

LAND USE COMMISSION  
MINUTES OF MEETING

September 5, 2003

Jade/Plumeria Room  
Wailea Marriott, an Outrigger Resort  
3700 Wailea Alanui  
Wailea, Maui, Hawaii 96753-8332

COMMISSIONERS PRESENT: P. Roy Catalani  
Bruce Coppa  
Pravin Desai  
Lawrence Ing  
Steven Montgomery  
Randall Sakumoto  
Peter Yukimura

COMMISSIONERS ABSENT: Isaac Fiesta  
Rae McCorkle Sultan

STAFF PRESENT: Diane Erickson, Deputy Attorney General  
Anthony Ching, Executive Officer  
Bert Saruwatari, Staff Planner  
Caroline Lorenzo, Acting Chief Clerk  
Holly Hackett, Court Reporter

Chair Ing called the meeting to order at 8:33 a.m.

A03-739 A&B PROPERTIES INC. (Maui)

Chair Ing called upon Sylvia Cabral to see if she was present to testify as a public witness, as she had signed up yesterday. She was not present to testify. There being no other individuals, the Petitioner proceeded with the presentation of its case.

APPEARANCES

Benjamin Matsubara, Esq., represented Petitioner  
Dan Yasui, A&B Properties, Inc.  
Jane Lovell, Esq., represented County of Maui Department of Planning  
Clayton Yoshida, County of Maui Department of Planning  
John Chang, Esq., represented State Office of Planning  
Abe Mitsuda, State Office of Planning

PETITIONER'S WITNESSES

1. Phillip Rowell

Mr. Rowell stated that he is the principal of Phillip Rowell and Associates and was qualified as a traffic engineer expert by the Commission. There were no objections by the parties and the Commission.

Mr. Rowell provided a brief summary of his written testimony which was provided to the Commission as Petitioner's Exhibit 11.

Ms. Lovell asked what assumptions Mr. Rowell used in his study concerning the mix of commercial retail versus light industrial. Mr. Rowell responded with 25% commercial/retail and 75% light industrial.

Ms. Lovell asked for Mr. Rowell's as to what would happen if the mix of retail to light industrial were 50/50 rather than 25/75. Mr. Rowell indicated that the amount of peak hour traffic in the afternoon would increase and that the morning peak hour traffic would decline some.

Ms. Lovell expressed her concern regarding traffic on Dairy Road. She indicated that a typical driver would sit in traffic at peak times and some may want to go straight to south Maui, and some may want to turn into Home Depot or Walmart, and others may want to go along Dairy Road often in the direction of Lahaina. She further indicated that there would be a 30% increase. Mr. Rowell indicated that unless you build the mitigation measures, there will be a backup, and the 30% increase would be in the corridor.

Mr. Chang asked Mr. Rowell to point out the other necessary improvements on the map that was provided and asked when these projects are going to be done. Mr. Rowell responded that the Hookele Street Extension needed to be built first before any other improvements can be made.

Chair Ing asked Mr. Rowell to explain the amount of traffic uses on Dairy Road. Mr. Rowell indicated that they look at traffic coming from all direction during the afternoon peak hours and his numbers show that there are 1,400 to 1,500 vehicles per hour along Dairy Road, and that two-thirds of that traffic would go to the Hookele Street Extension.

Commissioner Sakumoto asked Mr. Rowell to provide a status on the improvements which were listed in his written testimony under Item #7. Mr. Rowell provided the following:

- 7A: The Maui Long-Range Land Transportation Plan – Nothing has been done
- 7B: Recommendation would occur after the zone has been developed
- 7C: Would have to be done after Hookele Street Extension is completed.
- 7D: Would not kick in until development of Parcel D

Commissioner Sakumoto expressed his concerns regarding the disconnect between the planning process and design and funding the construction of these improvements, and the speed of which development gets done and the traffic problems created. Commissioner Sakumoto asked for assurances that these improvements are actually going to happen. Mr. Rowell indicated that the Hookele Street Extension must be completed first.

Commissioner Desai suggested a comparison between 50/50 versus 25/75 of commercial/retail to light industrial uses. Mr. Rowell indicated that it would be re-writing two-thirds of the report.

A recess break was taken at 9:49 a.m., and the meeting reconvened at 10:09 a.m.

#### PUBLIC WITNESS

##### 1. Sally Raisbeck

Ms. Raisbeck testified that there were incorrect statements in the County staff report. She indicated that on page 7 of the staff report, it said that the County of Maui, Department of Water Supply, in a letter dated July 3, 2003 to the Maui County Planning Department, stated that Alexander & Baldwin has an unused allocation of 480,000 gpd as a result of its participation in the Central Maui joint venture. It then had two sentences describing the joint venture and Petitioner states that it has an unused allocation of 1.96 mgd from which to draw to supply Phase 2 of the Maui Business Park Developments. She then indicated that the Corporation Counsel's letter dated September 3, 2003 stated that they are not allocating water on the basis of the CMJV agreement, and if they were, A&B's remaining allocation would be equal to or less than 180,000 gpd.

#### PETITIONER'S WITNESSES (continued)

Mr. Matsubara asked the Commission to recall Mr. Vicens to provide a 5-minute historical use of Dairy Road and A&B Properties involvement.

## 2. Mercer Vicens

Mr. Vicens provided a brief historical context. He indicated that Dairy Road was a two-lane local traffic road, which is not in very good shape, and the main thoroughfare for people who did business along that corridor prior to Maui Business Park. As part of the conditions, A&B agreed to widening the road to five lanes all the way from Puunene Avenue to Haleakala Highway and where the highway going to the airport starts. At A&B's expense, this road was built, and it helped relieve traffic going to the airport as a mitigation measure of Phase 1A & 1B project.

There were no questions by the parties or the Commission.

## 3. Tom Nance

Mr. Nance was qualified by the Commission as an expert relating to water resource and development. There were no objections by the parties and the Commission.

Mr. Nance provided a brief summary of his written testimony which was provided to the Commission as Petitioner's Exhibit 12. Mr. Nance addressed specifically the availability of potable water supply for Phase 2 of the Maui Business Park.

Mr. Matsubara introduced Petitioner's Exhibit 14. There were no objections by the parties and the Commission, and said exhibit was admitted into the record by the Commission.

Mr. Nance referenced Petitioner's Exhibit 14 in his summary of his written testimony.

Chair Ing asked for an explanation of Mr. Nance's usage of the words "substantial rights to surface water." Mr. Nance indicated that it's an agreement they have with the former Wailuku Sugar, which is a shared source of supply. Mr. Matsubara indicated that he will obtain and provide copies to the Commission.

Ms. Lovell asked for Mr. Nance's opinion on the 6,000 gpd per acre standard. Mr. Nance indicated that the standard on Oahu and all other islands, except Maui, is 4,000, and Maui is unique with its standard of 6,000 gpd.

There was much discussion regarding irrigation and the types of water systems used and the inadequate water availability.

Ms. Lovell requested that the State makes its presentation before the County at the LUC's next hearing because of airport issues that the State has raised. Mr. Chang

indicated that he preferred the normal order of witness presentation and felt that County's issue on water and traffic should go first rather than the airport issue. Ms. Lovell then indicated that the County's witnesses will not be prepared to address any airport issues until they have heard what those issues are. Chair Ing decided that the State will make its presentation first at the next hearing.

The meeting was adjourned at 11:06 a.m.