LAND USE COMMISSION
MEETING MINUTES
March 1, 2012

Leiopapa A Kamehameha
Conference Room 204, 2nd Floor
235 S. Beretania St., Honolulu, Hawai`i

COMMISSIONERS PRESENT:	Ernest Matsumura Chad McDonald Kyle Chock Normand Lezy Thomas Contrades Lisa Judge Ronald Heller Nicholas Teves, Jr.
COMMISSIONERS ABSENT:	Jaye Napua Makua
STAFF PRESENT:	Orlando Davidson, Executive Officer Diane Erickson, Deputy Attorney General (attended from 09:37 a.m.- 11:30 a.m.) Russell Suzuki, Deputy Attorney General (attended from 12:25 p.m.-4:40 p.m.) Bert Saruwatari, Staff Planner Scott Derrickson, Staff Planner Riley Hakoda, Staff Planner/Chief Clerk
COURT REPORTER:	Holly Hackett
AUDIO TECHNICIAN:	Walter Mensching

CALL TO ORDER

Chair Lezy called the meeting to order at 9:37 a.m.

APPROVAL OF MINUTES

Please refer to LUC Transcript for more details on this matter)

Commissioner Teves moved to approve the minutes. Commissioner Contrades seconded the motion. The minutes were unanimously approved by voice votes (8-0).

TENTATIVE MEETING SCHEDULE

Executive Officer Davidson provided the following:

- The regular tentative meeting schedule for the calendar year 2012 was distributed in the handout material for the Commissioners.
- Upcoming meetings will involve travel to Maui and the March 15-16, 2012 meeting is planned to require the Commission to have lunch onsite to facilitate the timely completion of docket business.

There were no questions or comments regarding the tentative meeting schedule.

CONTINUED HEARING

A06-771 D.R. HORTON-SCHULER HOMES, LLC., (O`ahu)

Chair Lezy announced that this was a continued hearing on A06-771 D.R. HORTON – SCHULER HOMES, LLC, a Delaware limited liability company, d.b.a. D.R. Horton-Schuler Division.

APPEARANCES

Benjamin Kudo, Esq., Naomi Kuwaye, Esq. and Yuko Funaki, Esq., represented Petitioner D.R. Horton-Schuler Homes, LLC
Cameron Nekota, D.R. Horton-Schuler Homes, LLC
Don Kitaoka, Esq., Deputy Corporate Counsel, represented City and County of Honolulu, Department of Planning and Permitting (DPP)
Tim Hata, DPP
Bryan Yee, Esq., represented State Office of Planning (OP)
Mary Lou Kobayashi, OP

Dr. Kioni Dudley, represented Intervenor Friends of Makakilo (FOM)
Linda Paul, Esq., legal advisor to FOM
Elizabeth Dunne, Esq., represented Intervenor The Sierra Club
Eric Seitz, Esq. and Sarah Devine, Esq., represented Intervenor Clayton Hee

Chair Lezy updated the record, described the procedures for the proceedings, and announced that public testimony would be taken at 3 p.m. March 2, 2012 and that the March 1, 2012 hearing might conclude at approximately 6:30 p.m.

Chair Lezy stated that he would be allowing public testimony out of order for four public witnesses from the mainland that had been represented as being unable to testify at the scheduled agenda time of March 2, 2012 at 3 p.m.

There were no questions or comments regarding the procedures or to the public testimony being taken out of order.

PUBLIC WITNESSES

1. Wendell Cox

Mr. Cox stated his concerns about whether or not the City and County of Honolulu could afford the proposed rail system and described why he felt that Honolulu could not pay for the rail system; and how the rail system could not be justified and would not provide relief for traffic congestion.

Mr. Kudo asked if Mr. Cox had come to Honolulu for the anti-rail rally. Mr. Cox responded that he did.

Mr. Kitaoka requested clarification on Mr. Cox's familiarity with the proposed project before the Commission. Mr. Cox described the scope of his work and stated that he was not specifically familiar with the proposed project and added that he was in Honolulu to share his concerns about the viability of the proposed rail system that the City and County of Honolulu was attempting to construct in the region.

There were no further questions from the Parties.

Commissioner Heller requested clarification on who comprised the "we" that Mr. Cox referred to in his testimony. Mr. Cox replied that he was testifying for himself and that there was no organization that he was representing and had mispoke.

Chair Lezy requested clarification on why Mr. Cox was visiting Honolulu and testifying before the LUC. Mr.Cox responded that he was a speaker at the anti-rail meeting that had been conducted in Honolulu by the American Dream Coalition the previous day.

There were no further questions for Mr. Cox.

2. Adrian Moore

Dr. Moore shared his perception of why the light rail system for Honolulu was not feasible and how better transportation alternatives needed to be pursued instead.

Mr. Kudo asked if Dr. Moore had participated in the recent anti-rail meeting and requested clarification on the amount of information about the proposed Petition that Dr. Moore had received. Dr. Moore responded that he had participated in the meeting as an uncompensated speaker and described his understanding of the relationship of the proposed rail system to the proposed project..

Mr. Kitaoka asked if ridership projections for Oahu had been conducted. Dr. Moore responded that a study had been done and would provide a copy for Mr. Kitaoka to review.

Mr. Seitz requested clarification on Dr. Moore's background. Dr. Moore described his academic background and work experience in transportation economics; and awareness traffic pertinent to the proposed project; and how his study findings indicated areas surrounding the transit stops would experience worse congestion after a rail system was put into service..

There were no further questions for Mr. Moore.

3. John Charles

Mr. Charles stated that he was President and CEO of the Cascade Policy Institute and described how he and his organization had studied Transit Oriented Developments (TODs) and what their findings and study results were.

Mr. Kudo asked if Mr. Charles had also attended the anti-rail meeting and what his compensation for doing so was . Mr. Charles replied that he had attended the meeting and was not compensated for appearing and had paid for his own transportation to speak at the American Dream Coalition gathering and described what the American Dream Coalition's purpose was.

Mr. Kitaoka requested clarification on whether Mr. Charles considered the Portland area rail system a success. Discussion ensued and Mr. Charles described why he thought that rail systems were not economically feasible and stated that he considered the Portland system a failure.

Dr. Dudley requested clarification on train and car ridership projections and findings for the TODS of Portland, Oregon. Mr. Charles described how his studies revealed that the rail system had not achieved its stated goals and objectives for the Portland Community.

Mr. Seitz requested clarification on Mr. Charles' academic and work qualifications. Mr. Charles described his educational background and stated that he had not been compensated to speak at the American Dream Coalition meeting.

Commissioner Teves requested clarification on Mr. Charles' personal feelings about rail systems, their costs and successfulness. Mr. Charles described his education and knowledge about transportation and rail systems and how he personally appreciated their benefits.

There were no further questions for Mr. Charles.

4. Randall O'Toole

Mr. O'Toole stated that he was the founder of the American Dream

Coalition and described what his organization was trying to accomplish against the proposed light rail system. Mr. O'Toole also described how rail systems had been replaced by automobiles and why future transportation planning needed to recognize and adapt to society's reliance on automobiles; and what his concerns were about the proposed rail system.

The Parties had no questions for Mr. O'Toole.

Commissioner Judge requested clarification on how traffic could be impacted with and without rail. Mr. O'Toole shared his opinion on how the rail system failed to meet expectations and fulfill its intended purpose; and why traffic mitigation should be implemented instead of constructing the proposed rail system..

There were no further questions for Mr. O'Toole.

Chair Lezy asked if The Sierra Club had concluded its examination of Mr. Maunakea-Forth. Ms. Dunne replied that she had and that Mr. Maunakea-Forth was available for cross examination.

INTERVENOR- THE SIERRA CLUB WITNESSES

1. Gary Maunakea- Forth

Questions for Mr. Maunakea-Forth

Petitioner-

Mr. Kudo had no questions and thanked Mr. Maunakea-Forth for his efforts in the community.

DPP and OP had no questions.

FOM-

Dr. Dudley requested clarification on Mr. Maunakea-Forth's perspective of what the future of farming was and what challenges needed to be overcome to ensure the viability of the agricultural industry. Mr. Maunakea-Forth stated that affordable financing, access to good farmland, and having adequate experience and capital were some of the ingredients for successful farming and described how academic programs

in schools, preserving farmlands for future use, and entrepreneurship opportunities and incentives could also be beneficial.

Senator Hee-

Mr. Seitz requested clarification on the recognition Mr. Maunakea-Forth's farming project had received for its achievements and what types of crops and market conditions could be attributed to its success. Mr. Maunakea-Forth described the publicity his farming operation had received; how the market for locally grown fruits and vegetables has grown; and why the future for local farming appeared promising and needed to be nurtured; and why it made no sense to remove the Petition Area from active agricultural production..

Redirect-

None

Commissioner Questions-

Commissioner Judge asked if Mr. Maunakea-Forth had heard Bruce Plasch's testimony and what his awareness was of new farming methods and their economic feasibility. Mr. Maunakea-Forth replied that he had not heard Plasch's testimony and described his understanding of the soil farmer's economic model and why/how different soil farm methods worked for various crops and were cost effective; and why the Petition Area lands were so valuable.

Chair Lezy asked what Mr. Maunakea-Forth's impression was of the recent agreement that Ho Farms had struck with Petitioner to farm within the urban land district. Mr. Maunakea-Forth described the suitable land shortage crisis that farmers faced and how it factored into the types of agreements that would be made to continue producing crops.

There were no further questions for Mr. Maunakea-Forth.

2. Michael Kumukauoha Lee

Mr. Lee was offered as an expert in Cultural issues. Discussion ensued regarding Mr. Lee's credentials as a native Hawaiian practitioner. Petitioner argued that Mr. Lee's scope of testimony should be limited to specific areas that he had been recognized in for other cultural matters. Chair Lezy admitted Mr. Lee as a Cultural Issues expert to address matters relevant to the Petition at hand.

Commissioner Judge excused herself at 10:42 a.m. and returned at 10:45 a.m.

Commissoner McDonald excused himself at 10:46 a.m. and returned at 10:48 a.m.

Mr. Lee described his family's relationship to the Petition Area ; and what the cultural significance of the Petition Area was and how the self-sufficiency methods of ancient native Hawaiians successfully sustained themselves despite being an isolated chain of islands.

Commissioner Teves excused himself at 10:55 a.m. and returned at 11:06 a.m.

Mr. Lee described his past efforts in attempting to preserve and protect important cultural sites in the Petition Area and stated that although he had previously been identified as a direct lineal descendant, he had not been contacted during Petitioner's cultural survey; and that he disagreed with the survey's findings. Mr. Lee described suggestions that he had made concerning underground mapping of the Petition Area to monitor activities from work on the proposed rail system which might be disrupting and degrading existing conditions and how protection and mitigation measures needed to be implemented.

Mr. Kudo requested clarification on how portions of Mr. Lee's testimony applied to the Petition. Mr. Lee provided his perspective of how his testimony applied to the Petition and restated his concerns with protecting the burial sites of his ancestors and respecting/observing

approved practices for historic preservation of any cultural/historic discoveries made in the Petition Area.

Mr. Kitaoka requested clarification on Mr. Lee's position on urban development. Mr. Lee replied that he was not against development but was primarily concerned with the protection and preservation of cultural resources and had no objection to development that complied with his expectations and recommendations.

Mr. Yee stated that he believed that the exhibits which were discussed during Mr. Lee's cross-examination had not been offered and admitted to the record. Chair Lezy questioned the Parties whether there were any objections to the exhibits under discussion being admitted as evidence. There were no objections and the exhibits were admitted.

Redirect-

Ms. Dunne requested clarification on what type of mapping Mr. Lee had recommended be done. Mr. Lee described the karst system in the Petition Area that he wanted mapped.

There were no further questions for Mr. Lee.

The Commission went into recess at 11:30 a.m. and reconvened at 12:25 p.m. (Deputy Attorney General Erickson departed at 11:30 a.m. and Deputy Attorney General Suzuki replaced her)

3. Dr. Thomas Giambelluca

Dr. Giambelluca updated his curriculum vitae and described his duties at the University of Hawaii and research findings about Hawai`i's climate. Dr. Giambelluca also described his water resource management experience; the scope of his research activity; and what criteria and research methodologies he used for making conclusions; and was offered and admitted as an expert in climatology, rainfall and drought.

Dr. Giambelluca stated that during his studies in the management

of water resources, he observed a trend indicating a decrease in theavailability of water and described how the uncertainty about the future water supply demanded more attention to conserving and managing water as a resource. Dr. Giambellca also described his perspective of what the impact of changing land use designations had on water resources and other components of the environment.

Dr. Giambelluca shared his understanding of how developed lands impacted water quality and described his concerns about maintaining the quality of water when landscapes became urbanized. Dr. Giambelluca also described the importance of retaining agriculture when faced with diminishing water resources and how the water demands of the surface landscape could change under different conditions.

Dr. Giambelluca opined that desalinization plants could provide more water but would come at a cost since it would be expensive and difficult to construct and install a plant to extract and process water, and it could also damage the environment and require considerable energy to operate and suggested curtailing growth by basing proposed developments on the availability of water resources.

Petitioner-

Mr. Kudo had no questions.

DPP-

Mr. Kitaoka requested clarification on Dr. Giambelluca's expertise. Dr. Giamberlluc described his background in hydrology and how urban development might affect the amount of runoff that might occur due to the proposed project's impervious surfaces and needed to be managed; and how the demand for water could be reduced but that it was not possible to totally control it since there were a lot of variables involved.

OP and FOM

Mr. Yee and Dr. Dudley had no questions.

Senator Hee-

Mr. Seitz asked why should we care and have environmental concerns. Dr. Giambelluca shared his understanding of how the island lifestyle was affected by the rain fall cycle and what his research findings indicated might happen in the future.

Mr. Seitz inquired whether the data about water availability in the area was accurate. Dr. Giambelluca replied that it was historical information that accurately documented past events but possible future events in an uncertain future required more caution as confidence levels have changed/diminished. Dr. Giambelluca stated that he had been studying water for 34 years; and more seriously in the last 25; and acknowledged that water management policy needs to take into account the concerns he raised and described his awareness of the water code and verified Mr. Tam's credentials and expertise in the water management field.

There was no redirect.

Commissioner questions

Commissioner McDonald requested clarification on the rainfall analysis findings and how the rate of decrease between the 1986 and 2011 differences noted in the rainfall atlases could be explained. Dr. Giambelluca described how the same methodology for rainfall pattern analysis was still being used and how more complete answers could be made as more data became available and described the decrease in rainfall around Hawai`i and what factors might be causing them.

Commissioner McDonald requested clarification on stormwater runoff and pollution and whether the proposed City and County stormdrain standards were adequate. Dr. Giambelluca replied that he was not an engineer and was not qualified to comment.

Chair Lezy asked Dr. Giambelluca for his core opinion on whether Hawaii could handle more urban development. Dr. Giambelluca replied that he would be cautious to rely on historical information to make future decisions and that the LUC bears the difficult burden of making judgments and decisions for the future with only limited data.

There were no further questions for Dr. Giambelluca.

4. Linda Cox- Community Economic Development Specialist/Economist

Dr. Cox was offered and admitted as community economic development specialist and described what her role in the community was; and how economic concepts were implemented and what the definition of market benefits was; and how market benefits operated with consumers voting with their dollars and how the market helped allocate resources via demand.

Dr. Cox also provided her understanding of what non-market benefits were and how non-market benefits needed to be protected; and how non-profits helped government agencies/institutions achieve a greater societal role and preserve them. Dr. Cox described how the preservation of agricultural land and its non-market benefits were hard to measure since there was no common standard of measurement, and research costs were expensive and hard to fund; and how studying open space benefits like those preserved by livestock operations could be challenging.

Dr. Cox provided her perspectives on why Dr. Bouslog's market analysis report model was risky since it was more based on historical data and was only a partial model that did not take into account the larger economic picture; and why Bruce Plasch's report had shortcomings in describing how agriculture was a fragile business with the low profits rates that could survive if attitudes about agriculture changed and suitable land could be obtained to help to improve food security and satisfy local demand for products. Dr. Cox expressed that she felt the social change that was occurring had not yet

been picked up as data for evidence; and described trends in local agriculture that she was aware of and how landscape vistas could be preserved while contributing to local food production.

Dr. Cox stated that she was familiar with the Hawaii State Plan and the 2050 Sustainability Plan and described how community development was part of planning for the future and how difficult it was to achieve sustainability; how the proposed project was not consistent with the plans for diversified agriculture; and how sustainability included a number of factors that supported economic activity. Dr. Cox stated that she was not familiar with how food production goals were quantified and opined that the goal of food self-sufficiency was not being met and that the proposed project was not consistent with the goals of agriculture and self-sufficiency.

Petitioner-

Mr. Kudo noted that portions of Dr. Cox's testimony were outside the scope of her written testimony and had no questions.

DPP-

Mr. Kitaoka requested clarification on non-market benefits and what role Dr. Cox envisioned government had to preserve and protect them; and on what effect population growth had. Dr. Cox replied that she was not sure whether continued population growth was a valid assumption and described indicators that could affect population growth and how to best manage growth and described how criteria for past decisions needed to be revisited and assessed and how redevelopment of urban areas could be more feasible

OP-

Mr. Yee requested clarification on Dr. Cox's perception of Dr. Bouslog's study. Dr. Cox provided additional details of why she felt Dr. Bouslog failed to consider leakages in her study.

FOM-
Dr. Dudley requested clarification on how open space values could be determined and what their non-market benefits were. Dr. Cox described her past studies and provided her perspective of what non-market benefits and highly prized open space agricultural vistas values were.

Dr. Dudley requested clarification on the advantages of increasing food production, and the impact of traffic on non-market benefits. Dr. Cox shared her perspective of the economic value of diversified agriculture and stated that she had not done studies on non-market benefits and problems with traffic.

Senator Hee-
Mr. Seitz requested clarification of Dr. Cox's academic background and accomplishments; and her opinion of Bruce Plasch's studies and findings of the proposed project having no adverse impact to agriculture in Hawaii. Dr. Cox stated that she disagreed on the underlying assumptions that Mr. Plasch had based his studies on and how he had overlooked changes affecting agriculture industry. Dr. Cox further stated that she could not assess the impact of moving Aloun Farms would be and described how farming was a vulnerable and delicate industry with inconsistent demand for various food products.

There was no redirect.

Commissioner Questions

Commissioner Heller requested clarification on the ultimate economic benefits of using land for diversified agriculture and for urban use. Dr. Cox replied that agriculture would contribute more economically and would be less costly to maintain and that urban use

would require more services and tax dollars to support over a long term period of 100 years.

Commissioner Matsumura requested clarification on food distribution, processing and marketing; and how Dr. Cox defined moving food to the consumer. Dr. Cox provided her perception of the food distribution system and how local production systems differed from importing food; and how Hawaii needed to develop a better coordinated system to service the marketplace.

There were no further questions for Dr. Cox.

The Commission went into recess at 1:43 p.m. and reconvened at 2:03 p.m.

5. Hector Valenzuela- Expert in Agriculture and Vegetable Crops

Dr. Valenzuela was offered and admitted as an expert in agriculture and vegetable crops and described how the loss of the prime agricultural land of the Petition would be detrimental to the State. Dr. Valenzuela shared his understanding of how valuable and productive the Petition Area agricultural lands were and described how North Shore lands had more challenges and lesser quality; and how climate change impacts caused by more volatility in weather patterns and how declining aquifers affected crop yields and would contribute to further crop yield declines in the future resulting in needing more land to grow same amount of crops as lands became less productive.

Dr. Valenzuela stated that he was aware of the DOA-Russell Kokubun's letter of support regarding the Petition Area and described how irrigation technologies could only compliment growing conditions and not replace good soil and conducive environmental conditions; and how hydroponics was capital intensive and not a replacement for expanses of land because it could not support large

scale staple crops; and why isolated sections of land to grow crops for sustainability were favored by farmers. Dr. Valenzuela stated that crop land in the Petition Area would be hard to replace and described how the competitive marketplace for locally grown crops would be impacted by its loss.

Petitioner-

Mr. Kudo had no questions.

DPP-

Mr. Kitaoka requested clarification of Dr. Valenzuela's interest and experience with testifying as a witness. Dr. Valenzuela recounted his appearances before the Commission and described how he became interested and involved with the Petition before the Commission and why he chose to appear during the proceedings.

FOM-

Dr. Dudley asked if Dr. Valenzuela was familiar with certain FOM exhibits (Exhibits P, Q, and R). Discussion ensued to determine whether or not the exhibits FOM exhibits had been properly offered and admitted into evidence. Dr. Dudley offered the exhibits individually and Chair Lezy evaluated and admitted them respectively.

Dr. Dudley asked how Dr. Valenzuela became familiar with the FOM exhibits. Dr. Valenzuela responded that the exhibits had been brought to his attention by FOM and he became involved with testifying about the proposed project and described how each exhibit pertained to the proposed Petition.

Dr. Dudley requested clarification of Dr. Valenzuela's understanding of what the purpose of the agricultural impact rating form was. Dr. Valenzuela described the factors involved in completing the form and described how the ratings were scored and how his

scoring results for the Petition Area differed from the City's, resulting in the City not having to seek alternative uses for the land.

Hee-

Mr. Seitz had no questions

There was no redirect and no Commissioner questions.

There were no further questions for Dr. Valenzuela.

6. Glenn Martines

Mr. Martines was offered and admitted as an aquaponics expert and instructor and stated that he was the President of the Hawaii Farmers Union and was testifying on behalf of his organization. Mr. Martines described what his organization's membership was, how it vetted its organizational public testimony and supported family, small farmer and diversified farming operations. Mr. Martines also described how his organization differed from the Farm Bureau and how Dean Okimoto, President of the Farm Bureau provided consultant services to the Petitioner and endorsed the proposed project though it appeared to be contrary to the goals of the Farm Bureau.

Mr. Martines described his experience with organic farming and aquaponics; and voiced his opinion on how aquaponics was still only an educational tool and not commercially feasible to replace prime agricultural lands since it had to be on a flat surface, was energy and capital intensive and could grow only certain crops.

Petitioner-

Mr. Kudo requested clarification on which Petition Area farm tenants had membership in the Hawai`i Farmers Union organization and what crops were being produced by the Hawaii Farmers Union group. Mr. Martines stated that none of the Petition Area farm tenants

were members of Hawaii Farmers Union and described the criteria for membership for his organization and shared his opinion on what crops he thought were suitable for the marketplace and for avoiding contamination of organic crops.

Mr. Kudo requested clarification on how Mr. Martines perceived urban farming activity. Mr. Martines responded that he supported the farming intent and described what obstacles limited the productivity of that type of farming activity.

DPP and OP-

Mr. Kitaoka and Mr. Yee had no questions.

FOM-

Dr. Dudley requested clarification on Mr. Martines perception of the proposed Petition Area commercial farm sites. Mr. Martines described how the designated commercial agricultural lands of the Petition Area were comprised of ravines that were not feasible for farming.

Hee-

Mr. Seitz had no questions.

There was no redirect.

Commissioner Questions

Commissioner Judge requested clarification on the differences between Aquaponics and Hydroponics. Mr. Martines explained how the terms differed and applied to different technologies and systems.

There were no further questions for Mr. Martines.

The Commission went into recess at 3:03 p.m. and reconvened at 3:22 p.m.

Chair Lezy confirmed that The Sierra Club only had Mr. Deenik as a remaining witness and could conclude its presentation on March 15, 2012. Ms. Dunne acknowledged that was correct.

FOM WITNESSES

1. Leon Sollenberger- Expert in Characteristics of Agricultural Land in the Central and North Shore Areas of Oahu.

Mr. Sollenberger was offered and admitted as a soil tiller expert and described the problems that the proposed agricultural replacement lands had with water availability and the economic challenges involved with developing resources to adequately supply them. Mr. Sollenberger stated that there was a limited supply of quality lands on Oahu and that the Petition Area lands could contribute much to relieving food and energy supply concerns for Hawaii.

Petitioner-

Mr. Kudo asked if R2 water generated at the Wahiawa wastewater treatment plant was a limiting factor for other potential agricultural replacement lands. Mr. Sollenberger described how wells supplied the Central O`ahu Galbraith lands and were very expensive to operate and restated that water may be available but quality land was still needed and in short supply.

Mr. Kudo requested clarification on Mr. Sollenberger's awareness of DOA plans to irrigate the Galbraith lands with the treated R2 water from the Wahiawa wastewater treatment plant, and elevate the R2 water to R1 quality. Mr. Sollenberger stated that even with R1 water, the growing conditions and soil quality of the Galbraith lands were less conducive than the Petition Area agricultural lands and described how attempting to grow crops on alternate agricultural land could temporarily succeed but would not succeed over time.

DPP-

Mr. Kitaoka requested clarification of where the best farm land was located. Mr. Sollenberger stated that the Petition Area land below H-1 was the best farmland available and described farm land areas that he thought were of prime quality and the positive attributes that it offered to farming operations; and recommended that consideration be given to reserving the Petition Area's flat lands for agriculture and using the gulches or ridges for housing.

OP, The Sierra Club and Senator Hee had no questions.

Redirect-

Mr. Kudo requested clarification on Mr. Sollenberger's understanding of the status of R1 water production certification for the Wahiawa wastewater treatment plant. Mr. Sollenberger described how the Wahiawa wastewater treatment plant had problems achieving R1 certification and stated that the water supply could not change the quality of the soil or the growing condition challenges of the central Oahu area that would inhibit crop production.

Commissioner questions-

Commissioner Heller requested clarification on the difference in the agricultural lands mauka and makai of H1. Mr. Sollenberger described the soil, topographic and growing conditions that he was aware of for both of the areas.

Chair Lezy requested clarification on what Mr. Sollenberger considered the best replacement agricultural land for the Petition Area lands. Mr. Sollenberger replied that the only land available in scale was north of Wahiawa but it was not an equal in quality and not a valid substitute.

There were no further questions for Mr. Sollenberger.

2. Peter Apo- Expert in the Hawaiian perspective to the Hawaii visitor industry and business in Hawaii.

Mr. Apo was offered and admitted as an expert witness and described his experience with the Office of Hawaiian Affairs in public policy analysis of growth in Hawai`i and how important agriculture was to the State. Mr. Apo described how urban sprawl negatively affected tourism and the visitor's experience of Hawaii; and his concerns about the impact of diminishing open space on tourism and land use policy which failed to protect Hawaii's landscape vistas.

Commissioner Teves excused himself at 4:12 p.m. and returned at 4: 16 p.m.

Mr. Apo described how he felt agriculture and tourism should work together to preserve the open space used to market Hawai`i's island beauty and stated his concerns about the proposed 10' high noise mitigation noise barriers and how they would obliterate existing view planes. Mr. Apo also described his understanding of the tourist market's demand for locally grown produce and the supply/demand challenges that exist for the local market; and shared his viewpoint of why land management practices used by Hawaiians that utilized the placement of resources in an area for sustainability should be adopted in public policy practices regarding energy and food production issues.

Petitioner-

Mr. Kudo requested clarification on how greenbelts and their visual impacts affected tourists coming to Hawaii for various experiences. Mr. Apo described how the proposed project would close out existing green spaces and view plane and lose their natural beauty.

Mr. Kudo requested clarification on what Mr. Apo's impressions were of how the Second city and directed growth plan developed; and whether growth should be directed elsewhere. Mr. Apo described how the County could have made better decisions about city urban growth boundary overlays on state agricultural designated land and that growth should be directed elsewhere rather than take away productive farmland.

Mr. Kudo asked whether the urban growth boundary considerations should include leaving flat land designated for agriculture. Mr. Apo described how there were limitations to building homes in areas which were not flat and how rather than using the Petition Area to complete the last piece of the second city as part of Kapolei area development, consideration should be given to increasing urban densities with taller structures.

DPP,OP, The Sierra Club, Senator Hee and the Commissioners had no further questions.

Dr. Dudley stated that FOM had no more witnesses and would be withdrawing Mr. Wong and Mr. Aki as witnesses.

Discussion ensued to determine what witnesses the Parties had remaining to testify before the Commission. Ms. Dunne stated that The Sierra Club's witness, Dr. Shintani would be withdrawn and requested that his written testimony remain in evidence and be given whatever weight the Commission felt it deserved. Executive Officer Davidson added that public testitmony for A06-771 would be taken on 3/2/12.

Commissioner Judge moved for an Executive Session and Commissioner McDonald seconded the motion. By unanimous voice

vote (8-0), the Commission elected to enter Executive Session at 4:35 p.m. and reconvened at 4:56 p.m.

Chair Lezy announced that the Commission would be recessed and reconvene at 9:00 a.m. on March 2, 2012. at 4:56 p.m.

LAND USE COMMISSION
MEETING MINUTES

March 2, 2012

Leiopapa A Kamehameha
Conference Room 204, 2nd Floor
235 S. Beretania St.
Honolulu, Hawai`i

COMMISSIONERS PRESENT:	Ernest Matsumura Chad McDonald Kyle Chock Normand Lezy (arrived at 9:48 a.m.) Lisa Judge (departed at 11:30 a.m.) Ronald Heller Nicholas Teves, Jr.
COMMISSIONERS ABSENT:	Jaye Napua Makua 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 Chock called the meeting to order at 9:03 a.m.

INTERVENOR- SENATOR HEE WITNESSES
1. William Tam

Mr. Tam was offered and admitted as an expert on water resources. Mr. Tam described his role with the Department of Land and Natural Resources (DLNR) Commission on Water Resources Management and shared the findings of his organization related to available water resources in Hawaii and future forecasts and planned actions; and the concerns that the Commission on Water Resources had with supplying the current and future needs for water and how water codes had been established and could be enforced to ensure a continuing supply.

Mr. Tam stated that he had been subpoenaed to appear before the Commission and described how his testimony would be limited by his concerns over legal issues and his organizations future involvement in this matter.

Petitioner-

Mr. Kudo requested clarification on water as a natural resource. Mr. Tam described how future water resource availability was difficult to predict due to changing weather and rainfall conditions; and how new sets of assumptions for climatology were developing as the quality of science and technology improved, and how current findings indicated declining water resources; and why he had to be subpoenaed to appear before the Commission..

Mr. Kudo requested clarification on the reliability of historical patterns of weather and their use in predict future weather cycles. Mr. Tam provided his understanding of how Hawai`i's rainfall was decreasing over the last 20 years and explained how the nature of science/data collection accurately recorded the past but could not reliably predict future water availability.

Mr. Kudo requested clarification on Mr. Tam's understanding of water resources in the Petition Area and how they would be impacted by the proposed project. Mr. Tam stated that he was unable to respond to the question due to the limitations he had set for providing testimony to the Commission and described the various features of the Petition Area that he was familiar with and how the water shed and recharge capability of the region needed to be studied, protected and managed.

Mr. Kudo requested clarification on what decision making model alternatives could be used in light of the uncertainty of future water resources. Mr. Tam responded that decisions should be based on the best information available and that current/future sustainable water

yields and uses combined with conservation measures could help extend the lifespan of resources. Mr. Tam reminded the Commission that Hawaii observed the riparian shared use doctrine and how disruptive "takings" could become necessary in the future.

Mr. Kudo requested further clarification on aquifer replenishment for the Ewa region. Mr. Tam described the geographic characteristics of the region and how they affected the replenishment process.

DPP-

Mr. Kitaoka requested clarification on how the DLNR Water Commission fit into the land use approval process. Mr. Tam described the role that the Water Commission had in reviewing information about proposed projects and their water needs and how water codes and permits were used by his organization for guidance, development and control of water resources; and how the Water Commission's role differed from the Land Use Commission.

OP-

Mr. Yee had no questions

FOM-

Dr. Dudley requested clarification on how desalinization plants would be used to supply future water needs and whether in-migration to Hawai`i needed to be limited. Mr. Tam stated that he was not qualified to speak about the subject and expressed his concerns about whether there should be a large scale reliance on such desalinization systems due to the associated high costs of energy for processing the water and disposing of the brine byproduct.

The Sierra Club

Ms. Dunne had no questions.

There was no redirect.

Commissioner Questions

Commissioner Heller requested clarification on what Mr. Tam's concerns were about the impact of the proposed project on existing water supply and demand. Mr. Tam described why he thought the proposed project would not affect the recharge of water on the supply

side and stated that he would reserve the demand side for the Commission to decide.

Commissioner Heller requested clarification on whether water demand was greater in agricultural or urban use. Mr. Tam replied that agricultural use demand was more elastic and variable while urban demand was steady; and that the hardened urban surfaces created problems with runoff and the recharge of the aquifers.

There were no further questions for Mr. Tam.

The Commission went into recess at 10:07 a.m. and reconvened at 10:18 a.m.

INTERVENOR FOM WITNESS

1. Panos Prevadorous- Transportation Engineer

Dr. Prevadorous was offered and admitted as an expert in transportation and provided his summary and analysis of the April 2011 TIAR for the proposed project. Discussion ensued on whether the TIAR had been admitted into evidence and what relevance it had to the proceedings since it was not the TIAR version that the DOT would be reviewing about the proposed project. Mr. Kudo confirmed that the document had been provided to all Parties and described why it had been included and circulated for the Parties to review. Mr. Yee explained why the April 2011 TIAR was prepared for the proposed project. Mr. Seitz argued why the TIAR was relevant. Dr. Dudley expressed why the TIAR process was puzzling to the public and argued why the April 2011 TIAR information should be considered.

Commissioner Teves moved for an Executive Session. Commissioner McDonald seconded the motion and by unanimous voice vote (7-0) the Commission elected to enter Executive Session at 10:30 a.m. and reconvened at 10:44 a.m.

Dr. Dudley offered FOM Exhibit B37- the April 2011 TIAR into evidence and Chair Lezy admitted it.

Dr. Prevadourous described the methodology and criteria he used to analyze the TIAR and its findings and provided his perspective of why it was not an acceptable document since it addressed only partial coverage of the proposed project with no

scenario of full buildout impacts; had used too simplistic models in analyzing its data and neglected including the H1/H2 merge. Dr. Prevadourous stated that existing traffic conditions were not mentioned and there was no relationship to how conclusions regarding the future were derived and described why the deficiencies of the traffic studies included in the TIAR rendered it an incomplete document.

Petitioner-

Mr. Kudo requested clarification on whether Dr. Prevadourous had done any travel time studies done to back up statements that he had made during his testimony and if he had been an anti-rail mayoral candidate and American Dream Coalition member. Dr. Prevadourous described past studies he had done and stated that none had involved the proposed project; described his pursuit of the office of mayor and stated that he was not a member of the American Dream Coalition.

DPP-

Mr. Kitaoka requested clarification on the recommended solutions to traffic impacts and how the use of traffic lanes to alleviate conditions worked. Dr. Prevadourous provided more specific details of his recommendations and how dependence on the first city by potential residents of the proposed project would continue to contribute to congestion on the freeways.

OP-

Mr. Yee requested clarification on traffic behavior and the assumptions that were made for time/traffic relationship estimates and how adding lanes would relieve congestion. Dr. Prevadourous provided the considerations that he made in reporting on the April 2011 TIAR and shared his conclusions and reasons why the TIAR before the Commission was not a good document to rely upon.

There was no redirect.

Commissioner Questions

Commissioner Judge requested clarification on why traffic studies did not include larger areas within the region of concern.

Dr. Prevadourous replied that the criteria for TIARs was set by the reviewing authority, and that no guidelines for systems impacts were in place.

Commissioner Judge asked what the scope of a TIAR document should be. Dr. Prevadourous described what he thought TIARs should include and stated that he could not answer questions about mitigation for the Petition Area without further information and suggested adding lanes from the Petition Area to UH-Mānoa as a possible mitigation for traffic conditions.

Chair Lezy requested clarification on Dr. Prevadourous' awareness of the DOT approval process and whether he had faith in the DOT system. Dr. Prevadourous stated that he had worked for the State as consultant and felt that DOT engineers might review and identify the same flaws that he had discovered and that he was not aware of the current DOT administration's position on the Petition and that it did not appear to him that the best interests of the public were being considered.

There were no further questions for Dr. Prevadourous.

The Commission went into recess at 11:20 a.m. and reconvened at 11:28 a.m. Chair Lezy announced that the Commission would take public testimony at the current time for audience members and also again at the scheduled 2 p.m. agenda posted time.

PUBLIC WITNESSES

1. Tom Berg-

Councilman Berg submitted copies of City Council Resolution 12-23, CD1, FD1. which addressed urban growth boundary changes and expressed his concerns regarding the Petition and what the purpose and intent of the city resolution was..

Dr. Dudley requested further clarification on what the intent of the resolution was. Councilman Berg described how the resolution was an attempt to identify prime agricultural land including those already inside the urban growth boundaries and reassess their important agricultural land value and the Oahu general plan.

There were no further questions for Councilman Berg.

2. Dana Anderson-
   Ms. Anderson stated she opposed the proposed project and shared her reasons why..
   There were no questions for Ms. Anderson.
3. Cyrus Cariaga
   Mr. Cariage stated that he was an unemployed carpenter and described why he supported the Petition
   There were no questions for Mr. Cariaga
4. Dennis Lombardi
   Mr. Lombardi stated that he supported the Petition and provided his background and working relationship with D.R. Horton-Schuler Homes.
   There were no questions for Mr. Lombardi.
5. Mike Nojima
   Mr. Nojima stated that he was a civil engineer and supported the Petition; and expressed why he considered D.R. Horton-Schuler Homes a worthy developer.
   There were no questions for Mr. Nojima.
6. Henry Kwock
   Mr. Kwock stated that he supported the Petition and voiced his reason why.
   There were no questions for Mr. Kwock.

The Commission went into recess at 11:58 a.m., reconvened at 3:03 p.m.; and Chair Lezy called for public testimony. (6 Commissioners present)

PUBLIC WITNESSES-(CONT.)

7. Wynnie Hee
   Ms. Hee shared why she opposed the Petition and asked the Commission to leave agriculture land alone.
   There were no questions for Ms. Hee.
8. State Representative Gil Riviere-
   Rep. Riviere stated that he opposed the Petition for land use designation change and described why public sentiment for appropriate development was increasing.
   There were no questions for Rep. Riviere.
9. Jason Espero-
   Mr. Espero stated that he wanted to live on Oahu's leeward side

and in proposed development and described why he supported the Petition.

There were no questions for Mr. Espero.

10. Kevin Keleen

Mr. Keleen described why he opposed the proposed project.

There were no questions for Mr. Keleen

Commissioner Matsumura excused himself at 3:19 p.m. and returned at 3:22 p.m.

11. Cynthia Frith

Ms. Frith stated that she opposed the Petition and requested that the Commission consider preserving the prime farmland of the Petition Area..

There were no questions for Ms. Frith

12. Thad Spreg

Mr. Spreg described why he opposed the Petition.

There were no questions for Mr. Spreg.

13. Guy Archer-

Mr. Archer stated that he represented the Americans for Democratic Action-Hawai`i Chapter and expressed his organization's opposition to the Petition.

There were no questions for Mr. Archer.

14. James McKay

Mr. McKay shared his concerns about-long term sustainability for Hawaii and why he opposed the proposed project..

There were no questions for Mr. McKay.

15. Jeff Brone

Mr. Brone stated that he worked with enriching soils and described why he valued healthy soil and opposed the Petition.

There were no questions for Mr. Brone.

16. Kika Bukoski

Mr. Bukoski described how he perceived the proposed project would benefit the local marketplace.

There were no questions for Mr. Bukoski.

17. Elaine Kam

Ms. Kam described her concerns about importing food and why she opposed the Petition.

There were no questions for Ms. Kam.

18. Jade Spellina

Ms. Spellina expressed why Hawai`i should retain its farmlands and why she did not want the Petition granted.

There were no questions for Ms. Spellina.

Ms. Kam stated she and Ms. Spellina represented 168 parents, students, teachers from various schools and requested permission to display signage materials protesting the proposed petition to the Commission.. Chair Lezy approved the request and the display materials were shown to the Commission.

Commissioner Matsumura excused himself at 3:35 p.m. and returned at 3:38 p.m.

19. Joanna Bukipala

Ms. Bukipala stated that she opposed the Petition and described her concerns about the proposed project..

There were no questions for Ms. Bukipala.

Chair Lezy announced that the next LUC meeting was on March 15-16, 2012 and confirmed the remaining witnesses that the Parties still needed to present to the Commission.

There being no further business, Chair Lezy acknowledged the efforts and cooperation of the parties and adjourned the meeting at 3:52 p.m.