

LAND USE COMMISSION
MINUTES OF MEETING

January 5, 2007

Leiopapa A Kamehameha
2nd Floor
Conference Room 204
235 So. Beretania Street
Honolulu, Hawaii

COMMISSIONERS PRESENT: Thomas Contrades
Kyong-su Im
Lisa Judge
Duane Kanuha
Steven Montgomery
Ransom Piltz
Nicholas Teves
Reuben Wong

COMMISSIONERS ABSENT: Michael Formby

STAFF PRESENT: Anthony Ching, Executive Officer
Russell Suzuki, Deputy Attorney General
Maxwell Rogers, Staff Planner
Sandra Matsushima, Chief Clerk
Holly Hackett, Court Reporter
Wade Kersey, Audio Technician
Kathryn Garrison, Intern

Chair Judge called the meeting to order at 10:10 a.m.

A93-700 OBAYASHI HAWAII CORPORATION (Oahu)

Chair Judge stated that this was an action meeting to consider Obayashi Hawaii Corporation's Motion to Revert Urban Land Use District Classification back to its original Agricultural Land Use Classification and delete conditions in Findings of Fact, Conclusions of Law, and Order filed October 26, 1994.

APPEARANCES

Benjamin Matsubara, Esq., represented Petitioner

Curtis Tabata, Esq., represented Petitioner

Don Kitaoka, Esq., represented City and County of Honolulu, Planning Department

Bryan Yee, Esq., represented state Office of Planning

Laura Thielen, State Office of Planning

Abe Mitsuda, State Office of Planning

Chair Judge noted that due to an oversight, the two intervenors in this matter have not received appropriate notice of this hearing as provided for in the LUC's administrative rules. The Commission will attempt to poll any intervenors present whether they would be willing to waive the notice requirement. If the Commission is unable to secure waiver of this notice and the Commission is unable to proceed, they will take public testimony, as allowed under the sunshine law, and continue this matter on another date.

Mr. Matsubara stated that Intervenor Kamuela Price has since passed away. Mr. Matsubara added that they have copies of the obituary notice as published in the Honolulu Star Bulletin on May 30, 1998. Mr. Matsubara added that as a housekeeping matter, they will submit the obituary notice of Kamuela Price to the LUC.

Chair Judge called upon Intervenor Maui Loa, but he or his representative was not present at this hearing. Chair Judge then noted that this matter will need to be continued to the next meeting date on Oahu.

Chair Judge also noted that there were no public witnesses.

A recess break was taken at 10:20 a.m. The meeting reconvened at 11:05 a.m.

A06-769 1250 OCEANSIDE PARTNERS (Hawaii)

Chair Judge stated that this was a continued action meeting on A06-769 1250 Oceanside Partners.

APPEARANCES

R. Ben Tsukazaki, Esq., represented Petitioner
Bobbie-Jean Leithead-Todd, Esq., represented county of Hawaii Planning Department
Bryan Yee, Esq., represented State Office of Planning
Laura Thielen, State Office of Planning
Abe Mitsuda, State Office of Planning

Chair Judge noted that there were no public witnesses.

Mr. Tsukazaki stated that based upon his conversation with his client, they were requesting a two week continuance of this meeting to provide responses in writing and to be able to cite more relevant portions of the FEIS that was accepted in 1993.

Ms. Leithead-Todd noted that she personally has a substantial background on this project and had a concern as to the impacts of any decision by the LUC to require that a SEIS is prepared to other EIS prepared for county projects. Ms. Leithead-Todd added that the county had no opposition to a continuance.

Mr. Yee commented that the state had no opposition on the continuance of this matter.

Commissioner Wong stated that petitioner should also focus on another issue, as long as there is no change in the proposed action that was not originally disclosed, and include that in their subsequent submission to this Commission.

Commissioner Im noted that there might be a misunderstanding, as he did not doubt that the project has scaled down and is substantially similar to the original project. Commissioner Im added that he is concerned with the change from agricultural use to rural use when the EIS originally described that 550 acres of the project would be in agricultural use. If that was the understanding of the public as disclosed in the EIS, then the EIS should concentrate on describing what would be the long-term effect of converting from agricultural to rural.

Commissioner Kanuha commented that the EIS studies were conducted 13 years ago and for the petitioner to say that over that period of time there has not been any significant changes is a concern for him.

Vice Chair Montgomery asked if the state could include a report of its consultation with OHA and to note if OHA is willing to accept petitioner's invitation of a project site tour that may resolve their concerns. He is also interested in the number of previous EIS reports that may be impacted by this decision.

Chair Judge stated that the LUC will grant petitioner's request for a continuance and continue this matter to the next LUC meeting in Maui on January 18-19-2007.

The meeting adjourned at 11:35 a.m.

(Please refer to LUC Transcript of January 5, 2007 for more details on this matter.)