

LAND USE COMMISSION
MEETING MINUTES

September 10, 2010

Leiopapa A Kamehameha
Conference Room 406, 4th Floor
235 S. Beretania St.
Honolulu, Hawai`i 96813

COMMISSIONERS PRESENT: Nicholas Teves, Jr.
Charles Jencks
Ronald Heller
Kyle Chock
Duane Kanuha (arrived at 9:20 a.m.)
Normand Lezy
Lisa Judge

COMMISSIONERS ABSENT: Vladimir Devens
Thomas Contrades

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

Vice Chair Judge called the meeting to order at 9:06 a.m., announced that this was a continued hearing on Docket A09-782 and requested clarification on the witnesses that the Petitioner had scheduled to appear before the Commission.

Mr. Yuen stated the planned order of appearances for Petitioner's witnesses and introduced Mr. Michael Nekoba, one of the Principals of Tropic

Land LLC. Mr. Yuen explained that his original archaeological expert, Hallett Hammatt, was not available and that his associate, David Shidler, who had prepared the report that had been filed, would be appearing instead.

APPEARANCES

William Yuen, Esq., represented Petitioner Tropic Land LLC

Arick Yanagihara, Tropic Land LLC

Dawn Takeuchi-Apuna, Esq. Deputy Corporation Counsel represented City and County of Honolulu

Mike Watkins, City and County of Honolulu,

Bryan Yee, Esq. represented State Office of Planning

Abbey Mayer, State Office of Planning

Martha Townsend, Esq. represented The Concerned Elders of Wai`anae

Alice Greenwood, Director, The Concerned Elders of Wai`anae

PETITIONER WITNESSES (continued from 9/9/10)

3. John McHugh Jr., PhD.

Mr. Yuen offered Dr. McHugh as an Agricultural Expert and referred to Petitioner's Exhibit #44 that provided Dr. McHugh's resume and qualifications. Dr. McHugh provided his educational background and work experience in farming, Agronomy and Horticulture. There were no objections to Dr. McHugh.

Dr. McHugh provided his perception of what the agricultural potential was for the Petition Area and its surrounding areas and described the various types of rating systems that were used in classifying and rating the soil conditions that were reported in his findings. Dr. McHugh shared the types of agricultural limitations that he perceived the Petition Area had and described the anticipated water consumption required for growing crops on it and what the impact of an intermittent stream located in the Petition Area would be.

Dr. McHugh shared information on alternative farming lands on O`ahu and described how those lands could serve Hawai`i's needs and mix in with urbanization; described the poultry and livestock business activities in the Lualualei area; provided his opinion on why it was diminishing due to unfavorable economic conditions; why the Petition

Area would not be categorized “Important Agricultural Lands”; and how it did not contain any unique or traditional Hawaiian agricultural features. Dr. McHugh provided his opinion on the feasibility of granting the change of land use for the Petition Area and expressed that due to conditions on the Petition Area farming would be risky, so granting the Petition for land use change was appropriate.

The City and County of Honolulu had no questions.

Mr. Yee requested clarification on how the soil conditions in the Petition Area could be improved by irrigation and how the availability of water affected soil classifications. Dr. McHugh provided his understanding on how the soil classifications were developed and explained the factors that he considered in determining whether irrigation of the Petition Area was feasible and how difficult obtaining water sources would be for ranching purposes. Dr. McHugh described his findings for alternative crop production and his understanding of capital costs involved in improving the Petition Area to protect against flooding; and shared the scope and breadth of his study within and outside of it.

Mr. Yee requested clarification on the land area requirements for farming in Hawai'i and the problems of having agriculture too close to urban dwellings. Dr. McHugh described the various farm lands and the types of improvements upon them and their associated overhead costs that he was aware of; and the issues that arise between agricultural and urban land uses.

Ms. Townsend requested clarification on Dr. McHugh's educational background and familiarity with the Petition Area. Dr. McHugh described the amount of time he had spent studying Lualualei verti-soils and his awareness of the farming and flooding history of the Petition Area and provided the requested details of his educational background.

Discussion ensued regarding whether the questions on flooding were within the expertise of the witness. Vice Chair Judge determined that Petitioner had another witness that could answer the questions.

Ms. Townsend requested clarification on the types of problems that arise when Agriculture and Urban uses are close together. Dr. McHugh

provided his opinion on what kinds of problems could arise, how property values are impacted by changes in land use, and how ranching is considered an agricultural use.

Commissioner Heller requested clarification on the amount of land in the Petition Area that was suitable for farming, the total size of the parcel and how much of the available land for diversified agriculture was available on O`ahu. Dr. McHugh responded that approximately 40 acres were suitable for farming in the Petition Area and that the total parcel size was between 236 to 237 acres; and that about 5% to 6% of 170,000 acres of available farm land in the state was on O`ahu.

Commissioner Jencks inquired if Mr. McHugh had looked at the preliminary engineering report that was done for the Project; if he was aware of existing water delivery systems to the Petition Area; and if it was economically feasible to make improvements for irrigation based on the existing agricultural economy in Hawai`i. Dr. McHugh replied that he had not been asked to review the preliminary report and expressed that an agricultural water meter appearing to be approximately 2" in size was on the property. Dr. McHugh shared his perspective on how feasible it was to install a water system and provided his cost estimates for providing a water system in the Petition Area.

Commissioner Lezy asked what Dr. McHugh's opinion was on the reclassification of A and B rated agricultural land for urban use. Dr. McHugh provided his opinion on how agricultural land in Hawai`i should be conserved.

Commissioner Kanuha requested clarification on the types and sizes of farms surrounding the Petition Area. Dr. McHugh described the neighboring farm operations.

There were no further questions for Dr. McHugh.

4. David William Schidler, Cultural Surveys Hawai`i

Mr. Yuen referenced Petitioner's Exhibit 13 and offered Mr. Schidler as an Expert in Archaeology and Native Hawaiian Cultural Practices.

The City and County of Honolulu had no objections.

Mr. Yee inquired if Cultural Impact was included in Mr. Schidler's area of expertise. Mr. Yuen responded that Mr. Schidler had not prepared the cultural impact study for the project but that it was in the areas of his expertise. Mr. Yee stated that OP did not have any objections.

Ms. Townsend requested an opportunity to voir dire Mr. Schidler to determine whether he could speak to both Archaeology and Cultural Impacts. Mr. Schidler stated that he did not prepare the study for the Petition Area and described how he had performed other cultural assessments and had become aware of the cultural aspects of the Petition Area.

Ms. Townsend objected to Mr. Schidler's qualification relative to the Project. Vice-Chair Judge noted the objection and allowed Mr. Schidler to qualify as an expert and provided that Ms. Townsend could continue to question him as it pertained to the docket to establish his credibility.

There were no other objections to Mr. Schidler.

Mr. Schidler described the history, scope and breadth of his archaeological inventory survey for the Petition Area and summarized his findings. Mr. Schidler described how his firm had been involved in other Hawaiian cultural issues involving emerging urban development and how it had complied with SHPD's requirements for the Petition Area's historical site 4366.

Mr. Schidler described how his firm had responded to a complaint about activity involving the historical site and provided the findings of the complaint's investigation.

The City and County had no questions for Mr. Schidler.

Mr. Yee requested clarification on the status of the Preservation Plan and Cultural Impact Survey methodology. Mr. Schidler provided his understanding of the status of the Preservation Plan and the SHPD requirements for protecting culturally historic areas; and described the various standards that exist for Cultural Surveys and expressed that there

was no clear authority regulating this type of work. Mr. Shidler identified the parties that had prepared the cultural impact survey for the Petition Area.

Discussion ensued regarding which Petitioner Witness would answer questions regarding Cultural Impacts and how Mr. Shidler's testimony would apply to the proceedings. Mr. Yuen indicated that the Planning Consultant who subcontracted the work would be testifying specifically about the Petition Area and volunteered to produce Hanalei Aipoolani, one of the people who had prepared the report specific to the Petition Area before the Commission. Vice Chair Judge confirmed that Mr. Yuen would have Mr. Aipoolani testify about the study done on cultural impacts for the Petition Area.

Ms. Townsend requested clarification on how standards for assessments might have changed since the archaeological assessment was done in 1991. Mr. Schidler provided his understanding of how assessment standards had changed over the years and what the extent of his familiarity with Hawai'i Administrative Rules was.

Ms. Townsend referenced Petitioner's Exhibit 42 and inquired what type of work Mr. Shidler performed for the report contained in Exhibit 42. Mr. Shidler described the activities he performed during the preparation of the report, the different criteria involved for classifying archaeological findings; and who had been consulted in the area while researching the report. Ms. Townsend referenced Mr. Silva's comments on rock formations in the Petition Area and inquired if Mr. Shidler had noticed similar rock formations. Mr. Shidler provided his perception of what Mr. Silva had described.

Ms. Townsend referenced Petitioner's Exhibit 42 and requested that Mr. Shidler identify the purpose for preparing the document. Mr. Shidler responded that the report had been prepared in response to a specific regulatory agency request that was cited properly and included in the report.

Commissioner Jencks requested clarification on whether SHPD would require monitoring of the 96 acres involved in the Petition Area during excavation work. Mr. Shidler responded that there was no

requirement for archaeological monitoring and that he did not think there would be a requirement when a grading permit was pulled.

Commissioner Heller requested clarification on how access to site 4366 might be affected by the proposed development. Mr. Shidler provided his opinion on how access might be impacted and whether the site would be visited by anyone.

Commissioner Kanuha requested clarification on Mr. Shidler's length of experience in his career field and how it was possible to perform his work without having a relationship between cultural and traditional uses. Mr. Shidler responded that he had been doing his work for 32 years and explained how cultural and traditional uses have come into tighter alignment.

Commissioner Kanuha requested clarification on what guidelines were considered for cultural impact assessments and how they were used. Mr. Shidler provided his personal perspective of how assessments were made and the factors that were considered in the Petition Area.

Commissioner Lezy requested clarification on the significance of the ridgeline referred to the demigod "Maui". Mr. Schidler provided his knowledge of the Maui stones located in the area and what their significance might be and commented that the Petition Area activity would not affect viewing of the ridgeline.

Mr. Yuen requested clarification on the purpose of constructing a barrier as required by SHPD. Mr. Shidler replied that his perception was that it was to serve a physical barrier to preserve the site against inadvertent mechanical operations on the slope.

Discussion ensued on whether Ms. Townsend could ask a question about access for cultural practitioners. Vice Chair Judge determined that the question was more appropriate for the cultural assessment witness.

There were no further questions for Mr. Shidler.

The Commission went into recess at 10:35 a.m. and reconvened at 10:55 a.m.

5. Randall S. Okaneku

Mr. Yuen offered Mr. Okaneku as an expert in Traffic Engineering. There were no objections to Mr. Okaneku.

Mr. Okaneku described the current and future estimated traffic conditions within and around the Petition Area that his study included with and without the development; and what type of mitigation methods could be implemented. Mr. Yuen requested clarification on the types of vehicles that would be contributing to the conditions and whether the Intervenor's allegation of a traffic volume of 500 trucks per hour was accurate. Mr. Okaneku shared what types of vehicles comprised the study results and defined the traffic volume as 500 various types of passenger vehicles per hour, and the type of service levels and capacities that could be expected.

Mr. Okaneku described why his study disagreed with the Department of Transportation's findings regarding the capacity conditions if the Project were developed and provided the reasoning and findings in his study that he felt supported his position.

Ms. Dawn Takeuchi-Apuna requested clarification on access routes to the Petition Area and on the existence of alternative routes. Mr. Okaneku described the access routes that he was aware of and stated that he did not analyze alternative access to the Project. Mr. Okaneku noted that he had only recommended improvements at Farrington Highway and described what they would be.

Mr. Yee requested clarification on the use of Lualualei Road for access to the Petition Area. Mr. Okaneku provided his understanding of how Lualualei Road was used as an access road, what its current status was; what commercial and industrial land uses were in the area; why Hakimo Road was inappropriate for truck use; and described what area traffic improvements needed to be made.

Discussion ensued regarding how the improvements could be instituted and how they would benefit the area.

Ms. Townsend requested clarification of the scope of Mr. Okaneku's report. Mr. Okaneku described the reference authority that

was used for his study and the factors that were taken into consideration during the preparation of his report.

Ms. Townsend requested clarification on the agreement with the Navy regarding the use Lualualei road and what the alternative access road in/out of the valley would be if the Navy did not authorize its use. Mr. Okaneku shared his opinion of how traffic in the area would be affected.

Ms. Townsend asked what access road conditions were in the Petition Area. Mr. Okaneku stated that a good level of service was "A" and described how the ratings were applied to local traffic conditions and provided his perception of what traffic in the area would be like if the gated roadway near the Petition Area became available to the public. Mr. Okaneku described the road widening requirements that he perceived would be needed to implement traffic service level improvements and accommodate the existing remnants of the leeward railway system; and clarified the direction of travel for traffic at different times of the day.

Commissioner Jencks asked Mr. Okaneku what uses were allowed in a light industrial area. Vice Chair Judge asked if the City and County could address this question. Mr. Watkins stated the allowed permitted uses for industrial districts.

Commissioner Heller requested clarification on the anticipated traffic improvement costs and who would be responsible for paying for them and what a "fair share amount" should be. Mr. Okaneku responded that the Petitioner should bear approximately 15% of the traffic improvement costs.

Commissioner Jencks requested clarification on the breakdown of the traffic number percentages for commercial traffic and on the improvements needed to Farrington Highway to accommodate light industrial use; and determine its impact on traffic level of service. Mr. Okaneku described the difficulties in obtaining that information and provided his estimates for commercial traffic and the traffic improvements needed in the area.

Commissioner Lezy requested clarification on how peak flow traffic had been analyzed. Mr. Okaneku described how his analysis was

limited to either heavy vehicles or passenger type vehicles and provided details on how he had utilized Department of Transportation sources in his study. Mr. Okaneku noted that he had not received any projected traffic data from the Petitioner.

Mr. Yee requested clarification on the DOT information that had been used to make calculations for the study. Mr. Okaneku replied that he had used a BVTC (Big Vehicle Truck Classification) report and described how he had made his calculations.

There were no further questions for Mr. Okaneku.

6. Ricky Minn

Commissioner Chock excused himself at 11:44 a.m. and returned at 11:46 a.m.

Mr. Yuen offered Mr. Minn as a Real Estate Economics Expert and referred to Petitioner's Exhibit 55 for Mr. Minn's background. Mr. Minn provided his business background and qualifications.

There were no objections to Mr. Minn.

Mr. Minn described the factors and methodology used to calculate the need for industrial land in the Wai`anae/Nānākuli area and explained the considerations that were used in performing his analyses and forecasts.

Commissioner Teves excused himself at 12:07 p.m. and returned at 12:09 p.m.

Mr. Minn provided his findings for the employment and economic impacts that the proposed light industrial development would have in the area and described how the forecasts that he had made were computed; and how the state and county would benefit from tax revenues resulting from the proposed development.

The City and County of Honolulu had no questions for Mr. Minn.

Mr. Yee requested clarification on the assumptions that Mr. Minn had used in his calculations and how conclusions had been derived from them. Mr.

Minn referred to Table 3-8 and explained the intent and details of his analyses and how his conclusions were derived. Mr. Yee requested clarification on how retail and commercial uses that could impact light industrial uses would be restricted. Mr. Minn responded that he was not aware of any limitations on those uses that would be imposed and explained how per capita costs were per employee were calculated.

Ms. Townsend requested clarification on how the economic downturn might have affected the economic findings of the study. Mr. Minn provided the methodology that he used to for his study and explained how the baseline could be affected by the downturn.

Discussion ensued regarding the limits of Mr. Minn's study.

Ms. Townsend inquired if O`ahu had added industrial space since the time Mr. Minn had conducted his study. Mr. Minn acknowledged that there had been a net increase in available industrial space and provided his perception of the anticipated demand for industrial space and explained his use of the DPP "capture rate" factor and how he had arrived at his conclusions for increased employment.

Discussion ensued on the scope of Mr. Minn's study. Mr. Minn stated that his study had not analyzed the ability of businesses to purchase lots in the proposed development and had not performed a price point analysis.

Commissioner Lezy requested clarification on whether Mr. Minn had analyzed usage of existing industrial space at the time of his study. Mr. Minn replied that he had not.

Mr. Yuen requested clarification of Mr. Minn's explanation of the capture rate and the current lack of available industrial space in the Wai`anae coast area. Mr. Minn provided his perspective of how the capture rate was affected by the lack of development opportunities in the Wai`anae area.

There were no further questions for Mr. Minn.

The Commission went into recess at 12:13 p.m. and reconvened at 1:02 p.m.

7. Harvey Hida

Mr. Yuen offered Mr. Hida as an expert in Civil Engineering and referred to Petitioner's Exhibit 43. There were no objections to Mr. Hida.

Mr. Hida described the drainage plan for the Petition Area and provided the design specifications and considerations that were used to design it. Mr. Hida described the anticipated improvement work that would be done on the Project and explained how water would be provided to the Petition Area and how wastewater, solid waste and recycling would be handled. Mr. Hida shared how electricity would be provided onsite and how the Project would emphasize "green" efforts in its design.

Ms. Takeuchi-Apuna requested clarification on the dangers of hazardous waste from industrial operations. Mr. Hida explained how the development plans were structured to control the types of businesses that would be onsite and why the CC&R's of the project would deter hazardous materials from being used.

Mr. Yee requested clarification on whether Mr. Hida had made any changes to the site plan. Mr. Hida replied that he did not recollect making any changes but did recall working on the swale. Mr. Hida described how the swale would be maintained and what its design features would be; and stated that he was not aware of what the EIS endangered species setback requirements for the Navy property were for the Petition Area. Mr. Hida expressed although the Project was in its preliminary stages that based on his experience with rock fall and slope stability analyses, the proposed swale could be constructed in the Petition Area as planned; and provided his understanding of the permitting and approval process that still needed to be done. Mr. Hida described the present conditions of the Petition Area and explained what provisions would be implemented in the project to protect against flooding and pollutant /surface runoff.

Discussion ensued regarding whether the witness could comment on drainage and CC& R requirements. Vice Chair Judge determined that another person would be testifying on the proposed CC& Rs that would be used by the Petitioner for the Project.

Mr. Yee requested clarification on the recycling and reuse and "green" CCR requirements for the Petition Area.

Discussion ensued regarding Mr. Hida's understanding of the CC& R requirements. Mr. Hida stated that he did not know what the requirements would be yet.

Mr. Hida described what provisions were planned for water and how its future consumption rates were calculated; and how different water demand situations would be handled.

Ms. Townsend requested clarification on the standards for potable water requirements provided by the Board of Water Supply. Mr. Hida described what businesses he anticipated would be located on the Petition Area and explained the features of the swale that would be constructed in the Petition Area; and how trucks could be washed onsite. Mr. Hida described his understanding of the terms "full buildout" and "shrink-swell rates of soil" and explained how buildings could be constructed and maintained on soils that had "shrink-swell" rate problems.

Discussion ensued whether the future plans for the development could be discussed. Vice Chair Judge determined that it was speculative to try and determine activities that would occur in the Petition Area.

Ms. Townsend had no further questions for Mr. Hida.

Commissioner Jencks requested clarification on the proposed private waste water treatment plant and the estimated water use for the project and its "rainy day" provisions. Mr. Hida described how his plan accommodated water interception and retention onsite under various conditions and stated that he had not done any analyses regarding roadway improvements for the Naval access road.

Commissioner Heller requested clarification on how the developer would write the CC& Rs to prevent uses which would involve hazardous materials.. Mr. Hida responded that he did not have a particular definition for the term "hazardous materials" and had not done any analysis on how much impact it would have on the range of proposed users for the project.

Vice Chair Judge requested clarification on waste water treatment and drainage plans and controls for the project. Mr. Hida provided his perception of how the buyers would be required to prevent pollutant/surface water runoff.

Commissioner Teves shared that he was aware that only rainwater could be discharged and any other water that was generated on the property had to be treated. Mr. Hida stated that the law regarding rainwater discharge still only allowed for rainwater.

Discussion ensued for clarification on whose responsibility it was to treat the non-rainwater runoff. It was determined that it was the property owner's responsibility and that it was a Department of Health requirement.

Commissioner Jencks requested clarification on how water would be handled on the lower portion of the Petition Area and how it would be handled if the swale was used to retain it. Mr. Hida replied that it would have to be pumped uphill.

There were no further questions for Mr. Hida.

The Commission went into recess at 1:54 p.m. and reconvened at 2:12 p.m.

8. Arick Yanagihara

Mr. Yuen presented Mr. Yanagihara as the Petitioner's-Project Manager. Mr. Yanagihara referred to Map1 to describe the location and features of the Petition Area, other property that Tropic Land owned in the area, and surrounding properties. Mr. Yanagihara also referred to Petitioner's Exhibit 13-Project Site Plan, fig. 3, to identify emergency access roads in the area.

Mr. Yanagihara provided the expected price points that the Petitioner expected to market its lots at; and described the differences between I-1 and I-2 zoning and stated the I-1 features that he felt made the proposed project attractive. Mr. Yanagihara described the anticipated project costs and provided the history of the project and how financing for the acquisition of the Petition Area and its proposed future development had been structured. Mr. Yanagihara estimated that the completion date for the proposed project would be within 10 years and explained the project development efforts within the community that had occurred or would be occurring.

Mr. Yanagihara referred to Petitioner's Exhibit 7 – a Mā'ili/Nānākuli Neighborhood Board Resolution in Support for the proposed project to identify the 10 promises that the Petitioner had made to the community. Mr. Yanagihara

reported on the communications that occurred between the community and the Petitioner and provided the details of the promises.

Mr. Yanagihara clarified the circumstances involved with the removal and relocation of stones from the Petition Area; and of an alleged desecration that had occurred on the site; and described the prospective buyers listed in Petitioner's Exhibit 17 who had submitted responses of interest to the proposed project.

Mr. Yanagihara explained the events that led to DPP citations on the Petitioner for trucking baseyard activities onsite and other violation notices for illegal stockpiling and grading in the Petition Area. Mr. Yanagihara stated that the citations had been or were being resolved and shared his problems with securing an access easement arrangement with the Navy for Lualualei Road in the Petition Area.

Mr. Yanagihara shared other project issues that he was confronted with and described the courses of action he was taking to resolve them.

Ms. Takeuchi-Apuna requested clarification on the ownership of the emergency access road near the Petition Area. Mr. Yanagihara explained that the easement was on land owned by Tropic Land LLC and provided his perception of how access would be provided when emergency bypass road access was needed; and acknowledged that Tropic Land would be agreeable if the Commission had a Condition requiring emergency access use over its land.

Ms. Takeuchi-Apuna requested clarification on how "affordable" prices had been determined and on the status of negotiations regarding Lualualei Road. Mr. Yanagihara provided the reasoning used to determine market pricing for the proposed project and reported the extent of Tropic Land's easement negotiations with the Navy and associated Federal agencies.

Ms. Takeuchi-Apuna had no further questions.

Commissioner Chock excused himself at 3:00 p.m. and returned at 3:03 p.m.

Mr. Yee requested clarification on Mr. Yanagihara's awareness of the OP requirements for qualifying the Petition Area for proper zone changes; when the Federal/Navy negotiations were expected to be consummated; and on the ownership of the lands containing the emergency road easement. Mr.

Yanagihara provided his understanding of how the Petitioner would comply with the OP requirements and stated that he was not sure when the negotiations with the Navy and Federal agencies would be done and that Tropic Land was the sole owner of the land for the emergency road way.

Mr. Yee requested clarification on the planned requirement in the CC&Rs for recycling. Mr. Yanagihara described the rules, regulations and guidelines under consideration for the proposed project that were included.

Mr. Yee requested clarification on how the Petitioner would control feral cats and observe the setback requirements with the Navy property. Mr. Yanagihara provided his perspective of how the Petitioner planned to deal with feral cats and the Navy setback issue.

Mr. Yee requested a recess.

The Commission went into recess at 3:12 p.m. and reconvened at 3:14 p.m.

Mr. Yee inquired if Mr. Yanagihara was aware of the Naval requirement for a 100' firebreak and of the recommendations for mitigation that were made in the EIS. Mr. Yanagihara provided his understanding of the fire break and how the EIS mitigations would be evaluated.

Discussion ensued over how to approach the EIS mitigation concerns that OP had. Vice Chair Judge determined that since Mr. Yanagihara offered to review the mitigation concerns with his consultants that, in the interest of time, that the review would be conducted later and subsequently reported on.

Mr. Yee requested clarification on the validity and status of the unilateral agreement that was reached in the preliminary planning for a golf course with the DPP for the Petition Area and its surroundings. Mr. Yanagihara provided his understanding of the current status and actions necessary to adapt the agreement to any change of land use for the Petition Area and its surrounding areas.

Mr. Yee requested clarification on future development plans for the preservation land owned by Tropic Land and on other land uses that might be considered by the Petitioner. Mr. Yanagihara replied that the steepness and grade of the preservation land was not conducive for development and there was no intent for further development.

Discussion ensued over how commercial land use was defined, and the type of businesses that were allowed or disallowed in an I-1 zoned area. Mr. Yanagihara offered to continue to work with the community to determine the type of businesses and kinds of business incubators and incentives that could be included in the project to utilize community benefit funds.

Mr. Yanagihara described his perception of how lands near the Petition Area could be restricted and used for productive agricultural, and how the Petitioner would evaluate paying its share for traffic improvements.

Due to time constraints, Vice Chair Judge advised Mr. Yee that the proceedings would be halted and set to continue at the next meeting on this docket from where he had stopped.

The Commission adjourned at 3:31 p.m.