hayashi, County of Hawaii Planning Department

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

Judith Henry, Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Commissioner Fiesta moved to approve the Proposed Stipulated Findings of Fact, Conclusions of Law, and Decision and Order as presented by staff to reclassify approximately 885.40 acres of land currently in the Conservation District into the Agricultural District at Kukuau, South Hilo, Hawaii, for an agricultural subdivision. The motion was seconded by Commissioner Coppa and polled as follows:

Ayes: Commissioners Fiesta, Coppa, Catalani, Desai, Jarman, Yukimura, and Ing

CONTINUED HEARING

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

Presiding Officer Ing announced that this matter before the Commission was a hearing to reclassifying 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.

Postcards from the following opposing the project have been received and was entered into evidence by the Land Use Commission: Scott Crawford, Kim Murphy, Caroline Rice, Eric Graf, Marilyn Gates, David Iacobucci, Pearlle Ching, Randy Ching, M.A. Johnson, and Annette Kaohelaulii.

MINUTES – November 15, 2001

Page 4

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

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, Hawaii Chapter

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

EXHIBITS

1. Petitioner's Exhibit Nos. 40A and 40B were entered into evidence by the Land Use Commission.

PETITIONER'S WITNESSES (continued)

1. Barry D. Neal, B.D. Neal & Associates
2. Tom Nance, Tom Nance Water Resource Engineering

MINUTES – November 15, 2001

Page 5

Commissioner Coppa excused himself from the proceedings at this time.

A lunch recess was taken at 11:30 a.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

CONTINUED HEARING

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

Commissioner Yukimura excused himself from the proceedings at this time.
Commissioner Coppa was present to the proceedings at this time.

The Petitioner's Second Amended List of Witnesses was entered into evidence by
the Land Use Commission.

PETITIONER'S WITNESSES (continued)

3. Harry A. Saunders, Castle & Cooke Homes Hawaii, Inc.

CITY & COUNTY WITNESSES

1. Randall Fujiki, Department of Planning & Permitting

Commissioner Yukimura was present to the proceedings at this time.

CITY & COUNTY WITNESSES (continued)

2. Barry Usagawa, Board of Water Supply, Water Resources Unit

MINUTES – November 15, 2001

Page 6

The meeting was adjourned at 4:15 p.m. Presiding Officer Ing announced that the meeting would reconvene tomorrow, November 16, 2001, at 8:30 a.m.