

LAND USE COMMISSION  
MINUTES OF MEETING

November 18, 2005

Sheraton Maui Kaanapali Beach Resort  
2605 Kaanapali Parkway  
Lahaina, Maui, Hawaii 96761

COMMISSIONERS PRESENT: Michael Formby  
Kyong-su Im  
Lisa Judge  
Duane Kanuha  
Ransom Piltz  
Randall Sakumoto

COMMISSIONERS ABSENT: Thomas Contrades  
Steven Montgomery

STAFF PRESENT: Diane Erickson, Deputy Attorney General  
Anthony Ching, Executive Officer  
Bert Saruwatari, Staff Planner  
Sandra Matsushima, Chief Clerk  
Holly Hackett, Court Reporter  
Walter Mensching, Audio Technician

Chair Sakumoto called the meeting to order at 8:45 a.m.

DOCKET NO. A04-751 MAUI LAND & PINEAPPLE COMPANY, INC. (Maui)  
PULELEHUA

APPEARANCES

William Yuen, Esq., representing Petitioner  
Robert McNatt, Executive Vice President, Maui Land & Pineapple Company  
Jane Lovell, Esq., represented the County of Maui Department of Planning  
Michael Foley, Director, County of Maui Department of Planning  
John Chang, Esq., represented State Office of Planning

Laura Thielen, Director, State Office of Planning  
Abe Mitsuda, State Office of Planning

Petitioner's Witnesses

1. Vincent Mestre

Mr. Mestre stated that he is from Laguna Niguel, CA and is the Principle of a consulting engineering firm specializing in air/noise with a focus on transportation projects. Mr. Mestre stated that he has 32 years experience in airport noise studies around the world and conducted several airport noise studies in Hawaii, a noise analysis at the Honolulu International Airport, a sound insulation project in Hilo, and other projects in Campbell Estates at Barbers Point. Mr. Mestre's resume was submitted as Petitioner's exhibit 15. Mr. Mestre was qualified as an expert in airport acoustical engineering. There were no objections by the parties or the Commission.

Mr. Mestre summarized his report and described the noise contours and operations data using the number and type of aircraft, flight path, and hours of operation. Mr. Mestre referenced figure 14 of Petitioner's exhibit 4 in the final EIS.

Ms. Lovell raised questions regarding the airport physical features preventing the expansion of the airport, limitations of the 3000 foot runway, deep gulches in the area, noise contour levels based on the 24 hour basis, and the average acoustical number.

Mr. Chang had questions and concerns relative to private jets using the airport runway and if Mr. Mestre conducted on site tests. Mr. Mestre replied that under current rules, no private jets are allowed to operate at the airport. Mr. Mestre added that operations data were required by pilots to check in and log. The operations data was inputted from this log and no on-site noise level tests were conducted.

Mr. Yuen commented that there will be approximately 100 lots within the 55 dnl levels, under the maximum operating conditions.

Ms. Lovell asked what contour level will dictate that scenario, the extra construction requirement for homes, such as double wall construction, insulating windows and doors. Mr. Mestre replied that level is at 65 dnl and that all the

homes within this project will have double-wall construction and that none of the homes will be within the 65 dnl levels.

Commissioner Formby raised questions relative to the description of the airport, the active runway, terminal building, whether the height of the building affects noise levels, the loudest part of airport operations during take off, noise contours that extend along the flight track, decibel levels, and the number of flights per hour.

Commissioner Im posed questions regarding the agreement that prohibits the airport expansion. Mr. Mestre explained that the agreement was originally with Hawaiian Airlines, then the deed was transferred to the State. Mr. Mestre added that there are other restrictions imposed by the County and the LUC.

Commissioner Im also raised questions on the possibility of any airport expansion, the types of jets that could utilize a 3000 foot runway, and referenced figure 14. Commissioner Im commented that hearing the public's testimony regarding emergency disaster situations, he was hopeful that the airport could serve an important role in the event of an emergency in West Maui.

Vice Chair Judge posed questions to determine what improvements would be necessary for the airport to operate at the maximum allowable flights.

Commissioner Piltz had a few questions regarding the 55 dnl contour line and the difference in construction needed for levels 65 and 55 dnl.

Commissioner Kanuha asked what is the equivalent of the 65 or 55 dnl levels, in a layperson's standpoint. Mr. Mestre replied that a normal conversation is 55 dnl, a raised voice is 70-75 dnl and a screaming voice is at the 95-100 dnl range, a concert sound engineer sets audience levels at 105 dnl, while a quiet bedroom at night is between mid 30 to low 40 dnl.

Commissioner Im noted that because they did not conduct a physical noise level study on the project site, was there not a need to have an on-site study since there are trade winds and weather pattern differences. Mr. Mestre replied that the computer model does an excellent job in the analysis.

Commissioner Piltz raised questions related to studies on air pollution, fumes, and health effects from nearby airports noise and pollution.

Commissioner Formby had a few questions and concerns relative to the absence of a tower control, radio contact directing traffic, visual flight patterns, and the switch in flight direction during Kona winds.

Mr. Yuen clarified the restriction on preventing terminal expansion at the airport and noted that it is a part of the list of restrictions. Mr. Yuen added that they will provide the zoning ordinance, the original lease, deed restrictions, and the LUC order imposing the restriction on the airport expansion.

Ms. Lovell asked if emergency helicopters are permitted to land at the airport. Mr. Mestre replied in the affirmative and noted that emergency helicopters are also allowed to land in ball parks, on highways, etc. in emergency situations.

After a discussion, there were no further questions posed by the parties and the Commission.

A recess break was taken at 9:45 a.m. The meeting reconvened at 10:00 a.m.

## 2. Richard Hall

Mr. Hall stated that he was from Tallahassee, FL. Mr. Hall provided a brief summary of his educational background and work experience as a transportation engineer specializing in walk-able communities, hurricane evacuation studies, and traffic impact consultation. Mr. Hall's resume was submitted as Petitioner's exhibit 14. Mr. Hall was qualified as an expert in the filed of field of traffic engineering. There were no objections by the parties.

Mr. Hall summarized his report and referenced Petitioner's exhibit 26. Mr. Hall discussed issues of the DOT's improvements for the West Maui corridor, history of bypasses, future 4-lane bypass, VMT or vehicle miles traveled, mixed use communities with concepts for walking, biking, or mass transit. Mr. Hall also referenced Petitioner's exhibit 27, the peak hour levels and levels of service grades.

### Admission of Additional Exhibit

Mr. Yuen noted that the overhead diagram that Mr. Hall just completed presenting is marked as Petitioner's exhibit 36 and offered it into evidence.

There were no objections by the parties or the Commission. Petitioner's exhibit 36 was admitted into evidence.

Ms. Lovell Jane had questions and concerns related to the Lahainaluna bypass and potential traffic impacts, referencing page 14 of the transportation report.

Mr. Chang raised questions regarding the proposed intersection connecting to the state's highway, roadway connections, and the conversations that Petitioner previously had with the DOT, and the status of funding for the bypass.

A recess break was taken at 11:00 a.m. The meeting reconvened at 11:15 a.m.

Commissioner Formby posed questions regarding the new urbanism model, the regional impacts associated in the residential community, street parking and perceptions designed to help maintain slower speeds within the planned community.

Commissioner Kanuha had questions and concerns related to the optimal levels of service C and D versus today's level of service A and B. Mr. Hall responded that at full build out, the projected level of service would be better than C.

Commissioner Im raised questions on the number of intersections connecting to the state's highway, turning lanes on the four proposed intersections, commercial uses and other types of service utilizing the left turn lanes, traffic growth, and the traffic study based on other models not specific to this project.

Commissioner Piltz had a few questions in reference to page 45 Pulelehua trip generation percentages.

Vice Chair Judge raised three questions. The first was in reference to exhibit 36, the analysis of the 4 intersection scenario; second was relative to the traffic impacts of Lower Honoapiilani Highway; and the third was regarding the Hoohui intersection and the assumption that none of the cars will make left turns, although this is the closest intersection to access commercial activities there, such as a fast food outlet and gas station.

Chair Sakumoto posed questions relative to the proposed services within the petition area, keeping the traffic within the subdivision, the types of services, and the type and grade of the school.

A lunch break was taken at 12:20 p.m. The meeting reconvened at 1:30 p.m.

Commissioner Im raised questions in reference to exhibit 36, the four intersection's a.m./p.m. traffic, left turns at the critical intersections, the signalized main intersection, and the numbers in this new urbanism community.

Commissioner Formby commented that he supports new urbanism but noted his concern regarding the concept that it is a self sustaining community.

Vice Chair Judge echoed Commissioner Formby's support for the principles of new urbanism but suggested that an updated TIAR be conducted prior to subdivision approval to include the Hoohui intersection, the impacts on the lower Honoapiilani Highway, and the interaction of the entire West Maui region.

After a discussion, there were no further questions posed by the parties and the Commission.

### 3. Thomas Holliday

Mr. Holliday stated that he is a Senior Analyst with Hallstrom Appraisal Group. His resume was submitted at Petitioner's exhibit 14. Mr. Holliday has been working in Hawaii for 25 years and has appraised major hotels in the state and was involved in many major feasibility studies and market impact studies. Mr. Holliday was qualified as an expert in real estate appraisal and economics. Mr. Holliday summarized his report, Petitioner's exhibit 29, and described the analysis for demand for housing in West Maui, the projection of population growth, the SMS figures adopted by the County, and the benefits from the proposed community.

Ms. Lovell raised questions related to the compilation of numbers, the assumptions of economic benefits by this project, increased capacity for the island, the analysis on new homes for West Maui employees, and new jobs created by this project.

Mr. Chang had a few questions related to the number of units proposed for the State's Villages of Leialii, meeting the 51% afford housing criteria, and the economic feasibility for this project.

Commissioner Im raised a few questions regarding the need for providing new jobs, infrastructure concerns, population growth, and the lack of infrastructure and continued growth, which may have a negative impact on tourism.

Commissioner Formby posed a few questions related to the airport businesses, and the types of shops in the shopping center.

Chair Sakumoto commented that due to flight schedule, the LUC will adjourn by 3:00 p.m. today.

Mr. Chang asked if this docket will be on the December 1-2 agenda. Chair Sakumoto replied in the affirmative and added that the LUC will reserve the full day on Friday, December 2 for this docket.

Mr. Yuen noted that Petitioner still has six more witnesses that will be testifying then.

The meeting adjourned at 2:50 p.m.

*(Please refer to LUC Transcript of November 18, 2005 for more details on this matter.)*