

LAND USE COMMISSION  
MEETING MINUTES

**February 3, 2012-9:00 a.m.**  
**Leiopapa A Kamehameha, Conference Room 204,**  
**235 South Beretania Street, Honolulu, HI 96804**

COMMISSIONERS PRESENT: Kyle Chock  
Thomas Contrades  
Lisa Judge  
Ernest Matsumura  
Chad McDonald  
Nicholas Teves, Jr.

COMMISSIONERS EXCUSED: Ronald Heller (recused)  
Normand Lezy  
Jaye Napua Makua

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: Todd Bodden

**CALL TO ORDER**

Vice Chair Chock called the meeting to order at 9:05 a.m. Commissioner Contrades excused himself at 9:06 a.m. and returned at 9:15.

**CONTINUED HEARING**

**A11-793 Castle & Cooke Homes Hawaii, Inc. (OAHU)**

Vice Chair Chock announced that this was a continued hearing on Docket No. A11-793 to amend the Agricultural Land Use District Boundary into the Urban District for approximately 767.649 acres at Waipio and Waiawa, Island of Oahu, State of Hawaii.

## APPEARANCES

Benjamin Matsubara, Esq., Wyeth Matsubara, Esq. and Curtis Tabata, Esq., represented Castle & Cooke Homes Hawaii, Inc.

Laura Kodama, Castle & Cooke Homes Hawaii, Inc.

Dawn Takeuchi-Apuna, Esq., represented City and County of Honolulu Department of Planning and Permitting (DPP)

Mike Watkins, DPP

Bryan Yee, Esq., represented State Office of Planning (OP)

Richard Poirier represented Intervenor-Mililani/Waipio/Melemanu Neighborhood Board No.25 (NHB #25)

Karen Loomis, Intervenor- NHB #25

Eric Seitz, Esq., and Sarah Devine, Esq., represented Intervenor-The Sierra Club and Intervenor- Clayton Hee

## PETITIONER'S WITNESSES (CONTINUED)

7. Ron Nishihara - Trinity Management Group- Energy Conservation Sustainable Development and LEED Expert

Mr. Nishihara described his relationship with Castle & Cooke and shared information about how he developed the sustainability plan for the proposed project. Mr. Nishihara described what sustainable development was and the types of sustainability measures, and current market and technology forces that were associated with his practice.

### Questions for Mr. Nishihara

DPP.

Ms. Takeuchi-Apuna had no questions

OP

Mr. Yee requested clarification on what the average lifespan was for a residential building. Mr. Nishihara estimated the lifespan of a residential building to be 50 years and described why the sustainability plan proposed designing and building a new "sustainable" structure since it was more cost-effective than renovating it. Mr. Nishihara described the targets and strategies that Petitioner was utilizing and why flexibility was needed to take advantage of developments in new technology.

NHB #25

Mr. Poirier requested clarification on what the sustainability goal was for transportation. Mr. Nishihara described how job creation in the

Petition Area factored into the Sustainability Plan and deferred further questions on traffic to Mr. Pascua.

The Sierra Club/Clayton Hee

Mr. Seitz had no questions.

Commissioner Questions.

Commissioner Judge requested clarification on why there was no mention of photovoltaic (PV) for commercial units. Mr. Nishihara stated that PV was not precluded in the commercial units and was not a planned action. Mr. Nishihara added that the Petitioner would rely on developers of commercial units to consider using PV.

Commissioner McDonald requested clarification on how elements of the sustainability plan carried over to the commercial properties in the Petition Area. Mr. Nishihara deferred the question to the Petitioner and stated he was unsure of how the Petitioner would handle the issue.

There were no further questions for Mr. Nishihara.

#### 8. Tom Nance Expert in Hydrology and Water Resource Engineering

Mr. Seitz requested clarification on whether Mr. Nance would be testifying about a water resource report by Daniel Lum. Mr. Matsubara responded that Mr. Nance was originally going to be a rebuttal witness and that in meetings with OP, Mr. Yee had requested that Petitioner provide a witness in water availability (either Mr. Lum or Mr. Nance). Due to scheduling, and in the interest of efficiency, Mr. Nance's appearance was scheduled to address this concern. Mr. Seitz responded that he had no objections to Mr. Nance's testimony or qualifications and reserved the right to recall him if it was necessary later. Mr. Matsubara was agreeable and Vice Chair Chock allowed Mr. Seitz's request.

Mr. Nance provided the reasoning and methodology used to construct his studies and reported on his findings and recommendations in regards to OP's concerns about the groundwater needs of the proposed project.

Questions for Mr. Nance

DPP-

Ms. Takeuchi-Apuna had no questions.

OP-

Mr. Yee requested clarification on why there was a difference in the water usage figures reported by Mr. Lum and by Mr. Nance. Mr. Nance replied that his report had more current figures, and described the data

source used in his findings and the other details of his analysis and data collection.

Mr. Yee asked why it was necessary to dig a well if the usage figures did not appear to require one. Mr. Nance replied that a well needed to be dug in a location where it could serve the project area and described the Board of Water Supply (BWS) service pressure zone requirements and water use permit procedures involved in ensuring that adequate water supplies would be available for the Petition Area.

Mr. Yee requested clarification on the capacity of the Waipahu aquifer and if there were adequate capacity to supply existing proposed projects in the region. Mr. Nance described how BWS allocations for current and future plans were made and the many variables that could impact them over time.

Mr. Yee asked why there was such a significant difference between permitted and actual use; and whether alternative water sources needed to be considered. Mr. Nance described how BWS had reservations for allocations for different projects and plans that had not been built or were not using their water; and how important it was to seek alternatives for potable water sources in any water management area; and why LID measures were necessary.

OP had no further questions.

NHB #25

Mr. Poirier requested clarification about the extent to which the proposed project would contribute to aquifer contamination relative to pesticides and industrial solvents. Mr. Nance responded that he did not think it would be substantial in Central Oahu and described how contamination to water sources could be attributed to prior agricultural and military activities and why it was unlikely to occur in the Petition Area.

NHB #25 had no further questions.

The Sierra Club/Clayton Hee

Mr. Seitz requested clarification on the long term impact of urbanization on aquifer replenishment. Mr. Nance responded that the Petition Area was in relatively low rainfall areas and described his perspective of how aquifer recharge was impacted by using retention and detention methods.

Mr. Seitz asked if the 2006 figures reported in Mr. Lum's report were still accurate. Mr. Nance replied that the numbers that he reported on were the most recent and were nearly identical to Mr. Lum's; and further stated that the number of water use permits had not changed and what the water consumption level differences were.

Mr. Seitz requested clarification on whether the BWS would agree that there are adequate water supplies for the Petition Area and whether

Mr. Nance had been involved in any discussions with the BWS about the proposed project. Mr. Nance opined that the BWS probably would agree that sufficient water supplies existed and confirmed that a desalinization plant had been included in plans for future water supplies and that he had not had any discussions with the BWS.

Mr. Seitz asked if further development of agriculture would impact Oahu water resources. Mr. Nance described how he envisioned water would be supplied in different scenarios.

There was no redirect.

#### Commissioner Questions

Vice Chair Chock asked if Petitioner had a water agreement with the BWS. Mr. Nance replied that he did not know

Mr. Matusbara stated that he had no more witnesses for today and that his remaining witness was Traffic Expert-Mr. Pascua.

#### DPP WITNESS

1. Mike Watkins – DPP Representative

Mr. Watkins described why DPP supported the Petition and why it was consistent with DPP's long range land use plans for Oahu. Mr. Watkins also expressed how DPP's zoning, subdivision and permitting requirements were used to manage urban growth and development and what DPP concerns were regarding the access points for the Petition Area.

Questions for Mr. Watkins

Petitioner and OP had no questions.

#### NHB #25

Mr. Poirier requested clarification on how urban growth boundaries (UGB) were used by DPP to determine if proposed projects were in keeping with the Oahu General Plan. Mr. Watkins responded that UGBs were a simple way to make initial determinations and described how the DPP had attempted to curb "urban sprawl" using UGBs and promoting infill development within the boundaries; and described a case where an urban development request was denied since it fell outside of the UGB.

Mr. Poirier requested clarification on how increasing commuter travel times could be in keeping with DPP planning objectives. Mr. Watkins stated that DBEDT economic projections were used by DPP for its planning and traffic forecast computer studies and described how sufficient development in the Ewa region had occurred that would make it difficult to specifically attribute additional traffic to the proposed project.

Mr. Watkins described how DPP used the OMPO long range plan and developer projections in addition to DOT information and shared concerns about traffic in planning for the long-term population growth (20 yrs or more) that DBEDT projects for the State. Mr. Watkins further described how development plans implemented the general plan and how considerations were made to manage all aspects of expanding population growth.

Mr. Poirier requested clarification on how zoning was approved for the Ewa Development Plan. Mr. Watkins stated that the Ewa Development Plan was the only plan that allowed general phasing of development and described how DPP allowed growth within this urban boundary. Mr. Watkins identified the services that the State and County were responsible for within the boundaries and stated that the County was depending more on developers to provide needed infrastructure improvements; and described how DPP performed its analysis of proposed development and how it relied on DOT information to make forecasts for anticipated infrastructure capacity needs.

Mr. Poirier requested clarification on why approval of the Petition would not affect DPP plans for accommodating growth in the region. Mr. Watkins described how DPP had based its forecasts and aligned itself with the State agencies' projections. Discussion ensued on traffic matters and Mr. Poirier stated that he had no further questions.

#### The Sierra Club/Clayton Hee

Mr. Seitz confirmed that Mr. Watkins was speaking on behalf of DPP before the LUC and requested clarification on whether the DPP was governed by the State Constitution. Mr. Watkins responded that, in general, the DPP was governed by the State Constitution and described how Article XI of the Constitution regarding the protection of agricultural lands was only one of the criteria involved in determining UGBs and creating regional development plans.

Mr. Seitz requested clarification on whether water was available for alternative replacement agricultural lands and why lands that were currently productive were sacrificed for lands that were lacking water supplies. Mr. Watkins responded that water availability was a technical matter that DPP did not consider in its development plans at the levels being considered by the LUC and described how DPP had created its development plans over the years and made various modifications to the plans based on forecasts.

Mr. Seitz requested clarification on DPP's awareness of traffic conditions in the Petition Area. Mr. Watkins responded that he was not familiar with the conditions and would have to rely on traffic studies to make a determination; and described the considerations made for existing traffic by DPP.

Mr. Seitz asked if Mr. Watkins was familiar with the “affordable” unit prices for the proposed project. Mr. Watkins responded that he was not involved in the pricing of units and was not an expert in real estate market conditions; and described how and when the number of “affordable” units were determined and stated that DPP had limited power to determine “affordable” housing prices and opined how more development of more units to supply demand could possibly create more competitiveness in pricing units.

Mr. Seitz had no further questions.

Commissioner Teves excused himself at 10:25 a.m. and returned at 10:28 a.m.

#### Redirect

Ms. Takeuchi-Apuna requested clarification on when during the zoning process concerns about the negative impact of the proposed project were addressed and when the Ewa Development Plan (EDP) and the Central Oahu Communities Plan were adopted. Mr. Watkins described how conditions were imposed during the zoning process to address specific impacts of the proposed project and how heavily DPP relied on State provided data to develop those conditions; and stated that the EDP was adopted in 1997 and the Central Oahu Communities Plan was adopted in 2002. and were in the process of being updated. Mr. Watkins added that these plans had a 5 year update schedule but due to budget constraints, the DPP had fallen behind and outside planning firms were engaged to assist in preparing them.

Ms. Takeuchi-Apuna requested clarification on whether the H1/H2 freeway merge problem was a County concern. Mr. Watkins replied that freeways and highways were a State concern and that only City roads within communities and not between them were of County concern.

#### Commissioner Questions

Commissioner Judge requested clarification on how DPP’s concerns about the timing of the construction of the Pineapple Interchange had changed since the initial hearings on the Petition Area. Mr. Watkins described how DPP had restudied the Pineapple Interchange issue and internally resolved the initial concerns about the situation.

Commissioner Matsumura asked if the DPP had a population ceiling for its long-range plans for growth and what impact saturation points would have on UGBs. Mr. Watkins responded that no maximum population ceiling existed and described how DPP reacted to accommodate the State’s projections for growth; and how DPP staff expected population growth to decline in the future.

Commissioner Judge requested clarification on the reason for DPP's change of position. Mr. Watkins stated that the DPP had not changed its position yet and explained what he conditionally meant about internal change within DPP.

There were no further questions for Mr. Watkins.

The Commission went into recess at 10:45 a.m. and reconvened at 11:01 a.m. (Commissioner Contrades returned at 11:12 a.m.)

Ms. Takekuchi-Apuna stated that DPP had no more witnesses and rests. Vice Chair Chock noted that he had been advised that NHB #25 had two witnesses.

#### NHB #25 WITNESSES

1. Ann Freed

Ms. Freed described her involvement with NHB #25 and the Mililani community and voiced her concerns about how the EIS for the proposed project had not considered traffic when it reached the H1/H2 merge and the Middle Street merge; and how traffic impacted commuter travel times and daily lifestyles. Ms. Freed also commented on how the preservation of prime agricultural land, sewer conditions, misrepresentations about providing educational facilities, lack of affordable housing, urban growth boundaries/permit issuance and availability of medical services were concerns of the Neighborhood Board members.

Ms. Freed asked the Commission to consider the validity of the proposed plans to construct a new hospital for the area and suggested that an alternative plan for a medical center and an agricultural park be studied instead.

Questions for Ms. Freed- NHB #25 Member

Petitioner and DPP had no questions.

OP-

Mr. Yee requested clarification on whether Ms. Freed was aware that Petitioner was donating land for the medical center to be constructed on. Ms. Freed responded that she was not and commented that the Petitioner had donated land to the Oahu Art Center in Mililani and had taken back the land.

Mr. Yee had no further questions.

The Sierra Club/Clayton Hee and the Commissioners had no questions.



2. Karen Loomis- Educational Perspective

Ms. Loomis voiced her concerns about the negative educational impacts and the possible failure of Petitioner and DOE to honor their representations to the community.

Questions for Ms. Loomis  
Petitioner and DPP had no questions.

OP-

Mr. Yee asked if Ms. Loomis was aware of and had reviewed the educational agreement executed between Petitioner and DOE; and capacities of surrounding schools mentioned in DOE testimony. Ms. Loomis responded that she had reviewed the agreement but did not quantify the amount of the additional cash contribution she was suggesting other than what was already provided. Ms. Loomis added that her understanding was that the cash contribution was for the construction of new schools and that she was not familiar with the DOE testimony regarding sufficient capacities in surrounding schools to accommodate just the Koa Ridge proposed project.

The Sierra Club/Clayton Hee and the Commissioners had no questions.

There was no redirect.

There were no further questions for Ms. Loomis.

Vice Chair Chock announced that there were no further witnesses and remaining docket business; and entertained a motion to amend the agenda to add an Executive Session to address personnel matters.

Commissioner Teves moved for an Executive Session and Commissioner Judge seconded the motion. .

Vice Chair Chock asked if there were any questions or concerns regarding future proceedings before the Commission began its Executive Session. Mr. Matsubara requested the Parties exchange witness lists at least a week in advance. Vice Chair Chock acknowledged that that was the wish of the Commission too. Mr. Yee stated that he expected to complete his questioning of witnesses at the next hearing.

There were no objections to Mr. Matsubara's request.

By unanimous voice vote (6-0) the Commission elected to enter Executive Session at 11:18

The Commission reconvened from Executive Session at 11:40 a.m.

Vice Chair Chock announced that Executive Officer Davidson was authorized by the Commission to begin proceedings to seek his replacement and process the necessary personnel and administrative documents in order to assist the Commission in its ultimate selection of a candidate.

There being no further business, the meeting was adjourned at 11:40 a.m.