

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A00-734
)	
CASTLE & COOKE HOMES HAWAII, INC.)	ORDER DENYING MOTION TO
and PACIFIC HEALTH COMMUNITY, INC.)	STAY PROCEEDINGS IN CASTLE &
)	COOKE HOMES PETITION TO
To Amend the Agricultural Land Use District)	REMOVE OVER 1200 ACRES OF
Boundary into the Urban Land Use District)	LAND FROM THE AGRICULTURAL
for Approximately 1,247.983 Acres of Land at)	DISTRICT UNTIL HRS CHAPTER 343
Waipio and Waiawa, O`ahu, Hawai`i TMKs:)	IS COMPLIED WITH
9-4-06: 1, 2, por. 3, por. 29; 9-5-03: por. 1, por.)	
2, por. 4; and 9-6-04: 21)	
_____)	

LAND USE COMMISSION
STATE OF HAWAII
2001 SEP 26 A 7:42

ORDER DENYING MOTION TO STAY PROCEEDINGS IN CASTLE & COOKE
HOMES PETITION TO REMOVE OVER 1200 ACRES OF LAND FROM THE
AGRICULTURAL DISTRICT UNTIL HRS CHAPTER 343 IS COMPLIED WITH

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HOMES PETITION TO REMOVE OVER 1200 ACRES OF LAND FROM THE
AGRICULTURAL DISTRICT UNTIL HRS CHAPTER 343 IS COMPLIED WITH

On August 7, 2001, the Sierra Club, Hawai`i Chapter, filed a Motion To Stay Proceedings In Castle & Cooke Homes Petition To Remove Over 1200 Acres Of Land From The Agricultural District Until HRS Chapter 343 is Complied With ("Motion"), pursuant to section 15-15-70, Hawai`i Administrative Rules ("HAR").

On August 14, 2001, Co-Petitioner Castle & Cooke Homes Hawaii, Inc. ("CCHHI") filed a Memorandum In Opposition To Motion To Stay Hearing Until Petitioner Complies With HRS Chapter 343.

On August 28, 2001, the City and County of Honolulu Department of Planning and Permitting (“DPP”) filed a statement of No Position To The Motion To Stay Hearing Until Petitioner Complies With HRS Chapter 343.

On August 29, 2001, the Sierra Club, Hawai`i Chapter, filed a Reply Memorandum To Castle & Cooke Homes’ Motion In Opposition To Sierra Club’s Motion To Stay Proceedings Until Compliance With HRS Chapter 343.

On September 5, 2001, CCHHI filed a Supplemental Memorandum In Opposition To Motion To Stay Hearing Until Petitioner Complies With HRS Chapter 343.

The Motion was heard in Honolulu, Hawai`i, on September 6, 2001. Dickson C.H. Lee, Esq., appeared on behalf of CCHHI; Rodney Y. Sato, Esq., and William W.L. Yuen, Esq.¹, appeared on behalf of Co-Petitioner Pacific Health Community, Inc.; John Chang, Esq., appeared on behalf of the Office of Planning (“OP”); Jane Howell, Esq., appeared on behalf of the DPP; Dick Poirier appeared on behalf of Intervenor Mililani/Melemanu/Waipio Neighborhood Board #25; and Jeff Mikulina appeared on behalf of Intervenor the Sierra Club, Hawai`i Chapter. At the meeting, the Commission’s deputy attorney general, John P. Dellera, provided the Commission with a summary of the legal issues presented by the Motion. The Commission then heard arguments by the parties in support of and in opposition to the

¹ On September 6, 2001, William W.L. Yuen filed an Appearance Of Co-Counsel for Co-Petitioner Pacific Health Community, Inc.

Motion. Thereafter, a motion was made and seconded to deny the Motion filed by the Sierra Club, Hawai`i Chapter. Following discussion by the Commission, a vote was taken on the motion to deny the Motion filed by the Sierra Club, Hawai`i Chapter. There being a vote tally of 6 ayes and 1 nay, the motion carried.

ORDER

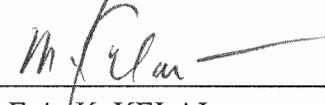
Having duly considered the Sierra Club, Hawai`i Chapter's Motion, the oral and written arguments presented by the parties in this proceeding, and a motion having been made at a hearing conducted on September 6, 2001, in Honolulu, Hawai`i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion, the Commission hereby DENIES the Motion filed by the Sierra Club, Hawai`i Chapter.

ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and the proceedings, hereby adopt and approve the foregoing ORDER this 20th day of September 2001. The ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

LAND USE COMMISSION
STATE OF HAWAII

By



MERLE A. K. KELAI
Chairperson and Commissioner

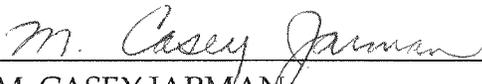
By 
LAWRENCE N. CUNEO
Vice Chairperson and Commissioner

By (excused)
P. ROY CATALANI
Commissioner

By 
BRUCE A. COPPA
Commissioner

By (absent)
PRAVIN DESAI
Commissioner

By (absent)
ISAAC FIESTA, JR.
Commissioner

By 
M. CASEY JARMAN
Commissioner

By (absent)
STANLEY ROHRIG
Commissioner

By 
PETER YUKIMURA
Commissioner

APPROVED AS TO FORM:


Deputy Attorney General

Filed and effective on
September 26, 2001

Certified by:

Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A00-734
)
CASTLE & COOKE HOMES HAWAII, INC.) CERTIFICATE OF SERVICE
and PACIFIC HEALTH COMMUNITY, INC.)
)
To Amend the Agricultural Land Use District)
Boundary into the Urban Land Use District)
for Approximately 1,247.983 Acres of Land at)
Waipio and Waiawa, O`ahu, Hawai`i TMKs:)
9-4-06: 1, 2, por. 3, por. 29; 9-5-03: por. 1, por.)
2, por. 4; and 9-6-04: 21)
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Denying Motion To Stay Proceedings In Castle & Cooke Homes Petition To Remove Over 1200 Acres Of Land From The Agricultural District Until Hrs Chapter 343 Is Complied With was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL. DAVID W. BLANE, Director
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P. O. Box 2359
Honolulu, Hawaii 96804-2359

CERT. RANDALL K. FUJIKI, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
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CERT. JANE HOWELL, ESQ.
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City and County of Honolulu
530 South King Street
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Takushi Funaki Wong & Stone
Grosvenor Center, Suite 1400
733 Bishop Street
Honolulu, Hawaii 96813

CERT. WILLIAM W.L. YUEN, ESQ., Attorney for Petitioner
Ching, Yuen & Morikawa
Pacific Tower, Suite 2700
1001 Bishop Street
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CERT. DR. RANDALL SUZUKA, Representing Petitioner
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650 California Avenue
Wahiawa, Hawaii 96786

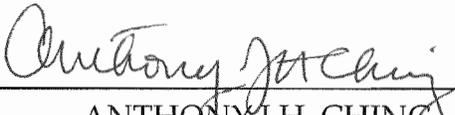
CERT. HARRY A. SAUNDERS, Representing Petitioner
Executive Vice President and Chief Operating Officer
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P. O. Box 898900
Mililani, Hawaii 96789-8900

CERT. RODNEY Y. SATO, ESQ., Attorney for Petitioner
95-155 Waikalani Drive
Mililani, Hawaii 96789

CERT. JEFF MIKULINA, Director, Representing Intervenor
Sierra Club, Hawai`i Chapter
P. O. Box 2577
Honolulu, Hawaii 96803

DEL. RICHARD G. POIRIER, Representing Intervenor
Mililani/Melemanu/Waipio Neighborhood Board No. 25
95-584 Naholoholo Street
Mililani Town, Hawaii 96789

DATED: Honolulu, Hawaii, this 26th day of September 2001.



ANTHONY J.H. CHING
Executive Officer