

1 LAND USE COMMISSION

2 STATE OF HAWAI'I

3 CONT'D HEARING

4 A07-775 CASTLE & COOKE HOMES,)
HAWAII, INC.)
5 _____)

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8 TRANSCRIPT OF PROCEEDINGS

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10 The above-entitled matter came on for a Public Hearing
11 at Conference Room 405, 4th Floor, Leiopapa A
12 Kamehameha, 235 S. Beretania Street, Honolulu,
13 Hawai'i, commencing at 9:30 a.m. on April 22, 2010
14 pursuant to Notice.

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REPORTED BY: HOLLY M. HACKETT, CSR #130, RPR
20 Certified Shorthand Reporter

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1 CHAIRMAN PILTZ: Good morning. This is a
2 meeting of the State Land Use Commission April 22nd,
3 conference room 405, 4th floor Leiopapa A Kamehameha
4 in Honolulu, Hawai'i. We're going into the continued
5 hearing for petition No. A07-775. We do have one
6 public witness that missed the flight yesterday. We
7 are going to let him come forward.

8 CURTIS CRABBE
9 being first duly sworn to tell the truth, was examined
10 and testified as follows:

11 THE WITNESS: I do.

12 CHAIRMAN PILTZ: Would you state your name
13 and address for the record, then proceed.

14 THE WITNESS: My name is Curtis Crabbe. My
15 address is 708 Lei Kukui Place in Ho'olehua, Molokai.

16 CHAIRMAN PILTZ: Go ahead.

17 THE WITNESS: Thank you, Mr. Piltz, for
18 allowing me to come at this late moment. I did just
19 get wind of this hearing late yesterday and was able
20 to get a flight out. Thank you very much for
21 entertaining my testimony today.

22 I understand that before you is the Koa
23 Ridge Project development which I'm very strongly
24 opposed to.

25 I grew up in Pearl City since 1960. I'm age

1 53. I've been there most of my natural life. I went
2 to the mainland, came back, got married, did the whole
3 thing, the mortgage and everything. But I moved with
4 my wife in Mililani in 1978. And from there I bought
5 my first condominium. It was a Hawaiian Housing
6 Authority project. Basically we started there and
7 were provided some homeownership.

8 Basically in 1980 I became a licensed
9 contractor. I'm an electrical contractor. My dad is
10 a contractor also. And I got to contract from Gentry
11 to go put a meter at the base of the Mililani Mortuary
12 Road which went right up to Kamehameha Highway back
13 then. And they cleared the pineapple field -- I was
14 talking to Carlton about this -- and put the meter
15 right there. It stood for six months.

16 Lo and behold about six months later they
17 told me to go put a light next to the meter. I said
18 okay. So it pointed towards the makai area. And two
19 days after that there came a big sign that said
20 Wai'ola Estates.

21 And that's the first time that I got
22 involved with the political process about planning,
23 just basically, you know, trying to integrate a well
24 balanced community into a small Island of O'ahu.

25 So back then there was relatively a lot of

1 space. The 'Ewa Plain hadn't come up yet. I told
2 myself: Gee, how are they going to put 1200 homes
3 down there and still allow us people from Mililani to
4 go to and from on Kamehameha Highway?

5 If you're familiar with Kipapa Gulch it's
6 two lanes going across and it still is that way 'til
7 today. And basically it was going to be one lane of
8 traffic going into another lane and pick up all this
9 Wai'ola Estates traffic to go all the way down the
10 hill to Leeward Community College.

11 And that didn't seem reasonable to me
12 because what're you gonna do? You got 1200 homes, you
13 got 2400 cars eventually? But they said, oh, they're
14 going make, build the road out to be four lanes but it
15 still have to connect into that two-lane connector
16 that's across the H-2 presently -- the H-1 presently
17 that goes out to Waianae.

18 I told myself: How they gonna do that?
19 They gonna stack all these cars over there. They
20 going to increase the time to go in traffic to
21 Honolulu and basically that was the proposal. That's
22 what they told the Planning Commission back then.

23 And as we know, it never flew. Basically
24 didn't flew. Today we have nice open space. We have
25 park space there which I think is a good use for the

1 purpose. It's like 30 years later -- I mean 20 years
2 later but it still came to fruition.

3 My concern is with this Koa Ridge Project
4 the same thing's gonna happen again, although it's
5 gonna go right to the freeway. Right now I can just
6 imagine people coming from Mililani, Wahiawa going to
7 town, still gonna be -- you're gonna stack up.

8 Right now you have to leave -- my niece has
9 to leave Mililani at 5:15 to get into Kamehameha
10 Schools because it's just too much traffic,
11 horrendous, it's horrendous traffic.

12 And I can see also that traffic causing, you
13 know, a concern for, you know, the other people that
14 come from Wahiawa going back and forth. But what I
15 want to say here is that traffic concerns of my
16 situation, my concerns here.

17 Also I'm in the construction industry. I'm
18 very, very, very well familiar with what we need to do
19 to keep our construction industry going. Okay?

20 Now, I saw the display of the Carpenters'
21 Union on TV. Molokai you gotta get TV. You can't be
22 here. I saw them and they wanted jobs. They need
23 jobs. Everybody knows the construction industry and
24 all the other spinoff industries are really the road
25 we're having a hard time.

1 But I can't think about how this one Project
2 is gonna save the economy of Hawai'i. It really
3 can't, you know. And if you look at the long and the
4 short of it we are all in this economic downturn.
5 It's not just Hawai'i. It's the whole world.

6 I travel from Connecticut. I got business
7 in Rhode Island, Massachusetts all the way in Phoenix,
8 the concrete trucks are just simply stopped.

9 So with that said, and I know your time is
10 limited, I would think the best concern is to
11 re-evaluate. If you're gonna do something do it real
12 small. Do it really planned. If they're gonna build
13 something -- talking to Carlton, Mililani is developed
14 out right now.

15 When I moved up to Mililani, Meheula Parkway
16 wasn't even completed yet. And, you know you always
17 knew you were from Mililani because you had that red
18 mud streak along your car. It wasn't finished yet to
19 go off the offramp, go around Mililani High School and
20 come back again.

21 And until 12:00 at night the pineapple
22 truck, only one pineapple truck, went up and down.
23 That was Mililani in 1978.

24 Today everybody comes from Mililani. It's a
25 fully developed American, the best community -- it was

1 voted Best Community in 1986. It's a great place. But
2 I really feel opposed to this Koa Ridge Project so
3 much I had to come from Molokai. And maybe to not
4 awaken you, but Molokai -- you know what they say on
5 Molokai, right? "Just say no." That's all it is.
6 No. There's no traffic lights. There's no McDonalds.
7 The Misaki's and Friendly Market close up at 8:30.
8 And you only can get hot bread after 10 o'clock at
9 night. That's it. "Just say no."

10 I'm following passionately this Ho'opili
11 project. I know House Bill, I think it's 2252, is
12 stalled. Okay. It's probably not going to come to
13 fruition because of, I don't know who the people are
14 but I can just imagine Castle & Cooke people, you got
15 all these other people, developers that want to go in,
16 build this Project.

17 But here it is from me, keiki o ka 'aina,
18 what place do we have in this place? I'm from Pearl
19 City. I saw the development. I remember two lanes
20 coming up to Wahiawa. But I just want to express to
21 you that I'm very concerned about this Project because
22 it doesn't fit. It won't fit. So without saying any
23 more that's my, I think it's 3 cents, not 2 cents. I
24 thank you for your time.

25 CHAIRMAN PILTZ: Thank you. Questions by

1 the Petitioner?

2 MR. MATSUBARA: No questions.

3 CHAIRMAN PILTZ: City?

4 MS. TAKEUCHI-APUNA: No questions.

5 CHAIRMAN PILTZ: State?

6 MR. YEE: No questions.

7 CHAIRMAN PILTZ: Mr. Yost?

8 MR. YOST: No questions.

9 CHAIRMAN PILTZ: Mr. Poirier?

10 MR. POIRIER: No questions.

11 CHAIRMAN PILTZ: Commissioners? Curtis,
12 thank you. At this time we're gonna have an executive
13 session so we'll take time out to go into the
14 executive session. Do I have a vote?

15 COMMISSIONER DEVENS: So moved.

16 CHAIRMAN PILTZ: Okay. And we have the
17 second?

18 COMMISSIONER WONG: Second.

19 CHAIRMAN PILTZ: All those show of hands.
20 Okay. We'll move out to the next room for an
21 executive session.

22 (Recess was held. (9:40)

23 CHAIRMAN PILTZ: We're back in session. For
24 the public information the results of our executive
25 session, which is normally not open to the public, but

1 I just want to let you know that the Commission has
2 extended our executive director's employment with us,
3 who's done a great job during tough times, especially
4 during these furloughs. Thank you, Dan.

5 Okay. Mr. Yost, you have two?

6 MR. YOST: Well, what we're going to do,
7 Chair, with the permission of the Commission is to
8 have one Sierra Club witness go first, Professor
9 Flachsbart who's sitting over here. And then we're
10 going to have the rest of the Neighborhood Board
11 witnesses go.

12 And we will then close with Professor
13 Valenzuela from UH, the second Sierra Club witness.
14 Then Sierra Club will be all done after those two
15 witnesses.

16 And I think Neighborhood Board, though, has
17 some other folks from the Legislature which I don't
18 know if the Commission's going to allow further
19 testimony in May or what the discussion is.

20 MR. DAVIDSON: We'll just have the witnesses
21 today.

22 CHAIRMAN PILTZ: If they're available.

23 MR. YOST: They're not available now because
24 of what they're doing. We'll start, then, with I'd
25 like to call Professor Flachsbart to the stand,

1 please.

2 CHAIRMAN PILTZ: Let me swear you in,
3 please.

4 PETER FLACHSBART
5 being first duly sworn to tell the truth, was examined
6 and testified as follows:

7 THE WITNESS: Yes, I do.

8 CHAIRMAN PILTZ: State your name and address
9 for the record.

10 THE WITNESS: My name is Peter Flachsbart.
11 I live at 46-183 Lilikuna Road, Kaneohe, Hawai'i.

12 CHAIRMAN PILTZ: Thank you. Your witness.

13 MR. YOST: Thank you, Chair.

14 DIRECT EXAMINATION

15 BY MR. YOST:

16 Q Good morning, Professor Flachsbart. I'd
17 like to begin, if you could, can you give us a brief
18 summary of your educational background and
19 qualifications in the area of land use planning.

20 A I have a Bachelor's, Master's and Ph.D.
21 degree in civil engineering with an emphasis the
22 master's in Ph.D. level in city planning. And I've
23 been teaching planning since 1972 at three different
24 universities including Cal State Dominguez Hills,
25 Stanford University, and most recently at the

1 University of Hawai'i Manoa campus since 1980.

2 I teach land use planning, transportation
3 planning, taught environmental planning and planning
4 methods and models including a couple of my students
5 are in the room.

6 Q All right. And I think that your resumé is
7 attached as part of Sierra Club Exhibit 16 and that's
8 in the record for the Commission.

9 MR. YOST: I think because of his fairly
10 obvious experience I wouldn't go any further with his
11 qualifications. I'd just submit Professor Flachsbart
12 as an expert in urban planning and land use planning
13 at this time.

14 CHAIRMAN PILTZ: Any objections?

15 MR. MATSUBARA: No objection.

16 MS. TAKEUCHI-APUNA: No objection.

17 MR. YEE: No objection.

18 CHAIRMAN PILTZ: How 'bout Neighborhood
19 Board?

20 MS. LOOMIS: No objection.

21 CHAIRMAN PILTZ: Any objections by the
22 Commissioners? So accepted.

23 MR. YOST: Thank you.

24 Q Professor Flachsbart, did you prepare
25 written testimony for submission to this proceeding?

1 A Yes, I did.

2 Q And I'd like to begin, then, with your
3 testimony if you would please summarize that testimony
4 for us that was submitted in writing and admitted
5 already into the record as Exhibit 16.

6 A Okay. I looked at the Project, which I
7 first learned about from Dean Minakami -- sorry, Tim
8 Minakami's presentation June 17, 2009 to the American
9 Planning Association Hawai'i Chapter. He gave an
10 overview of the Project. And I was impressed with the
11 Project. It seemed to follow Smart Growth principles.

12 And as I looked into it more recently
13 looking at Smart Growth principles I felt that the
14 Project was consistent with the -- in fact identical
15 to principles that they followed were identical to
16 those published by the Smart Growth Network, which was
17 formed, as I mentioned in my testimony, in 1996 by the
18 U.S. Environmental Protection Agency and several
19 nonprofit and government organizations.

20 And these ten principles are mentioned in my
21 testimony. Of these 10 principles of the Smart Growth
22 Network I would say, in my opinion, that there are
23 seven of them that follow what are called internal
24 design or site design principles.

25 And then there are three that, um, I would

1 characterize as relating to location of the site,
2 whether it's at an appropriate site.

3 I believe it follows, as I said, seven of
4 these 10 principles, but to a lesser extent follows
5 the location principles. So I'd like to address these
6 location principles in my testimony here today.

7 The first one is the principle of preserving
8 open space, farmland, natural beauty and critical
9 environmental areas. I believe from what I understand
10 that the Project site is mostly class A and B prime ag
11 lands currently being used for agricultural purposes.

12 And I think ag land is something that we
13 need to preserve here in Hawai'i, especially if it
14 becomes more expensive to ship food to Hawai'i.

15 I realize now it's less expensive to get a
16 gallon of milk from Safeway, from their mainland
17 locations, their local brand, compared to the cost of
18 milk produced locally, but that may change in the
19 future.

20 We expect energy prices to go up. And
21 there's going to be a need for producing food more
22 locally.

23 The second principle that bothers me is the
24 one that directs and strengthens development towards
25 existing communities. And I feel that this is a green

1 field site and not an infield site.

2 Infield sites typically are more gray field
3 or brown field sites which are harder to develop, more
4 costly. I realize that compared to a green field
5 site. But it's not -- I would say it's on the edge of
6 existing urban development. It's not an infill. If
7 you think of doughnut and you think of the hole of the
8 middle of the doughnut, that would be an example of
9 infill.

10 To its credit it's not leap frog
11 development. And that's good. But it's really on the
12 edge of existing communities opposed to infill
13 development.

14 The third principle that bothers me is
15 providing a variety of transportation choices. Now,
16 to its credit it does provide opportunities for
17 walking, biking at site. There's a lack of
18 connectivity to adjacent sites. I think there are
19 only three access modes or access roads to the site
20 because of the topography.

21 And that's one of the, you know, you might
22 say it's kind of a barrier or a hindrance to providing
23 greater connectivity is the topography of the site.
24 But most of the traffic, I think, that will flow from
25 this site will end up on H-1.

1 Now, again, to its credit there will be some
2 jobs on site. I think there's one job per every two
3 households. It's questionable whether everyone who
4 lives there will work on that site. But to its credit
5 it does provide jobs on site.

6 But a lot of people will have to join the
7 traffic on H-1. And currently the traffic on H-1 is,
8 according to the O'ahu Metropolitan Planning
9 Organization, is at Level of Service E and F which is
10 undesirable. We'd like to see something more around
11 Level of Service D.

12 What's happened in the last 10 years since
13 1998 is the traffic has increased by 25 percent on
14 H-1, and the rush hour period or peak period has grown
15 significantly. I mentioned in my testimony that it's
16 increased 41 percent during the morning commute, the
17 peak travel period, and 71 percent during the
18 afternoon commute.

19 Now, a lot of the reasons for this, for this
20 growth in the peak period travel is due to latent
21 demand. It's basically unsatisfied demand, people
22 getting up early to avoid the traffic congestion.

23 So what I would like to see is a project
24 that is located along the rail line, proposed rail
25 line. The rail line, in my opinion, will not

1 eliminate congestion but allow people to sleep in a
2 little bit longer and avoid traveling offpeak.

3 There was an article in Pacific Business
4 News a while back, a few years ago, that said people
5 are getting up at 4, 4:15 in the morning in order to
6 get to work downtown. And this Project is just going
7 to add to that, the length of that -- make it more
8 difficult for people to commute at a regular time.

9 Latent demand also has a spacial aspect as
10 well as a temporal aspect. Latent demand, sometimes
11 people commute not their preferred route, say H-1, but
12 they'll take secondary routes in order to get to where
13 they're going.

14 I use myself as an example. From the campus
15 at UH Manoa to Kaneohe, for example, I usually avoid
16 the peak period. I'll travel, say, 7, 7:15, 7:30 in
17 order to avoid peak travel. Or if I have to go at
18 that time I'll take a side road.

19 So people who are commuting offpeak are on
20 what I call the shoulder of the peak are basically
21 impacting -- are making congestion worse on the side
22 roads and through the neighborhoods.

23 So I would like to urge the Commission to
24 consider a policy of concurrency, basically not allow
25 development until there's sufficient capacity in our

1 transportation system, be it highway or rail, before
2 we allow further development in the Central O'ahu or
3 'Ewa Plain.

4 I'd like to conclude with just a quotation
5 from my conclusions. "Basically greater efficiency
6 has always been a major promise of Smart Growth. For
7 years the move to more compact settlements" -- and I
8 might say parenthetically this is an example of a
9 compact settlement -- what concerns me is some of the
10 compact settlements that I've seen here in Hawai'i --
11 when I first moved to Hawai'i my wife and I lived in
12 Hawai'i Kai. I thought some of the compact
13 settlements in Hawai'i Kai were terrible. They gave
14 you have a sense of crowding.

15 So I would urge Castle & Cooke to hire
16 clever architects that understand how to mitigate
17 perceived density that make things -- give you a sense
18 of overcrowding. It can be done. And I've seen it
19 done in many communities on the mainland. So I would
20 urge them to think about that. I have some written
21 articles on that subject.

22 Let me continue. "For years the move to
23 more compact settlements has held out the possibility
24 of saving taxpayers some of the costs of building
25 infrastructure, serving new development on distant

1 farmland at the edge of population centers.

2 "State and county governments are currently
3 squeezed by record budget shortfalls caused by a major
4 recession of the nation's economy. They are
5 desperately looking to curb wasteful and unnecessary
6 spending.

7 "They now need to control costs and
8 jump-start the economy given that growth rates and tax
9 collections may remain depressed for several years.
10 In this environment it is inevitable that public
11 officials need to rethink how communities grow and how
12 they invest public dollars.

13 "In some states both public officials and
14 Smart Growth advocates alike are now promoting ideas
15 such as the reuse of existing buildings, compact
16 design to reduce infrastructure cost and better land
17 planning to reduce traffic congestion."

18 And I said the developer is following some
19 of these. They're following LEED standards; to a
20 lesser extent the neighborhood design standards I
21 believe that relate to LEED.

22 "Smart Growth usually refers to a set of
23 broad goals and policies designed to counteract
24 endless growth on the urban fringe. According to
25 Anthony Downs these goals and policies typically

1 include limiting outward expansion, encouraging higher
2 density development, encouraging mixed use zoning as
3 distinct from fully segregating land uses; reducing
4 travel by private vehicles, revitalizing older areas
5 and preserving open space.

6 "Promoting more affordable housing may or
7 may not be an explicit goal of Smart Growth programs.
8 Progressive land developers such as Castle & Cooke
9 have embraced some of these goals to improve the
10 quality of life and to enhance the livability of
11 suburbia.

12 "Unfortunately their Koa Ridge Project
13 doesn't fully satisfy all of these goals. At best the
14 Koa Ridge Project satisfies only the second and third
15 goals of these six goals, the second being encouraging
16 higher density development, encouraging mixed use
17 zoning from fully segregating land use."

18 I think they fully satisfy that. And to
19 some extent they're trying to reduce travel by private
20 vehicles. And that's my testimony.

21 Q Thank you, Peter. I just have a few quick
22 follow-up questions. The whole concept of Smart
23 Growth makes it sound like, well, it's an intelligent
24 thing to do but not necessarily a necessary thing to
25 do.

1 What's your opinion in terms of whether
2 Smart Growth is necessary growth or just sort of
3 optional especially given what we're taking about here
4 in Central O'ahu?

5 A Well, I think it's going to become
6 necessary. I was at the Smart Growth Conference in
7 Seattle in early February. And I heard Secretary Ray
8 Lahood and the Secretary of HUD and a representative
9 from the U.S. EPA all speak with one voice about the
10 need for Smart Growth. They were at that conference.
11 They said, "This is what we're going to need to face
12 the challenges we have with climate change and with
13 depleting oil resources."

14 Q And are depleting oil resources a particular
15 concern to these islands?

16 A Yes, definitely. We rely on petroleum for
17 90 percent of our energy here in these islands.

18 Q The last question for you: You mentioned
19 the Smart Growth principles about prioritizing the
20 revitalization of existing urbanized areas.

21 Are there urban areas within the city and
22 county of Honolulu that could use some revitalization
23 where you could, there's room for development and
24 additional housing based on revitalization?

25 A Yes. There are some sites. As I mentioned

1 there are gray field sites usually in -- they're not
2 green field sites obviously, but they're gray field
3 sites in Kaka'ako, for example, that could be
4 revitalized.

5 Q How about Moili'ili? Is that another area
6 where there are areas that could be revitalized?

7 A Yes, to an extent. There's more -- as you
8 probably know there are -- the sites are encumbered
9 with existing buildings. They're not large, empty
10 lots in Moili'ili unlike Kaka'ako.

11 Q But the fact, the lack of large empty lots
12 is not actually a barrier to revitalization, is it?
13 You can revitalize existing structures.

14 A It's just more costly to assemble the land
15 from a number of landowners who may just have small
16 lots.

17 Q Okay. But the problem isn't, I just want to
18 clarify, it's not a lack of opportunity or areas for
19 revitalization. It's more a matter of choices as
20 whether we're going to revitalize those areas or go
21 build on a green field.

22 A Right. It is a matter of choice.

23 Q Thank you very much for your testimony.

24 CHAIRMAN PILTZ: Petitioner, questions?

25 CROSS-EXAMINATION

1 BY MR. MATSUBARA:

2 Q Good morning, Professor?

3 A Good morning.

4 Q Ben Matsubara. I represent Castle & Cooke
5 Homes Hawai'i. In your written testimony you
6 identified two sources and list a Smart Growth
7 principle from each respective source. The first one
8 at the beginning you reference were the 10 principles
9 that are listed by the Smart Growth Network. And
10 there are 10 elements in that?

11 A Mm-hmm.

12 Q And seven of the elements which relate to
13 internal design of the Koa Ridge Project you believe
14 are basically met by the Project, is that correct?

15 A Right.

16 Q The three out of the 10 that you distinguish
17 as not being met relates to basically the location of
18 the Project. So no matter what you do with the
19 Project, because it's located where it is it doesn't
20 meet those three elements?

21 A In my opinion, right.

22 Q In your opinion. But other than that as far
23 as the internal design and everything else we're okay
24 on those seven.

25 A I believe so. In looking over my testimony

1 this morning I did note that one of them, No. 9 "Make
2 development decisions predictable, fair and cost
3 effective" really relate to the decisions of this
4 body, the Land Use Commission, regarding what
5 exactions they're going to impose on the developer. I
6 think that can still qualify as an internal.

7 Q I'll attest to the fact that the Commission
8 does make their decision in a fair, predictable and
9 cost effective way.

10 The other source you go to is in the last
11 paragraph, the conclusion of your testimony relates to
12 principles you extracted from an article by Anthony
13 Downs?

14 A Yes.

15 Q And you list six principles there.

16 A Right.

17 Q Now, would you agree that there is a great
18 deal of controversy in terms of all the elements that
19 should be incorporated under the heading "Smart
20 Growth"?

21 A I don't know how much controversy. There
22 are differences of opinion on what constitutes Smart
23 Growth definitions. As I said I followed the ones
24 that Castle & Cooke borrowed from the Smart Growth
25 Network.

1 Q Correct. But you're also comparing that to
2 the principles you have extracted from the Downs
3 article.

4 A Right and some of them overlap.

5 Q Correct. But didn't Professor Downs
6 indicate you had basically four separate groups that
7 are divided as to what elements relate to the concepts
8 of Smart Growth?

9 A I didn't follow what you're saying.

10 Q I'm referring to the Downs article that you
11 cite in your testimony.

12 A Right.

13 Q That's the 2001 article entitled "What does
14 Smart Growth really mean?"

15 A Right.

16 Q Doesn't he relate in that article you have
17 four major groups: The anti or slow growth group, the
18 pro growth group, inner city advocates, the better
19 growth advocates.

20 A Right.

21 Q And they all have their different set of
22 straws or bundles --

23 A Right.

24 Q -- as to what constitutes Smart Growth.

25 A Exactly. I didn't quite follow what you

1 were saying, but now I understand what you said.

2 Q I'm following the article you're using.

3 A Yeah.

4 Q Okay?

5 A Yeah, there is -- that's the controversy you
6 were referring to. Yes, there are -- and they
7 represent different stakeholders --

8 Q Correct?

9 A -- obviously. They have their different
10 definitions of what constitutes Smart Growth, right.

11 Q So there's no, there's not a uniform set --

12 A No.

13 Q -- of principles etched in stone that, that
14 one can say: If you satisfy all of these this is
15 Smart Growth. I mean it's still an evolving, growing
16 discussion?

17 A Well, but the ones, even the ones that Downs
18 mentions are consistent. They're repackaged a little
19 differently than the ones the Smart Growth Network in
20 terms of their categorization but they do overlap
21 very, quite a bit.

22 Q Right. But you only list six from the Downs
23 article. Downs has 14, right? He breaks it down.
24 Maybe I can refresh your recollection. Three that all
25 four groups definitely don't agree on.

1 A Mm-hmm.

2 Q Seven where they partially agree on.

3 A Mm-hmm.

4 Q And four where there's pretty general
5 agreement on? Do you remember those 14 principles?

6 A Um, yeah. I have them in -- no, I didn't
7 bring that book. Sorry.

8 Q Okay. But you recall that Professor Downs
9 had more than six principles that you cite in your
10 testimony?

11 MR. YOST: Objection. Sorry, objection.
12 He's misstating what the witness said in his written
13 testimony. He didn't say principles. He's talking
14 about broad goals and policies so he's comparing
15 apples and oranges.

16 THE WITNESS: Thank you.

17 Q (By Mr. Matsubara): Okay. Let's call 'em
18 goals and policies then. You list six goals and
19 policies.

20 A Right.

21 Q Didn't Professor Downs list 14?

22 A Yes, I've seen 14 principles. Like I said
23 they're -- I didn't want to get into areas that the
24 Castle & Cooke didn't get into. I used the ones that
25 Castle & Cooke said they followed. They claim that

1 they follow all 10. And I'm disputing that.

2 Q Right. We're done with those 10.

3 A Okay.

4 Q Seven we're okay with, three we disagree
5 with.

6 A Okay.

7 Q Then I'm moving to the other source of Smart
8 Growth principles --

9 A Well, I think to be fair, to be fair I think
10 you ought to put those into the record, those 14, so
11 that we can examine them each one by one.

12 Q I'm going on the article you cited. I'm
13 just asking why you cite six when the article cites
14 14.

15 A As I said, as Mr. Yost said these are goals
16 and policies and you're talking about principles now.

17 Q Goals and policies. We can call 'em that.

18 MR. YOST: Objection. He's misstating the
19 witness' testimony.

20 MR. MATSUBARA: No, I said we can call it
21 goals and policies.

22 Q All I'm curious about is why, using it as an
23 authoritative source, you cite six and you say we meet
24 six. But the article you're using as a source cites
25 14, some of which arguably could be included as ones

1 that may have been met. That's the only reason I'm
2 asking it.

3 I just found a difference in the number of
4 policies and goals. I mean, for example: Placing
5 limits on outward extension of further growth is one
6 of the goals and policies. Are you aware that that
7 project is within the city and county's urban growth
8 boundary?

9 A Yes.

10 Q Okay. So I mean it's arguable whether or
11 not we satisfied that or not to the extent that we are
12 within the city's Urban Growth Boundary, right?

13 A Right.

14 Q One of the other principles is: Financing
15 additional infrastructure needed to deal with growth
16 and maintaining existing systems.

17 For example, Castle & Cooke is gonna fund
18 all the infrastructure requirements of this Project as
19 it relates to the Project. All I'm saying is that
20 there are other elements of the 14 that were listed
21 that weren't compared in your testimony. Just the
22 six.

23 I'm only asking whether or not some of those
24 other 14 issues could conceivably apply to the Project
25 in terms of Smart Growth. That's all I'm asking.

1 A Yes. And I -- and I said that, you know,
2 again, to go back to the 10 that they followed from
3 the Smart Growth network, um, I based it on those 10.
4 So...

5 Q All right. I'll go back to those then,
6 those 10, and the three that you have concerns with.
7 No. 6 which relates to: Preserve open space,
8 farmlands, natural beauty and critical environmental
9 areas. There's no critical environmental areas we're
10 involved with on this. It's primarily the open space.
11 Are you aware of any critical environmental areas?

12 A No.

13 Q Okay. You recognize that there's going to
14 be no loss of agricultural operations?

15 A I heard that there was a proposed exaction?

16 Q No. What I was looking at was that we had
17 tenant farmers who we have placed on similar farmlands
18 of equal acreage, in fact doubled. In terms of net
19 agriculture production I'm saying there shouldn't be a
20 reduction in that.

21 A Is it similar quality farmland?

22 Q Yes.

23 A Okay.

24 Q So there shouldn't be a net reduction in ag
25 production if that's the hypothetical and that's true.

1 If you have a farm but you have to move, and I give
2 you have twice the amount of land you currently have
3 to produce what you're producing, the only question I
4 have is there should not be a net loss in ag
5 production. Is that correct? For you as a farmer.

6 A Well, I have to rely on what I've heard
7 rather than firsthand information. What I have heard
8 these are class A class B properties, ag lands.

9 Q Right.

10 A So it was my understanding that this was
11 acknowledged by both sides?

12 Q Yes. There's no question on that. All I'm
13 saying ag production, production of ag crops, farming
14 activities.

15 A Same crops?

16 Q No. They change annually depending on the
17 demand. But same farmer.

18 A So the farmer would be involved in a
19 different type of crop.

20 Q It's entirely up to him.

21 A It's up to him.

22 Q Yeah.

23 MR. YOST: I'm going to object, I'm sorry,
24 just as to relevance of this condition. It's not
25 about ag operations. You're not following the

1 condition.

2 MR. MATSUBARA: I'm talking about farmland.
3 That's the only reason I raised it.

4 MR. YOST: That's preservation of farmland,
5 not preservation of ag operations.

6 MR. MATSUBARA: I'll move to the next point.

7 Q "Strengthen and direct development toward
8 existing communities." The infill you're talking
9 about is, for example, in areas that you earlier
10 referenced in Kaka'ako and Moili'ili?

11 A Moili'ili.

12 Q That's the areas you're talking about. So
13 you are proposing that development should occur in
14 those areas for the type of housing projects and other
15 commercial developments that are being proposed for
16 Koa Ridge?

17 A That's one possibility of infill, yes, those
18 sites, those two sites. There are others.

19 Q Are there some concerns and issues relating
20 to the overcapacity of the existing infrastructure in
21 Kaka'ako?

22 A In Kaka'ako? Um ...

23 Q Specifically sewer?

24 A It's my understanding that the state invests
25 some upgrades of that infrastructure several years

1 ago. And there's -- all the high rises that have gone
2 in since then are testimony to that capacity.

3 Q So there is ample capacity for additional
4 developments. They're not overtaxed. The sewers and
5 the roadways aren't taxed?

6 A Um, the sewers I don't -- yes, there are
7 some, still some problems, but there's also been an
8 upgrade of the sewers in some locations. There are
9 still some flooding problems in Kaka'ako, drainage
10 problems in certain locations. There would have to be
11 upgrades of the infrastructure.

12 But, in the end you'd have to look at the
13 total cost of upgrading that versus extending out into
14 farmland. So I haven't seen a cost analysis yet of
15 the two possibilities.

16 Q What size infill would you consider
17 appropriate in Kaka'ako similar to what's being
18 developed in Koa Ridge? Like how many acres?

19 A Well, it may not be all in one parcel, all
20 in one site. It might be scattered around Kaka'ako.
21 You're talking about 3500 homes. So they may not all
22 be on one site in Kaka'ako. They could be sprinkled
23 around a variety of sites in Kaka'ako, Moili'ili
24 around the transit corridor between downtown Honolulu
25 and Kapolei. That's where the capacity is going.

1 Q And these would be high-rises?

2 A Not necessarily. My preference would be for
3 walkup apartments, four story. They would have to be
4 elevator as well to accommodate disabilities. But,
5 they would not necessarily -- my preference is not for
6 high-rises but for four, six-story structures.

7 Q Primarily you're thinking of for empty
8 nesters and young professionals?

9 A Yeah. According to... From what I
10 understand from the market demand analysis of this
11 Project, which I read, the Project is attempting to
12 satisfy that market segment.

13 But from this article, this booklet Emerging
14 Trends in Real Estate, Urban Land Institute says that
15 the future is along -- at sites along public transit
16 systems.

17 So what demographers are predicting in the
18 future is that unlike the past in the 1950's where we
19 were trying to accommodate the, basically families
20 with two kids, that we're now facing in the future a
21 demand for first-time home buyers in the, say, under
22 35, and for the empty-nesters, people over 60 as
23 opposed to people in their 30s and 40s and 50s.

24 Now, to some extent, and I give credit to
25 Castle & Cooke for this, they are calling for a mixed

1 use of multi-family apartments, single-family homes.

2 They basically are doing that.

3 My concern is especially because of the high
4 cost of housing here, that first-time home buyers
5 especially are going to put, make a significant
6 downpayment on a home like that. They're going to
7 rely on two incomes to afford that house. And most
8 likely they won't be able to own a second car. One of
9 them is going to probably need to commute by transit.

10 Now, what Castle & Cooke is calling for
11 they're saying that is a transit-ready community. It
12 has bus access. The problem is if that person wants
13 to access the rail, they're going to have to take the
14 bus to the rail stop, make a transfer and then ride
15 the rail to their job either in downtown or Waikiki or
16 any point in between.

17 And when you make that transfer it's less
18 likely that you're going to use public transit. So if
19 it was up to me I would put this Project at the
20 Ho'opili site, for example. I know there was some
21 technical problem with the Ho'opili site. It's got to
22 resolve that problem. But that's where I would have
23 put it.

24 Q You're talking about TODs, transit-oriented
25 development.

1 A Yes, talking about TODs.

2 Q Doesn't Professor Downs in the same article
3 you cited raise a question as to whether TOD's are the
4 answer because of the density required to make it
5 work? Do you recall the figures he indicated per
6 square mile?

7 A The density depends on where it's located.

8 Q Right.

9 A So if it's in the kind of the minimum
10 density for a viable TOD is around 10 to 12 dwelling
11 units per acre which is in suburban areas.

12 Q Let me quote Professor Downs where he says
13 "Residential density," talking about TOD's "would have
14 to be well over 5,000 persons per square mile and
15 perhaps more than 10,000 to make heavier transit use
16 feasible, but that will not be easy.

17 "The average 1990 density of 161 largest
18 central cities in U.S. was 3,924 persons per square
19 mile. Only 32 cities have densities of more than
20 5,000 per person." And they talk about Los Angeles,
21 New York, those metropolitan areas.

22 So in terms of supporting TOD communities
23 don't you -- well, according to him -- need the
24 requisite densities in order to make it work, in order
25 to make it pencil out in regard to the development of

1 those areas?

2 A Well, I was talking about dwelling units per
3 acres. You're talking about people per square mile,
4 right?

5 Q Yeah. I'm using what he evaluated in terms
6 of how you go about reducing dependency on private
7 automobiles. And he goes through the public
8 transportation. But the problems relating to public
9 transportation is that if you're going to develop
10 around them you have these density requirements?

11 A Right.

12 Q I was just curious whether or not that would
13 be applicable here in Honolulu also.

14 A I think they are. I think we do satisfy the
15 density requirements along the rail line. Now, not
16 every station because some stations are in the middle,
17 like in the Ho'opili area, they're in the middle of a
18 green field.

19 So we're talking about using rail to shape
20 development, hopefully stimulate development around
21 those stations and provide the appropriate densities
22 that would be within a quarter to a half mile of the
23 station, within walking distance of the station.

24 Q Are you familiar with the term "regional
25 infill"? For example, this Project would be a

1 regional infill of the area surrounding it? Homes in
2 Mililani, Wahiawa, et cetera, so on, so on?

3 A Yes. That's one interpretation of infill,
4 yes.

5 Q So it has been used in that context.

6 A Yes.

7 Q Are you a licensed Registered Engineer?

8 A No.

9 Q I just asked because your undergraduate
10 degree. So you haven't authored, been the principle
11 author on any Traffic Impact Analysis Report?

12 A I've been asked to comment on EIS's by the
13 Environmental Center at UH but --

14 Q Have you authored?

15 A I haven't authored anything in the area of
16 transportation engineering.

17 Q Okay. You're not a transportation engineer.

18 A I don't consider myself a transportation
19 engineer.

20 Q Just one second. Everybody has questions
21 they wanted me to ask so I'm taking a few seconds.

22 (Pause) Thank you, Professor.

23 CHAIRMAN PILTZ: Are you done,
24 Mr. Matsubara?

25 MR. MATSUBARA: Yes.

1 CHAIRMAN PILTZ: City?

2 MS. TAKEUCHI-APUNA: No questions.

3 CHAIRMAN PILTZ: Mr. Yee.

4 CROSS-EXAMINATION

5 BY MR. YEE:

6 Q Professor Flachsbart, for those of us who
7 didn't take a class from you, could you define gray
8 fields, green fields and brown fields that you
9 mentioned in your testimony. What do they mean?

10 A I didn't hear your question.

11 Q Could you define for me what's a gray field,
12 a green field and a brown field?

13 A Okay. A green field is farmland -- let me
14 just give a definition by example if it's okay. Green
15 fields would be farmland. Gray field would be, for
16 example, a parking lot. Brown field would be more of
17 an industrial site.

18 Q Okay. And maybe I shouldn't get into this.
19 I just was having trouble following the question.
20 Could you turn to Page 6 of your written testimony.
21 On the last paragraph do you see where it says,
22 "According to Downs these goals and policies typically
23 include," and you list six goals and policies?

24 A Mm-hmm.

25 Q Okay. I didn't read the article. And it

1 was indicating or what I thought I heard Mr. Matsubara
2 indicating is that the article lists 14 goals and
3 policies. My first question is do you remember how
4 many goals and policies are listed in Mr. Downs' 2001
5 article?

6 A I don't recall offhand the number, the
7 specific number, no.

8 Q Was it more than six?

9 A I can't recall. I recall this from memory.
10 I was looking for the article the other day, and I
11 don't have the article in front of me so I can't
12 answer your question.

13 Q Okay. So when you did your written
14 testimony you based these on the six, on what you had
15 remembered from the article?

16 A Right.

17 Q And those are the six that you remember.

18 A Yes.

19 Q All right. I take it your traffic analysis
20 is based on the EIS and the TIAR within that EIS.

21 A Could I make a comment to my previous...?

22 Q Sure.

23 A I recall these six. And these were the ones
24 that I felt related in some way to the ones that
25 Castle & Cooke used in their 10. So I thought they

1 were the most relevant to the Castle & Cooke.

2 As the attorney said, as you said, there are
3 different definitions of Smart Growth. So I could go
4 on and on in my written testimony on: Here's one set,
5 here's another set, here's another set and do an
6 objective analysis of how Castle & Cooke did or did
7 not satisfy all these different sets.

8 But that was not my purpose here. I'm
9 trying to use the ones that Castle & Cooke stated as
10 ones they're following and the ones that Downs thinks
11 relate to that. Okay?

12 Q So you tried to list the ones that you
13 recall, those goals and policies that you recall from
14 Downs.

15 A Right.

16 Q Which also relate to the 10 Smart Growth
17 principles that Castle & Cooke has cited to you, is
18 that right?

19 A Right. Just for the record just because you
20 don't satisfy all 10, what I'm sensing from you and
21 from you is that wow, if you don't satisfy all 10
22 you're not Smart Growth.

23 Well, it's not in the literature that you
24 have to satisfy all 10. It's just that do you want a
25 full loaf or a half a loaf? Or 60 percent or

1 70 percent of that loaf for Smart Growth.

2 If you think of this as a precedent-setting
3 Project, well, maybe you need to think about, you
4 know, how many, what percentage of the principles
5 should be Smart Growth. But there's nothing in the
6 literature that says you have to satisfy all. In fact
7 what happens is you satisfy some perfectly, and others
8 only to a degree. And that's what I was trying to
9 point out here.

10 By some -- for example, when I first looked
11 at "providing a variety of transportation choices," I
12 said, yes, they do that on site. But what's the
13 impact off site? That's my point here that there's
14 some on site principles and some off site and we need
15 to think about what's the impact off site.

16 Q To follow up on that. As I read your
17 written testimony I take it you were trying to give to
18 us your evaluation of how closely this Project
19 conforms to Smart Growth as a concept, is that right?

20 A Right.

21 Q I take it just from an absence of a
22 recommendation that at least you today are not here to
23 suggest to the Land Use Commission what their final
24 decision should be. Is that correct? Or incorrect?
25 'Cause I didn't see a recommendation in your testimony

1 saying "I think you should grant." Or, "I think you
2 should deny. I think you should impose a particular
3 condition."

4 A No, I didn't say that.

5 Q I take that was deliberate?

6 A Right.

7 Q Your purpose was to provide information --

8 A Give information.

9 Q -- and let someone else argue the final
10 conclusion.

11 A Right.

12 Q And I take it that you don't have any
13 proposed mitigation conditions that ought to be
14 imposed if the petition is granted?

15 A No, I didn't propose any.

16 Q You do suggest that a policy of concurrency
17 is a good idea, though, right?

18 A Right.

19 Q And you're aware, though, that the land use
20 approval today will come significantly before the
21 first occupancy of units, correct?

22 A Right.

23 Q So the concurrency that you're referring to
24 at least for traffic, would that normally be a
25 concurrency related to the occupation of units?

1 A Well, you could predict what the impact
2 would be of the project. You'll know, you have the
3 number of dwelling units. You have -- I think I
4 heard -- the city code, I think, calls for two parking
5 stalls if the unit is in excess of 800 square feet.

6 So you could get an estimate. Then you'd
7 have some estimate of how many jobs are provided on
8 site. That provides some opportunities. That's going
9 to reduce the trip generation of that particular site.
10 You can get an estimate of what the traffic impact
11 will be on the nearest intersections and on the H-1.

12 Q But the mitigation measure for any
13 particular circumstance does not have to occur before
14 the land use approval, right?

15 A No.

16 Q It has to occur before the traffic itself
17 increases.

18 A That's right.

19 Q So normally you would link the traffic
20 increase to something like an occupancy of a unit, or
21 you could.

22 A I mean as far as identifying the impacts.
23 But there's obviously a connection between land use
24 and transportation that we all recognize. So because
25 this is a decision on land use you have to think

1 ahead. Say, well, is there sufficient capacity to
2 provide for this particular development?

3 Q I guess my question is do you have to ask
4 today whether this is sufficient capacity or whether
5 there will be sufficient capacity at the time of
6 construction?

7 A Well, I'm not, I leave that to others to
8 decide. This was the Land Use Commission. They need
9 to decide that. I don't know what rules they're
10 governed by, frankly.

11 Q Okay. And the question I'd asked before,
12 before you made the comments, your traffic analysis is
13 based on the EIS and the TIAR in that EIS, is that
14 right?

15 A What are you referring to?

16 Q You have a series of discussion on traffic,
17 right?

18 A On Page 4?

19 Q Yes. And your analysis of traffic, is that
20 based on the information you got in the EIS and the
21 TIAR in the EIS?

22 A You mean on the traffic generation? No, I
23 didn't quote anything about traffic generation. I was
24 just quoting the existing conditions on H-1 and the
25 trends.

1 Q Oh, okay. Oh, I see. Okay. Then, finally,
2 with respect to the 10 Smart Growth principles that
3 are listed by Castle & Cooke. And the three: Site
4 design -- I'm sorry, not site design. The three
5 regional location principles that are not being met.

6 How does that interact or interrelate with
7 the county's or the city's urban growth boundary
8 designations, if at all?

9 A I think we're getting -- this is a little
10 vague in your question.

11 Q Let me rephrase it. You're aware that the
12 city has listed this Petition Area within the urban
13 growth boundary.

14 A Yeah.

15 Q So when you look at this particular Petition
16 Area that's within the urban growth boundary, say, you
17 know this Petition Area doesn't fit within these
18 regional location principles of Smart Growth.

19 How does that then -- how does the Land Use
20 Commission, then, come and look at this and say, well,
21 it doesn't fit within the Smart Growth principles.
22 But the city has already listed this area as being
23 appropriate for urban growth. How does that
24 interrelate?

25 A It sounds like you're saying the city didn't

1 follow Smart Growth principles when they defined what
2 should be the sustainable development plan for Central
3 O'ahu? Is that what --

4 Q And if they didn't, what does the Land Use
5 Commission -- do you have an opinion as to how it
6 affects the Land Use Commission decision?

7 A Well, the Land Use Commission should make
8 their own decision. And if it's contrary to what the
9 city and county did, then there's always going to be
10 conflict between the state and the city and county.
11 So each one has the prerogative to make their own
12 independent decision. So they don't, unfortunately
13 they don't always coincide and agree.

14 Q So it would be a factor but not a
15 determinative -- the urban growth boundary would be a
16 factor but not a determinative factor for the LUC.

17 A It's a factor to consider. But they have
18 the right to decide whether that was a smart decision
19 to put the growth boundary there. That's up to them.
20 They don't need to agree with that decision.

21 Q Okay. Thank you. No further questions.

22 CHAIRMAN PILTZ: Mr. Poirier.

23 CROSS-EXAMINATION

24 BY MR. POIRIER:

25 Q Professor Flachsbart, I was intrigued by

1 your distinctions between green fields, brown fields
2 and gray fields. If the green field has residual
3 pesticides in the soil, does it become a brown field?

4 A Um, I suppose it could. Depends on the
5 concentrations there and what needs -- whether it
6 needs to be remediated. Do you have some
7 concentrations?

8 Q No. Just asking in theory.

9 A What type of pesticides and what the
10 exposure is to the population. I was giving some
11 general guidelines in my definition.

12 MR. POIRIER: Okay. Thank you.

13 CHAIRMAN PILTZ: Commissioners, any
14 questions? Commissioner Devens.

15 COMMISSIONER DEVENS: Professor, did you
16 have a chance to review the TIAR that was generated
17 for this Project?

18 THE WITNESS: No.

19 COMMISSIONER DEVENS: So you don't take
20 issue with some of the assumptions or calculations
21 that were contained in --

22 THE WITNESS: I haven't reviewed it. So I
23 take, can't take issue if I haven't reviewed it.

24 COMMISSIONER DEVENS: Do you have any
25 specific rebuttal to any of the testimony that was

1 given by DOT Director Morioka?

2 THE WITNESS: I haven't read his testimony.

3 COMMISSIONER DEVENS: In your written
4 testimony you give the general statement that "The
5 commuting trips generated by the Project will add to
6 the severe congestion that already exists on H-1."

7 Do you have any facts or figures or
8 quantities as to what the effect will be other than
9 the general statement that you've given?

10 THE WITNESS: No. Um....

11 COMMISSIONER DEVENS: In other words, do you
12 know how it's going to affect the commuting time for
13 those that use the roadways in the area?

14 THE WITNESS: I didn't have access to that
15 information so I wasn't able to make -- I can't render
16 an opinion on that.

17 COMMISSIONER DEVENS: So you're just giving
18 us general statements.

19 THE WITNESS: These are the only statements
20 I'm making.

21 COMMISSIONER DEVENS: As far as what the
22 effect may be, what mitigating factors are going to be
23 done you don't know.

24 THE WITNESS: I don't know.

25 COMMISSIONER DEVENS: Thank you.

1 COMMISSIONER CHOCK: Professor, can you
2 define concurrency?

3 THE WITNESS: Um, I'll try. Concurrency
4 means at the same time. So, in other words, in the
5 best of all possible worlds if the highway capacity
6 was rated -- if the -- let me back up 'cause I skipped
7 over that a little bit in my testimony. But it's in
8 my written testimony.

9 Transportation planners and engineers
10 typically rate the highway in terms of its
11 volume-to-capacity ratio, the volume being a measure
12 of demand; capacity being a measure of supply.

13 This rating is what we call Level of
14 Service. And it extends from A being the best to F
15 being the worst. F is more like a parking lot
16 situation.

17 And according to the report I read from the
18 O'ahu Metropolitan Planning Organization the H-1 is
19 currently at level service E and F, which is kind of
20 at the worst case situation.

21 So concurrency means that you wouldn't
22 permit development unless there was capacity there or
23 it was something in the pipeline as far as new
24 capacity coming online. It's already been permitted
25 and it's coming online.

1 So you can expect capacity to be there when
2 the project is -- they kind of dovetail. They come
3 online about the same time, the demand and the
4 capacity. That's concurrency.

5 But if you don't have any idea when traffic
6 is going to get better because you don't know when
7 capacity's going to be improved -- I understand
8 there's some intersection exactions to improve the
9 intersection. But as far as the H-1 itself I haven't
10 heard anything from the state.

11 I know the state has some plans to make
12 major improvements but I think the Legislature didn't
13 give them the funds to make those improvements last
14 year.

15 So what's the capacity that's coming online?

16 The only one I'm aware of is the city and county's

17 project for the rail project. So it seems more

18 sensible to me to put this Project along the rail

19 line.

20 COMMISSIONER CHOCK: So if we were to apply
21 your working definition of concurrency to Koa Ridge,
22 give me some of the specifics in terms of triggers,
23 concurrency triggers as it applies to this specific
24 Project.

25 THE WITNESS: Well, you'd have to predict

1 what the level service would be from the adjacent
2 intersections. You can apply a Level of Service to an
3 intersection as well as a highway.

4 So you would have to predict what the Level
5 of Service would be, as I said, when the Project, the
6 Koa Ridge Project comes online and taking into account
7 additions to capacity for intersections and highway
8 improvements that serve that facility.

9 And they won't dovetail exactly like June 1,
10 2012, 2014 but at least they ought to be in the
11 pipeline, the capacity improvements to the
12 infrastructure.

13 COMMISSIONER CHOCK: And you see this
14 concurrency issue applying only towards
15 transportation-related impacts?

16 THE WITNESS: No, no. Not just
17 transportation. It also applies to sewer, water,
18 other infrastructure.

19 COMMISSIONER CHOCK: Okay. Have you studied
20 mainland transportation rail systems on the mainland?

21 THE WITNESS: To some extent.

22 COMMISSIONER CHOCK: Yeah. And in your
23 review of those systems have most cities built their
24 rail systems completely in its first go 'round?

25 THE WITNESS: No. They usually build in

1 phases.

2 COMMISSIONER CHOCK: Mm-hmm. Is it
3 conceivable that down the road there could be a spur
4 to go towards Salt Lake or a spur to go to Central
5 O'ahu?

6 THE WITNESS: Yes.

7 COMMISSIONER CHOCK: So in time it could be,
8 Koa Ridge could be part of a -- it could fall into
9 your definition of Smart Growth principles, goals and
10 objectives?

11 THE WITNESS: At some point in the future.
12 But like I said it's certainly not in this first
13 phase.

14 COMMISSIONER CHOCK: Right.

15 THE WITNESS: Not in the first phase of
16 development.

17 COMMISSIONER CHOCK: Right. Now, in terms
18 of some of the testimony you provided on urban infill
19 redevelopment, am I kind of following you correctly to
20 assume that your vision for urban infill redevelopment
21 in Kaka'ako and Moili'ili is two to three-story
22 walk-ups?

23 THE WITNESS: Yes. That's consistent with
24 what I've seen there. I mean there's a variety of
25 dwelling types, housing types in Kaka'ako, Moili'ili.

1 I've sign proposals for high-rises.

2 I don't think that's consistent with the
3 lifestyle of Kaka'ako, well certainly not Moili'ili.
4 Kaka'ako is different because you do already have
5 high-rises there. So that's consistent. But my
6 preference would be for four to six-story structures.

7 COMMISSIONER CHOCK: That would be
8 sufficient to generate the kind of Smart Growth
9 density principles in Kaka'ako and Moili'ili, two to
10 three-story walkups?

11 THE WITNESS: It would be consistent with
12 infill and a variety of housing types, opportunities,
13 creating a range of housing opportunities and choices
14 which is the Smart Growth Network principle No. 3.
15 Creating walkable neighborhoods, yes.

16 COMMISSIONER CHOCK: Okay. thank you.

17 CHAIRMAN PILTZ: Chip.

18 COMMISSIONER LEZY: Thank you, Chair.
19 Thanks for your testimony, Dr. Flachsbart. This is
20 kind of adjunct to a couple questions that
21 Commissioner Chock just posed to you.

22 As I was listening to your testimony about
23 the various Smart Growth principles I was left with
24 the conclusion, I guess if you peel away most of them,
25 that your fundamental opinion is that at this point in

1 time, based on what the current projected rail
2 corridor is going to be, that there shouldn't be
3 development outside of the current projected rail
4 corridor. Is that fair to say?

5 THE WITNESS: Yes.

6 COMMISSIONER LEZY: So regardless of what
7 the other merits may be to any given project within
8 the Smart Growth principles that we've been discussing
9 today, if it's not on the corridor as it's currently
10 schemed, then development at least in your opinion
11 should be denied.

12 THE WITNESS: Yes.

13 COMMISSIONER LEZY: Okay. Thank you.

14 CHAIRMAN PILTZ: Commissioner Devens.

15 COMMISSIONER DEVENS: Just a quick follow-up
16 question. I know you weren't provided with the TIAR.
17 I thought that you may have been at least provided
18 with some information on the assumptions and
19 calculations. I understand you haven't. That's fine.

20 But if the Project is anticipated to
21 increase the travel time by approximately five to
22 seven minutes, would you find that to be
23 objectionable?

24 THE WITNESS: The travel time from Koa Ridge
25 to...?

1 COMMISSIONER DEVENS: Town. Rush hour a.m./
2 p.m. if its anticipated that that's approximately what
3 they anticipate the increase in commute time to be.
4 Would that be problematic for you?

5 THE WITNESS: It might -- I would question
6 whether you can predict five to seven minutes.
7 Because, um --

8 COMMISSIONER DEVENS: Assume that to be
9 true.

10 THE WITNESS: If it's true, um, it's up to
11 the individual. Five to seven minutes on a 20 minute
12 commute is a 25 percent increase at least.

13 COMMISSIONER DEVENS: So the answer to the
14 question: Is it objectionable to you from your
15 perspective?

16 THE WITNESS: From my personal
17 perspective --

18 COMMISSIONER DEVENS: No. From the
19 perspective that you're testifying here today.

20 THE WITNESS: I can't answer that question
21 because whether it's objectionable is really in the
22 eyes of the beholder, which is the commuter.

23 COMMISSIONER DEVENS: Okay. Thank you.

24 CHAIRMAN PILTZ: Commissioner Kanuha.

25 COMMISSIONER KANUHA: Thank you, Mr. Chair.

1 Thank you for your testimony, Peter. I just had one
2 question. I was looking at your curriculum vitae.
3 There's no doubt you have extensive credentials in the
4 area of planning. The only question I have is have
5 you actually been involved in any type of project
6 development, you know, subdivision or apartment
7 building, things like that?

8 THE WITNESS: Only from the consumer point
9 of view. I've lived in them.

10 COMMISSIONER KANUHA: So you have no
11 hands-on experience relating to project management or
12 financing --

13 THE WITNESS: In other words, are you asking
14 me whether I've been in the employ of a project
15 developer?

16 COMMISSIONER KANUHA: No. I'm just trying
17 to find out if you have experience in the actual
18 development side versus more the academic review of
19 project impacts.

20 THE WITNESS: Well, as I understand your
21 question I think I would say no. I'm not sure I fully
22 understand your question. But could you give me more
23 of a working definition what you mean by "project
24 development side"?

25 COMMISSIONER KANUHA: Again, all I ask is

1 whether you actually -- have you ever been involved
2 in, say, the development of a subdivision or the
3 construction of several homes or a small apartment
4 building, anything of that nature?

5 THE WITNESS: As a construction worker?
6 Or -- I'm not sure.

7 COMMISSIONER KANUHA: As a professional.

8 THE WITNESS: As a designer?

9 COMMISSIONER KANUHA: Or as a consumer
10 either way, whichever.

11 THE WITNESS: I've lived in planned unit
12 developments. The first home I ever purchased in
13 Mountain View, California was in a planned development
14 which was an excellent example of what I would like to
15 see here.

16 I was disappointed when I moved here that I
17 couldn't find something like that here because it
18 afforded my wife and I to get by with one car. She
19 used it to go to work and I used transit, rail
20 transit, to go to Stanford campus.

21 And I think that's -- and I was around early
22 30s then. That's what I think the first time
23 homebuyers need here. Is basically when you buy a
24 home, which are very expensive here, if you put all
25 your money down on the downpayment, you can't --

1 instead of a car -- you're left with a one-car
2 household with two jobs. So that second person
3 without the car needs to be within -- on a bus or rail
4 line in order to get to work.

5 COMMISSIONER KANUHA: Okay. Let me ask
6 something real simple then. Have you ever been
7 involved in the construction of a home?

8 THE WITNESS: Just my own personal home.
9 I've done work on my own home.

10 COMMISSIONER KANUHA: Thank you.

11 CHAIRMAN PILTZ: Any other questions,
12 Commissioners? Cross?

13 MR. YOST: No redirect.

14 CHAIRMAN PILTZ: No questions. Thank you.
15 We're going to take a five minute break. (11:00.)

16 (Recess was held. 11:15)

17 CHAIRMAN PILTZ: We're back on the record.
18 Neighborhood Board No. 25.

19 MR. POIRIER: Yes, we'd like to call our
20 first witness. It's Melissa Vomvoris.

21 CHAIRMAN PILTZ: Let me swear you in,
22 please.

23 MELISSA VOMVORIS
24 being first duly sworn to tell the truth, was examined
25 and testified as follows:

1 THE WITNESS: Yes.

2 CHAIRMAN PILTZ: State your name and address
3 for the record.

4 THE WITNESS: My name is Melissa Vomvoris.
5 And I live at 95-203 Kahiku Place in Mililani.

6 CHAIRMAN PILTZ: Your witness.

7 DIRECT EXAMINATION

8 BY MR. POIRIER:

9 Q How long have you lived there in Central
10 O'ahu?

11 A I have lived, my math, but since 1992.

12 Q Have you ever been a member of a
13 Neighborhood Board there?

14 A Yes.

15 Q Which one?

16 A I was a member of the Mililani Mauka/Laulani
17 Valley Neighborhood Board 35.

18 Q Thank you. Could you give us your
19 testimony.

20 A Sure. I am a Mililani resident and former
21 Mililani Mauka Lanulani Valley chair, past chair for
22 three years. And during my time of service our board
23 actively advocated for concurrency in ongoing
24 development in Central O'ahu and Leeward areas.

25 And I know one of the commissioners had

1 asked for a definition of concurrency. And I just
2 wanted to briefly describe what concurrency meant to
3 the community, in our community in Central O'ahu.

4 Basically it meant for the city, the state,
5 the developers, the contractors to work together to
6 provide the proper infrastructure to go in at the same
7 time as the development.

8 We voted and produced unanimously a
9 community manifesto regarding the need for a common
10 sense, comprehensive, state and county policy on
11 future urbanization in Central O'ahu. That's
12 Exhibit 7 in your Exhibit List.

13 This public declaration was not written in a
14 day. We did a lot of work on it. We spent many
15 hours, meetings, community forums and we came up --
16 gathered the input from the residents of Central and
17 from Leeward areas and asked for their inputs. And we
18 came up with our community manifesto.

19 I ask you, the Commissioners, to take the
20 time to study the concerns in this manifesto and the
21 conditions and the policy issues that the community
22 has raised. Because that is what is at stake is the
23 state, the community. And I think it's very important
24 that we take their concerns in consideration.

25 In looking at Exhibit 7 the Neighborhood

1 Board 35 believed that additional development in
2 Central O'ahu should not be allowed unless applicable
3 transportation and education infrastructures are
4 available and keep pace with the area buildup to
5 accommodate such development.

6 And we urge the state and city and county
7 planning processes in implementing the land use law
8 and ensure the Departments of Education and
9 Transportation have adequate financial and/or
10 resources necessary to complete educational and
11 transportation infrastructures in a timely manner to
12 support new development.

13 As the future livability and welfare of our
14 children is contingent in a large measure upon the
15 intelligent and sensible growth of Central O'ahu, the
16 Neighborhood Board 35 recommended the following
17 planning policy changes of which is listed here in
18 Exhibit 7. And if you see we did go over state
19 planning processes and policies changes and made some
20 recommendations.

21 We went over city and county planning
22 processes and policy changes and made some
23 recommendations. And more in particular the planning
24 and construction projects which I want to briefly go
25 over.

1 One was construction of a fully expanded H-2
2 interchange at Ka Uka Boulevard, construction of the
3 Waiawa Gentry during the first phase of housing
4 development, their portion of the Central Mauka Road
5 running parallel to H-2; the funding towards a study
6 to determine the feasibility of regional park 'n ride
7 located at H-2 corridor near Koa Ridge.

8 Adequate access and support linkages to
9 rapid or mass transit systems that would serve the
10 island.

11 And widening of Kamehameha Highway to four
12 lanes from Ka Uku Boulevard to Lanikuhana Avenue
13 including a pedestrian walkway on widened bridge over
14 Kipapa Gulch.

15 These are concerns that came up with our
16 community meetings. And these are the wishes and
17 wills of the residents in Central O'ahu area.

18 I believe it is time that we demand the
19 developers to strive for higher standards instead of
20 just generally meeting the requirements in which I
21 know the Land Use Commission, which is documented
22 approving the EIS development for Koa Ridge.

23 And that was the one thing that really stuck
24 in my mind in listening to the hearing at that time
25 was that it generally met the requirements.

1 I think the people of our state rely on you
2 nine members to protect our 'aina, preserve our 'aina
3 and sustain our 'aina. We need you to hold the
4 developers accountable and set higher standards.

5 Just to finish up I'd like on a personal
6 note and not as a witness for the Neighborhood Board
7 25, I have one concern and comment, and I do this out
8 of respect for the Land Use Commission board members.

9 But it is a concern of mine because we have
10 held in our community two community forums regarding
11 this issue. And many Hawai'i Carpenter Union workers
12 came to our forums and expressed their concerns. And,
13 you know, we listened.

14 Unfortunately, there was only one theme to
15 their concerns. And that was, "I'm laid off right
16 now. I need this Project to happen because I need a
17 job. This development will create jobs," and so on.
18 So on and so on.

19 So based off of these community forums and
20 testimony of these Carpenter Union members of this
21 forum I'm concerned with an appearances of a conflict
22 of interest by members of the Commission that
23 represent union clients and the construction industry
24 as they are directly responsible for developing and
25 managing programs that support unionized construction.

1 And they create relationships with
2 developers while working on identifying new markets
3 for growth and supporting initiatives that benefit the
4 building industry.

5 It is a concern of mine. And with no
6 disrespect for the Commissioners, I just believe that
7 it's something that needs to be looked at as an
8 appearance of conflict.

9 And if it is appropriate would like to ask a
10 recusal of any of those Commissioners that on a vote
11 for this Project because based off of our community
12 forums that was the main concern of these union
13 members. That concludes my testimony.

14 CHAIRMAN PILTZ: Mr. Matsubara, questions?

15 MR. MATSUBARA: Thank you, yes.

16 CROSS-EXAMINATION

17 BY MR. MATSUBARA:

18 Q The manifesto you're referring to,
19 Exhibit 7, which you read from that the Board No. 35
20 passed, that was passed August -- January 20th, 2004,
21 is that correct?

22 A Correct.

23 Q Are you aware that this Mililani Mauka
24 Laulani Valley Neighborhood Board No. 35 is on the
25 record for this proceeding supporting the Koa Ridge

1 petition?

2 A Absolutely, I do know that. And if you look
3 at the signatures on this manifesto you will see Lance
4 Yoshimura, who is a Hawai'i Carpenters member. You
5 will also see Dean Hazama who is the current Mililani
6 Mauka Neighborhood Board Chair on this manifesto.
7 They are in concurrence with this.

8 There is nothing in this manifesto that says
9 the Project is not supported. These are conditions,
10 concerns about process and policy changes that we want
11 the Commission to take a look at and consider on
12 placing on Koa Ridge.

13 Q So I imagine the board looked at this
14 Project in light of the manifesto and concluded that
15 they would submit a letter of support for the Project?

16 A Um, can you rephrase your question? Because
17 you see that there's a manifesto here.

18 Q I know. But I'm asking you the board
19 currently submitted a letter supporting this Project
20 as part of this petition, currently?

21 A I'm sure they have, yes.

22 Q Okay. And I imagine when they reached that
23 decision they did it in light of the manifesto you
24 just mentioned?

25 A I would believe so, yes.

1 Q Thank you.

2 A In concurrent with the conditions that are
3 set here.

4 Q They currently support the Project.

5 A Yes.

6 MR. MATSUBARA: Thank you. No further
7 questions.

8 CHAIRMAN PILTZ: City?

9 MS. TAKEUCHI-APUNA: No questions.

10 MR. YEE: No questions.

11 CHAIRMAN PILTZ: Mr. Yost.

12 MR. YOST: No questions.

13 CHAIRMAN PILTZ: Commissioners, questions?
14 Redistrict?

15 MR. POIRIER: No questions.

16 CHAIRMAN PILTZ: Thank you.

17 THE WITNESS: Thank you.

18 CHAIRMAN PILTZ: Your next witness.

19 MR. POIRIER: My next witness is Laura
20 Brown.

21 LAURA BROWN

22 being first duly sworn to tell the truth, was examined
23 and testified as follows:

24 THE WITNESS: I do.

25 CHAIRMAN PILTZ: State your name and address

1 for the record.

2 THE WITNESS: My name is Laura Brown. My
3 address is 94-1060 Anania Circle No. 116, Mililani.

4 CHAIRMAN PILTZ: Your witness.

5 DIRECT EXAMINATION

6 BY MR. POIRIER:

7 Q How long have you lived in Central O'ahu?

8 A 1989 -- so let's say twenty-one years.

9 Q Have you ever been a member of a board out
10 there, a Neighborhood Board?

11 A I've been a member of the Neighborhood Board
12 25 at least twice that I remember, two terms and maybe
13 possibly filled in a third.

14 Q Could you give us your testimony, please.

15 A I came to Mililani in 1989 because I was
16 told that it was a great place to raise a family; the
17 schools were the best, I wouldn't have to send my
18 children to private school, everything I needed was
19 there.

20 I started -- my daughter started in
21 kindergarten back in maybe 1990. And that's when I
22 discovered portables and realized that Mililani was
23 not exactly the myth that it was portrayed to be.

24 Then as my children grew older I found out a
25 lot more about the school system. I'm here primarily

1 to talk about the lack of infrastructure in schools.

2 Mililani started out as, if you look through
3 the history -- the last time we intervened as a
4 Neighborhood Board we put together a packet of all of
5 the history of Mililani starting from 1962 and all of
6 the articles. And we gave a packet to every
7 Commissioner. I know all of you are different now.
8 But it's in your records I'm sure somewhere.

9 Everyone's so excited. It's called Waipio,
10 a town is born and it's a planned community and it's
11 going to have everything for everyone. It's, like
12 what a concept! All the schools, we have six
13 elementary schools. Now, this is just Mililani Town,
14 not Mililani Mauka.

15 Mililani Town has six elementary schools,
16 two intermediate schools, the high school, the town
17 center, et cetera. This was a letter from the city
18 and county to Representative Sam Lee in 1962.

19 Then it was approved, you know. The Land
20 Use Commission approved, city, et cetera.

21 1969 "Mililani Town duped us" the Land Use
22 Commission staff says. There were problems right from
23 the very beginning with getting what was promised in
24 the plan. There was sort of a reaction from the
25 residents at the time. They said that they didn't

1 want the town to keep expanding if they weren't going
2 to provide the infrastructure that they had promised.

3 The first thing was the reduction in the
4 open land, you know, the open space in the community
5 was halved. Some of the land for schools started to
6 be turned into residential properties instead of the
7 schools.

8 Sam Lee, I guess, also fought for elementary
9 schools. And that instead Castle & Cooke provided
10 some house shells they were called to address the
11 overcrowding because our elementary schools had over a
12 thousand kids in them.

13 We didn't have an intermediated school at
14 all. All the kids -- my daughter had to go to
15 Wheeler. At the time it was an intermediate school.

16 "George Ariyoshi pushing for new elementary
17 school in Mililani." All the complaints from the
18 citizens, him trying to intervene, trying to get
19 adequate space for the children, the DOE basically
20 saying, "Too bad. We don't have the money."

21 And Castle & Cooke basically is not able to
22 comply because they say there's not enough, you know,
23 there's not a need for it even though it was in the
24 original plan.

25 So we had to fight and fight and fight to

1 get the infrastructure. Now, this is all before I got
2 here. This is 1984 but they're all -- the
3 neighborhood boards, constant community meetings,
4 governor's coming, all the representatives.

5 Now we've got in "City hears plans to drop
6 the school sites. No need for intermediate school."
7 So the DOE signed away the parcel, the 20-acre parcel
8 that was supposed to be our intermediate school. They
9 said, oh, no, no, no, there's not the enrollment that
10 will need all these schools out here.

11 Sam Lee again was saying "The loss of these
12 sites will be irretrievable" which turned out to be
13 true.

14 Then Mauka was approved. And it was
15 promoted as a college town with a hundred acres for a
16 college site. Brochures went out. I think that's in
17 the other packet I gave to the previous Commission of
18 "Yes, you can own in a college town. You can be a
19 part of this community, community visioning process."
20 Everybody was so excited to live in this wonderful
21 community.

22 What happened eventually is that land got
23 turned into more housing, even further overcrowding
24 the schools.

25 Here's "1986 Mililani High School finally

1 gets a gymnasium after 12 years." Waiting for a
2 gymnasium for a high school for 12 years in a planned
3 community.

4 Here's in 1988 Sam Lee's still fighting for
5 another elementary school that was promised right in
6 1962 that we were going to have six elementary
7 schools. We never did get the six elementary schools
8 on the Mililani Town side. We got four I believe.
9 And we never did get an intermediate school.

10 Mauka got a multitrack school which allows
11 only 3-quarters of our kids to go to school on any
12 given day. Well, now our kids can only go four days
13 of school a week with the furloughs, too.

14 There's promises, promises, 1989. This is
15 when I moved in here. "Mililani schools. Crowded
16 Mililani schools will get help but not immediately."

17 Okay. 1960s, 20 years later. "Mililani
18 residents oppose development plans." Again
19 consistently we're opposing this next increment
20 approval because we're not getting the infrastructure
21 that we were promised.

22 It's almost -- I'm sorry. 1998 finally they
23 build the multitrack school in Mililani Mauka on a
24 12-acre parcel instead of 18. They started squishing
25 it down. Then it divided our whole community so that

1 our children couldn't have vacations together. We
2 couldn't babysit each other's kids. We couldn't do
3 birthdays. Kids couldn't join the Boy Scouts. They
4 couldn't do anything because kids were on year 'round
5 schedules now.

6 My kids -- some of the classes in Mililani
7 my daughter was in a, called a pod I believe it was,
8 120 kids in a second grade class. It was four classes
9 with no walls together. There's a hundred portables
10 still in Mililani today.

11 So the community's done. The community's
12 finished. The last house has been sold. But we were
13 promised constantly, "This is temporary. This is
14 temporary. We're going to have the infrastructure you
15 need."

16 This impact fee that -- I guess there's an
17 impact fee bill that is being revised right now at the
18 Legislature. It's, I think calls for 10 percent
19 funding for the schools. But the DOE can't even
20 afford to send the schools five days a week now. They
21 don't have any money in the budget for these schools.

22 So if you're going to approve another
23 development barring traffic and all the other
24 concerns, the owners who purchase the land paid for
25 that land. It's part of the development cost. It's

1 not free. It's not given to anybody. It belongs to
2 the buyers that move into that neighborhood.

3 And for these government officials at all
4 levels to sign those parcels away, it depreciates its
5 value of that property later on down the road when the
6 DOE says, "We don't have money," et cetera, et cetera.

7 So could you please in the conditions look
8 at having dedicated land for schools that doesn't go
9 away. Whether Hawai'i Modular comes in and puts up
10 the schools in a week so that there can be a school
11 for the first group of kids that come in there, so
12 that Mililani schools don't have to be further
13 overcrowded or Pearl City schools.

14 But please look at the and/or condition that
15 says the developer will give 10 percent or either will
16 give money towards a school instead of actually
17 building the school. Make sure that the land, there's
18 no reversion in the deed, in the clause that would
19 allow the land to revert to the developer as it did in
20 Mililani. Thank you.

21 CHAIRMAN PILTZ: Mr. Matsubara?

22 MR. MATSUBARA: No questions.

23 CHAIRMAN PILTZ: City?

24 MS. TAKEUCHI-APUNA: No questions.

25 CHAIRMAN PILTZ: Mr. Yee?

1 CROSS-EXAMINATION

2 BY MR. YEE:

3 Q I take it based upon your testimony, the
4 battles you had in the past, that you would want any
5 Castle & Cooke mitigation, the educational impacts to
6 be binding in writing and with a time deadline.

7 A Definitely. And concurrent.

8 MR. YEE: Thank you. Nothing further.

9 CHAIRMAN PILTZ: Mr. Yost?

10 MR. YOST: No questions.

11 CHAIRMAN PILTZ: Anything further?

12 MR. POIRIER: No.

13 CHAIRMAN PILTZ: Commissioners? Thank you.

14 MR. POIRIER: The next witness is Karen
15 Loomis.

16 KAREN LOOMIS

17 being first duly sworn to tell the truth, was examined
18 and testified as follows:

19 THE WITNESS: Yes, I do.

20 CHAIRMAN PILTZ: State your name and address
21 for the record.

22 THE WITNESS: My name is Karen Loomis. I
23 live at 94-599 Mulehu Street, Mililani.

24 DIRECT EXAMINATION

25 BY MR. POIRIER:

1 Q Karen, how long have you lived in Central
2 O'ahu?

3 A Over 30 years.

4 Q Are you a member of a board up there?

5 A Yes, I am.

6 Q Which one?

7 A Mililani Neighborhood Board No. 25.

8 Q Could you give us your testimony.

9 A Yes. I have a number of concerns regarding
10 the proposed development, but would like to speak to
11 the educational impacts here today.

12 I believe there are issues both for the
13 students who would move into the Koa Ridge as well as
14 the students and families in the surrounding
15 community.

16 The Petitioner predicts that there will be a
17 little over 1,000 students from the Koa Ridge
18 development; 628 elementary, 179 middle school age,
19 209 high school age.

20 A single elementary school is proposed to be
21 located within the Koa Ridge development. It is
22 anticipated that the middle and high school students
23 would attend schools that have been proposed for the
24 Waiawa Ridge development.

25 While the Petitioner has agreed to provide

1 land and financial contribution for an elementary
2 schools on the Koa Ridge site and seeks close
3 coordination with the Department of Education, neither
4 the developer nor the DOE can actually deliver on
5 these intentions without funding from the Legislature.

6 And as we have seen from the school
7 overcrowding in the Kapolei area, no matter how hard
8 DOE pushes for new schools to be built, the funding is
9 dependent on legislative action which has been very
10 slow in coming.

11 While a new elementary school may eventually
12 be built at some distant future point in time, the
13 reality is that many of the families who move into the
14 Koa Ridge, should it be approved, would have to send
15 their children to schools in the surrounding regions.

16 The Department of Education has also
17 indicated that they believe that the Waiawa Ridge
18 development will eventually be built and with the
19 proposed schools. The DOE further indicates that the
20 Koa Ridge alone would not trigger the need for middle
21 school or a high school.

22 And I think that the Waiawa Ridge parcel
23 development is a long way off. If that project were
24 so viable, why wouldn't this developer or others be
25 lining up to build on that land which has already been

1 taken out of agriculture? Instead of petitioning the
2 Commission to remove more lands from agriculture.

3 So if Waiawa Ridge is off in the distant
4 future, where would the 400 middle and high school
5 students living in Koa Ridge attend school?

6 According to the figures provided by the DOE
7 and contained in the Petitioner's environmental impact
8 statement, Mililani High School already has nearly 500
9 students more than its official DOE capacity.

10 According to the DOE, Mililani Middle School
11 has the capacity for 150 more students. But this is
12 only because they are using a multitrack system where
13 only two-thirds of the students are in school at any
14 one time.

15 If the school were on a normal school
16 schedule it too would be overcapacity by 4- to 500
17 students.

18 And while Pearl City High School may have
19 some excess capacity, the Highlands Middle School has
20 very little extra space.

21 So if this development goes forward, its
22 children will be attending overcrowded schools in the
23 surrounding communities.

24 And the commuting distances are certainly
25 not within a sustainable, walkable community concept

1 that the developer is proposing. The educational
2 impact is negative both for the Koa Ridge residents
3 and also for those in the surrounding community.

4 I think we would all agree that the
5 Commission cannot assure that the Legislature will
6 fund new schools. The only mitigating measure that
7 I've been able to think of would be for the developer
8 to provide funding to the surrounding schools that
9 need to absorb the additional student population until
10 such time as the new schools are actually built.

11 This is not an ideal solution. But if money
12 were made available over and beyond the weighted
13 student formula funding that the DOE assures, perhaps
14 the affected schools could afford additional staff,
15 transportation services or equipment to improve the
16 educational experience during the interim period.
17 That's my testimony.

18 CHAIRMAN PILTZ: Thank you. Mr. Matsubara.

19 CROSS-EXAMINATION

20 BY MR. MATSUBARA:

21 Q You cited agreements between Castle & Cooke
22 and the Department of Education?

23 A Yes.

24 Q So you're aware that there is an agreement
25 for Castle & Cooke to provide two elementary schools

1 for Koa Ridge?

2 A One at Koa Ridge and one --

3 Q At Waiawa.

4 A -- at Waiawa, if Waiawa were to be built
5 which may not be built.

6 Q But if Koa Ridge is built there would be an
7 elementary school there with Castle & Cooke also
8 agreeing or has committed to pay 5.8 million for the
9 school construction portion of the fees. And that's
10 Castle & Cooke's funds. That's not dependent upon
11 appropriations.

12 A Right.

13 MR. MATSUBARA: Thank you. I have no
14 further questions.

15 CHAIRMAN PILTZ: City?

16 MS. TAKEUCHI-APUNA: No questions.

17 CHAIRMAN PILTZ: Mr. Yee?

18 MR. YEE: No questions.

19 CHAIRMAN PILTZ: Mr. Yost?

20 MR. YOST: No questions.

21 CHAIRMAN PILTZ: Commissioners? Redirect?

22 MR. POIRIER: No.

23 CHAIRMAN PILTZ: Okay. Thank you.

24 MR. POIRIER: Last witness is me, myself.

25 CHAIRMAN PILTZ: Okay.

1 RICHARD POIRIER

2 being first duly sworn to tell the truth, was examined
3 and testified as follows:

4 THE WITNESS: I do.

5 DIRECT EXAMINATION

6 BY MS. LOOMIS:

7 Q Mr. Poirier, how long have you lived in
8 Central O'ahu?

9 A Since 1969.

10 Q And are you a member or chair of the
11 Neighborhood Board?

12 A Both.

13 Q And for how long?

14 A A long time.

15 Q Please proceed with your testimony.

16 A During our intervention hearing I think I
17 told you that we were the first board on the island in
18 1975. We're also the largest board. We have taken
19 positions or presented testimony in just about every
20 major land use decision in Central O'ahu.

21 Most of our positions on land use are
22 unanimous, as reflected in our exhibits, which is
23 quite unusual, by the way. Because we're subject to
24 the Sunshine Law. You have to have committees, have
25 to hold public hearings, et cetera.

1 Most of our concerns regarding further
2 development in Central O'ahu is based upon the lack of
3 any viable state and county planning process which
4 controls or manages urban development and the lack of
5 state and county financial resources to provide needed
6 regional infrastructure.

7 Having said that, I will spend the remainder
8 of my time outlining how the community in general and
9 our board in particular use state and county processes
10 and how these processes impact our quality of life.

11 I'd like to refer to Exhibit No. 1 which is
12 the community manifesto. By way of background, the
13 reason we came up with this, every time we went to the
14 city planning commission, the city council at the
15 zoning level and complained about traffic and
16 concurrency and everything like that, we were told
17 that these have to be taken up at the General Plan or
18 Development Plan level.

19 Okay. So every time we went for a General
20 Plan change or Development Plan change or what have
21 you we were told, these will be taken up at the zoning
22 change level. So as a result nothing ever got done.
23 And we got particularly frustrated. So we came out
24 with this manifesto.

25 MS. ERICKSON: Could you slow down just a

1 little bit for the court reporter.

2 THE WITNESS: I shall. So we came out with
3 this manifesto in 2004. The board across the highway
4 did something similar. And I apologize for this. But
5 I gotta read the first page because it's a succinct
6 summary of what our position is. And it's going to
7 refer to everything else I'm going to say later. And
8 I apologize for this. I will not read the whole
9 thing.

10 It says "We the undersigned board members
11 believe that the proposed unconditional addition of
12 some 20,000 housing units in Central O'ahu is not only
13 unreasonable but also a threat to the lifestyle and
14 quality of life of all area residents.

15 "We also believe that additional development
16 in Central O'ahu can and should be allowed providing
17 that appropriate potable water resources and regional
18 transportation and education infrastructure are
19 available concurrently to accommodate such
20 development.

21 "We further believe that the apparent lack
22 of orderly or common sense growth in Leeward O'ahu and
23 Central O'ahu reflects the failure of state and county
24 planning processes that are totally dysfunctional as
25 follows:

1 "State Comprehensive Planning. While the
2 state regulates land use, it does not plan to assure
3 Smart Growth either regionally or on a statewide
4 basis. Nowhere at the state level are the cumulative
5 impacts of proposed developments assessed and the
6 results thereof shared with decision-makers.

7 "In implementing the Land Use Law, the State
8 Land Use Commission consistently fails to attach
9 appropriate or meaningful conditions when permitting
10 development to occur.

11 "The Department of Education and Department
12 of Transportation, on the other hand, perpetually lack
13 the financial and/or staff resources to provide the
14 necessary educational and transportation
15 infrastructure in a timely manner to support new
16 developments.

17 "City and County Planning. The county
18 alleges an urban growth policy of directing future
19 growth to the Second City in 'Ewa with future
20 development allowed in Central O'ahu only to the
21 extent of relieving pressure on the Second City.

22 "In point of fact, county policy is
23 omni-direction -- it's legalized sprawl -- and
24 virtually allows development anywhere in Central
25 Leeward Oahu to the extent that the county development

1 plans now allows for more growth in Central Oahu than
2 the Second City and 'Ewa.

3 "In addition the urban growth boundary for
4 Central Oahu is based primarily on developer proposal
5 rather than the ability of the region to sustain such
6 development. And the community has never supported
7 its demarcation.

8 "Finally, the zoning conditions and
9 unilateral agreements regarding existing development
10 fail to include concurrency requirements regarding the
11 developments themselves in relation to available
12 infrastructure.

13 "It is self-evident to residents of Central
14 Oahu that our roads, educational facilities and
15 potable water resources are at or past their maximum
16 capacity. It is also obvious that the future
17 livability and welfare of our children is contingent
18 in large measure upon the intelligent and sensible
19 growth on Central Oahu."

20 And I'm going to stop there. And the
21 manifesto, as you can read, goes on to suggest the
22 types of conditions that could be taken at the state
23 level, the types of conditions that could be taken at
24 the county level to make this situation better.

25 And a list at the very end, some projects

1 which shall have to be implemented, proven implemented
2 if all of this development were to take place in a
3 manner which makes sense. That is the manifesto.

4 At this point I'd like to refer to Exhibit
5 No. 2. This is a resolution requesting modifications
6 to Central O'ahu Sustainable Communities Plan. And
7 I've got to give you some background before going into
8 this one.

9 The county planning process starts with a
10 General Plan which was adopted by resolution in 1977.
11 It contained broad policies guiding development. It
12 distributed population in eight planning districts
13 islandwide to include Central O'ahu, Leeward O'ahu,
14 North Shore, Kaneohe, East O'ahu, et cetera.

15 The General Plan was implemented by
16 development plans for each of the eight planning
17 districts along with zoning. The development plans
18 for each section of the island were maps delineating
19 specific land uses allowed in each district.

20 In the case of going from an agricultural
21 land use to an urban land use you usually had to get a
22 development plan change before you could seek any
23 zoning change implementing a development plan.

24 All that changed in 1992 when the county
25 embarked on a development plan revision program. At

1 that time they got rid of the development plan because
2 you had to go to one place and change a map; you had
3 to go to zoning do something else.

4 And they came up with the notion of an urban
5 growth boundary instead, which is probably not a bad
6 notion in and of itself, provided that you don't lose
7 something by making the transition in which you want
8 to achieve in terms of optimal land use is allowed for
9 by the new development plan process.

10 So in respect to the new urban growth
11 boundary you could develop if you were in it. And if
12 you were outside the urban growth boundary you could
13 not. These growth boundaries were codified in the
14 'Ewa Development Plan in 1997 and the Central O'ahu
15 Sustainable Communities Plan in 2002.

16 Five-year reviews of each development plan
17 were supposed to have been taken place after five
18 years. Neither the 'Ewa or the Central O'ahu plans
19 have been updated since their adoption.

20 Okay. So if you look at Exhibit No. 2
21 basically we had concerns regarding what they came out
22 with for Central O'ahu. First of all, they called it
23 a Sustainable Communities Plan. In other words, you
24 have the primary urban center. You have the 'Ewa
25 Development Plan, then everything else is Sustainable

1 Communities Plan.

2 Well, if we're going to have more than
3 Kapolei or 'Ewa we should be a development plan not a
4 Sustainable Communities Plan. So the title of the
5 plan is definitely misleading. The plan had a number
6 of deficiencies. There was no provision of phasing of
7 development to minimize urban sprawl.

8 There were no provisions of ensuring
9 education and transportation needs concurrency. There
10 is no standards for the concurrent provision of
11 infrastructure to deal with increased classroom
12 requirements and commuter travel times brought about
13 by increasing housing units.

14 There was no provision for a road connecting
15 Kamehameha Highway and Paiwa Street to the Central
16 Oahu Regional Park to alleviate increased traffic and
17 provide an alternate route to the Kapolei, 'Ewa and
18 Leeward areas.

19 So at that time we asked the Department of
20 Planning and Permitting to modify the Sustainable
21 Communities Plan to alleviate these concerns. Nothing
22 was done.

23 Now we go to Exhibit No. 3. This is a
24 resolution requesting a moratorium on further
25 residential development in Central O'ahu pending

1 modifications for the Central O'ahu Sustainable
2 Communities Plan. And, again same thing, same types
3 of concerns raised.

4 The only difference was on this one we asked
5 that the role of developing impact fees be addressed
6 as part of the plan. At least in 'Ewa the developers
7 got together and paid something regarding the impact
8 to contribute to regional infrastructure. At this
9 point there's still nothing for Central O'ahu.

10 Again, we ask that this moratorium be in
11 place until such a time as the county modifies the
12 plan.

13 The next one, Exhibit 4 -- I'm sorry. I've
14 got the wrong exhibit. Exhibit 4. Okay. This is a
15 resolution regarding the Waiawa Gentry Project in
16 Central O'ahu.

17 Here again we're concerned about the
18 cumulative impacts generated by the Waiawa Project
19 which was approved in the mid 1980s. This is the
20 Turtle Bay situation.

21 This resolution asks the Council on
22 Environmental Quality, the Department of Planning and
23 Permitting to review the possible need for
24 supplemental EIS given the passage of time.

25 We also asked the Land Use Commission to

1 take a look at the latest status reports of the
2 petitioner in light of representations made at the
3 time of the approval especially with respect to
4 mitigating impacts of the project upon regional
5 transportation systems.

6 Finally, we ask the DPP to require
7 supplemental review of the project to assure their
8 proposal's consistent with current transportation,
9 educational infrastructure needs and other large-scale
10 developments proposed for the region. Nothing
11 happened.

12 I'm almost finished. Next one is No. 5.
13 This was the resolution asking the county to adopt a
14 so-called adequate public facilities ordinance for
15 Central/Leeward O'ahu, and for the state to support
16 this effort.

17 Here we request that the city and county,
18 what they call public facilities ordinances, there's
19 some experience with this on the mainland, which
20 require developments to get adequacy permits comparing
21 the existing and expected capacities of schools,
22 water, sewer and transportation infrastructure with
23 the number of approved lots prior to proceeding with
24 the development.

25 We also request that the state cooperate

1 with the city and county in this endeavor since they
2 provide education, water resources and regional
3 transportation facilities. Nothing happened with
4 that.

5 Exhibit 6 is the resolution which we
6 commented on during the previous hearing, not to
7 accept the Koa Ridge Final EIS since it failed to
8 consider cumulative impacts beyond the immediate
9 Central O'ahu community shared, among other concerns
10 I'm not going to dwell on that. We have already
11 talked about it.

12 Then my last one is controversial Exhibit 18
13 requesting the approval of the county's 'Ewa
14 Development Plan be deferred. Again, what happens in
15 'Ewa affects what happens in Central O'ahu. The 'Ewa
16 Development Plan is extremely important.

17 This plan was the first one. And this plan
18 promised a lot, an awful lot of things. It promised
19 transportation service would come up with a
20 transportation plan. It promised phasing.

21 It promised standards for concurrency, a
22 whole bunch of really neat things that should be part
23 of the development plan so when you allow something to
24 happen it makes sense relative to the impacts it's
25 going to cause.

1 Again, none of this was ever developed. So
2 therefore it doesn't make sense to revise the plan
3 unless these things are done 'cause there's really no
4 substantive basis to evaluate what's going on.

5 So basically we asked them to defer until
6 the deficiencies in the plan, as we identified them,
7 would basically be addressed by the city and county.

8 In conclusion, we believe that not much has
9 changed since we issued our community manifesto. That
10 the state and county public planning process continues
11 to fail those of us living in Central O'ahu.

12 By allowing just about any and all
13 developments proposed without mitigation, the adverse
14 impacts resulting from such development, we now face
15 the possibility of additional 22,000 housing units by
16 2035, without a rail transit line or an expanded state
17 highway system resulting in near gridlock conditions,
18 with projected commuter times to Downtown Honolulu, a
19 distance of 17 miles, approaching two hours each way.
20 Thank you.

21 CHAIRMAN PILTZ: Mr. Matsubara?

22 MR. MATSUBARA: No questions.

23 CHAIRMAN PILTZ: City?

24 MS. TAKEUCHI-APUNA: No questions.

25 CHAIRMAN PILTZ: He criticized you.

1 (audience laughter)

2 Mr. Yee?

3 MR. YEE: No questions.

4 CHAIRMAN PILTZ: Mr. Yost?

5 CROSS-EXAMINATION

6 BY MR. YOST:

7 Q I'd like to ask you, Dick, you were involved
8 personally in the 2002 Central O'ahu Sustainable
9 Communities Plan process to some extent?

10 A Yes.

11 Q Can you tell us a little bit more about how
12 you felt about that process, whether you felt the
13 concerns of community members were being listened and
14 considered?

15 A (Cell phone ringing) Wow, this is bad
16 timing. Sorry. Could you repeat the question.

17 Q Yes. How did you feel about the process for
18 the development of the 2002 Sustainable Communities
19 Plan? Did you feel that the concerns of the community
20 at that time were being considered and addressed?

21 A Well, at first we were kind of excited
22 because, you know, we had a chance to participate in
23 the process. And it was a fairly decent process from
24 a substantive point of view.

25 It quickly became clear to us that the right

1 kinds of questions were not going to be asked or
2 addressed. It became also clear to us that since
3 they're not going to be addressed that there was an
4 urgency on the part of the county to get this thing
5 approved.

6 'Cause I know at that time Nestor Garcia,
7 who was our councilman, he had just been on board for
8 a couple months, I think. And he want to Chair Okino,
9 the Council, and asked him, "Could you hold off on
10 this?" 'Cause he had a lot of personal concerns.
11 Also the people had a lot of personal concerns. But
12 for some reason they couldn't or would not. So,
13 therefore, the thing was adopted, passed.

14 Q When you talked about concurrency, shouldn't
15 concurrency include substantial improvements to H-1 as
16 part of this, conceiving of additional development
17 that's going to be using H-1?

18 A Well, the problem with that, after listening
19 to Brennon's testimony I have come to the conclusion
20 that there's no way that you can mitigate it. You
21 could have mitigated it maybe by the central mauka
22 road. And the OMPO plan did say that we needed it and
23 it was going to do something.

24 It will never happen because you can't use
25 federal funds. It will never happen. It would take

1 probably 25 years to build, which is beyond the scale
2 of this particular development.

3 The rail line is a problem because the deal
4 was cut with the county on it. We were not on fixed
5 rail. Because the fixed rail will come in 20 years,
6 30 years if then. There's just not enough money to do
7 these projects.

8 The other problem with the rail line going
9 up there you have a very steep grade. A lot of these
10 trains can't climb a steep grade, or they can't climb
11 it fast enough that it really would make a difference.

12 So we came up with the notion of a park 'n
13 ride system, a dedicated bus lane traveling from Ka
14 Uka Boulevard, proposed Koa Ridge development, going
15 over the H-1/H-2 junction and right into the Pearl
16 Highlands station. And that might work if it's
17 dedicated.

18 But the Pearl Highlands station only has a
19 thousand spaces. And you got a lot of cars coming
20 that want to use this. You can get away -- you can
21 mitigate that by not allowing cars in the morning,
22 just allowing buses. So there's all sorts of things
23 you can do.

24 Whether it's going to work or not I'm not
25 quite sure. Peter Flachsbart says every time you have

1 to take one mode and to go another mode you lose
2 people because of the inconvenience or what have you.
3 But it's better than nothing.

4 The reason why we favor that rail no matter
5 where it is is because it's an alternative and without
6 an alternative we are going to be in perpetual
7 gridlock.

8 Q But even if you did that kind of busing and
9 park-and-ride system as you said, that's not likely to
10 improve the Level of Service F conditions on H-1,
11 correct?

12 A Right. That's basically what Brennon said.
13 He said that it's F so that Ho'opili can't go because
14 of that. Koa Ridge shouldn't go either because it all
15 goes into the H-1. It's the same thing. It's like
16 taking water and putting it down a funnel. You can
17 only put so much water before it gets constrained.

18 MR. YOST: No further questions.

19 THE WITNESS: Let me make one final thing.
20 See, the thing that bothers me about it is if you look
21 at what's on the right side of H-2 and the left side
22 of H-2 you're talking about a community that's almost
23 the size of what we have now in Mililani.

24 And you put that between Mililani and
25 H-1/H-2 junction, I mean -- and without improving the

1 highway system or anything else, people will not be
2 able to get out of their driveways.

3 While the traffic consultant is probably
4 right, maybe 6 to 8 minutes you can go down a piece of
5 road for four or five miles, what have you. What it
6 means is that you won't be able to get out of your
7 driveway.

8 Because you can only put so many cars --
9 like one of the conditions we're going to recommend is
10 ramp metering which allows you to control the flow
11 going on H-2.

12 But that's not going to resolve anything.
13 And it's going to be bad for the people living in Koa
14 Ridge. They will have to wait before they're allowed
15 to enter the highway.

16 Q (By Mr. Yost) Actually let me ask you one
17 other line of questioning. That relates to in
18 addition to infill development that might be possible
19 in current urbanized areas.

20 What about the whole Second City/Kapolei
21 concept? Couldn't that be emphasized more and focused
22 on so that you'd have jobs and communities, you know,
23 expanded in the Kapolei area that would not impact H-1
24 and H-2? Isn't that possible?

25 A No. Well, plans don't force economic

1 development. Private sector forces economic
2 development.

3 Q Right.

4 A If there's a market there, fine. If there's
5 no market there -- like, for example, we had a high
6 tech park in Mililani for years. There's no high tech
7 there simply because there was never a market for it.
8 So by zoning land and letting it stay there hoping
9 that somebody is going to use it doesn't mean it's
10 going to happen.

11 Q So you believe, really, the focus of
12 economic growth and jobs is going to continue to be
13 for the foreseeable future town, the Honolulu downtown
14 proper.

15 A No. I mean if Koa Ridge goes, you'll have
16 jobs there. You'll have more jobs in Kapolei. I mean
17 the jobs will go where the people or the business
18 opportunities are type thing. But is it going to make
19 a difference? Probably not that much.

20 MR. YOST: Thank you. No further questions.

21 CHAIRMAN PILTZ: Commissioners? That's the
22 ending of our day --

23 MR. YOST: We have one more witness.

24 CHAIRMAN PILTZ: I'm sorry. Go ahead.

25 MR. YOST: It's five minutes after noon now,

1 so do you want to take a lunch break and then have --

2 CHAIRMAN PILTZ: We'll just go through.

3 MR. YOST: You just want to go straight
4 through, okay. I believe he's here.

5 CHAIRMAN PILTZ: Okay. Call your witness.
6 Off the record.

7 (Recess in place was held.)

8 MR. YOST: We're ready.

9 CHAIRMAN PILTZ: We're back on the record.
10 Okay, Mr. Yost.

11 MR. YOST: Thank you, Chair. Sierra Club
12 would like to call Professor Hector Valenzuela as its
13 next witness.

14 HECTOR R. VALENZUELA, Ph.D.
15 being first duly sworn to tell the truth, was examined
16 and testified as follows:

17 THE WITNESS: I do.

18 CHAIRMAN PILTZ: Would you state your name
19 and address for the record.

20 THE WITNESS: Hector Valenzuela 94-107
21 Onania Circle No. 107, Mililani, Hawai'i.

22 CHAIRMAN PILTZ: Your witness, Mr. Yost.

23 MR. YOST: Thank you, Chair.

24 DIRECT EXAMINATION

25 BY MR. YOST:

1 Q Professor, I'd like to begin by asking you
2 to give us some background on your education and
3 professional qualifications relating to agriculture.

4 A I got a BS and Master's degree from
5 Washington State University. I got a Ph.D. degree
6 from the University of Florida vegetable crop
7 production and agriculture.

8 And I've been working in Hawai'i for about
9 19 years as a vegetable crop extension specialist to
10 work with commercial vegetable farms in the state.

11 Q What is your current position?

12 A I'm a vegetable crop extension specialist as
13 a full professor at UH.

14 Q A full professor at UH?

15 A Yes.

16 Q How long have you been in that position
17 again?

18 A About 19 years, since '91.

19 MR. YOST: I'd like to submit Professor
20 Valenzuela as an expert in agricultural issues in
21 Hawai'i.

22 CHAIRMAN PILTZ: Petitioner, objections?

23 MR. WYETH MATSUBARA: No objections.

24 CHAIRMAN PILTZ: City?

25 MS. TAKEUCHI-APUNA: No.

1 MR. YEE: No objection.

2 MR. POIRIER: (Shaking head.)

3 CHAIRMAN PILTZ: Commissioners, any
4 problems? Okay. He will be accepted as a
5 professional witness.

6 MR. YOST: Thank you.

7 Q Professor Valenzuela, did you produce some
8 written testimony to submit in this proceeding?

9 A Yes. I provided written testimony.

10 Q Could you please summarize for this
11 Commission the intent of that testimony?

12 A Basically the written testimony I make a
13 case of why I think it's important to preserve
14 valuable agricultural lands in the state and in O'ahu.

15 I make reference to the Hawai'i State
16 Constitution Article II, Section 3 and also to the
17 State Land Use Commission which both have been charged
18 to preserve valuable agricultural lands in the state,
19 and to try to promote self-sufficiency in the state.

20 I also make mention that the land in
21 question in Koa Ridge can be maybe considered of
22 unique and extraordinary value because of several
23 reasons which include availability of nearly ideal
24 soil quality, class A and B, ideal geographic location
25 and isolation within Central O'ahu with good

1 microclimatic conditions for the production of high
2 value crops.

3 It currently has access to water, irrigation
4 water and infrastructure for water delivery. It's
5 also good proximity to some of our major markets in
6 the state.

7 While the land in question has not been
8 officially designated as Important Agricultural Land,
9 it also seems to meet most of the criteria.
10 Especially it contributes towards critical land mass
11 necessary to promote self-sufficiency in the state.

12 I also believe that the Koa Ridge parcels
13 represent one of the last few parcels of available
14 prime land in Oahu with access to irrigation water
15 with production of high value short-term crops.

16 The Petitioner to predict the growth of
17 diversified agriculture in the state extrapolates into
18 the future based on a narrow statistical track record.
19 And fails to consider how the picture would change if
20 key environmental, economic variables would affect it
21 such as the price of energy, the availability of water
22 and land.

23 I cite as an example in the 1990s with the
24 proper environmental and economic conditions in the
25 state there was almost a 500 increase in the acreage

1 of usable crops in central -- in Oahu when there was
2 appropriate conditions.

3 So I'm saying we don't have uncertainty in
4 terms of what, may happen, but if there's proper
5 conditions, the acreage, there could be demand for
6 more land in Oahu.

7 I feel that the issue of access to water is
8 especially relevant in Koa Ridge because, according to
9 the Petitioner, the Koa Ridge land represents about
10 15 percent of the remaining available prime land in
11 O'ahu which has ready access to irrigation water.

12 I feel that the Petitioner has
13 underestimated the potential value of agriculture in
14 the Koa Ridge area. According to the Petitioner
15 agriculture in Koa Ridge of the past few years has
16 consisted of annual revenues of about \$2.1 million
17 from the production of about 325 acres representing
18 and estimate of about \$6600 per acre.

19 However, on their more typical
20 high-intensive base of production operations in the
21 state the production in the area could be over
22 \$30 million per year with multiple crops per acre per
23 year which is considerably more -- the \$30 million is
24 considerable more than the \$2.1 million indicated.

25 The Petitioner also indicates there's 34

1 jobs currently under that operation. But under the
2 higher value of production this could represent
3 perhaps over 300 jobs created from a high intensive
4 production operationg.

5 And this would represent indefinite
6 availability of jobs for a long-term period which
7 would benefit the economic stability in the area.

8 In my estimation little consideration has
9 been given in Hawai'i by policy leaders or academic
10 leaders to the issue of self-sufficiency.

11 Predictions of what's going to happen in the
12 future are often made based on assumptions of what has
13 occurred in the past, which has included access to
14 relatively cheap sources of energy for transportation
15 and relatively predictable climatic conditions over
16 the decades, which I feel is not necessarily going to
17 happen in the future.

18 However, even assuming that we can rely on
19 the same level of inputs that we have had access to in
20 the past, an analysis was made by two University of
21 Hawai'i professors from our College of Ag on whether
22 Hawai'i could become self-sufficient in food
23 production based on the current availability of land.
24 And they answered, "The answer simply is no."

25 In this analysis the authors reported that

1 Hawai'i has about 249 or 250,000 acres of good, what
2 they call good farmland. But to reach nearly
3 self-sufficiency in ag production they calculated that
4 the state would need over about 206,00 acres or about
5 10,000 acres more than what we have available.

6 And I should indicate that they consider all
7 aspects of food production including forage, forage
8 for animal, livestock, and so on, grains for human
9 consumption and so on, so on. So they took a kind of
10 a global approach including biofuels.

11 And while this study is not set in stone, it
12 is not comprehensive. It just indicates that there is
13 concern in the state that we may not have all the land
14 that we may need in the future to sustain ourselves.

15 I just wanted to make a few notes in terms
16 of what is it that we know currently about ag and what
17 is it we don't know.

18 First, prime agricultural land is a limited
19 resource. And in the state we have lost over
20 50 percent of class A and class B soils over the past
21 50 years. The amount of land needed in Hawai'i to
22 feed ourselves and to protect the environment is
23 uncertain. We really don't know about it.

24 However, we don't want to reach the tipping
25 point and risk the livelihood of future generations.

1 The effects of climate change are unforeseeable.
2 Either extended droughts or increases in moisture
3 pressure may result in decreased yields in our crop
4 production.

5 That means if we have decreased yields that
6 we may need more lands to achieve the same levels of
7 productivity that we achieve today. If the yields
8 decrease by 50 percent we may need twice as much land
9 as predicted.

10 Also because of the climate change we may
11 not be able to depend on other regions to feed us. We
12 saw the freezes in Florida, this spring in California.
13 There's too much rain with a lot of diseases. So we
14 may not be able to depend on other regions for what
15 they have provided to us in the past.

16 Access to freshwater for irrigation in the
17 short/long term is questionable. The state is
18 currently under a serious drought. And our irrigation
19 infrastructure is questionable.

20 We know that over the past year, or the past
21 century, actually, the levels of the aquifers have
22 been in steady decline and that this trend is likely
23 to continue.

24 Economically agriculture represents one of
25 the few manufacturing bases for the state in terms of

1 the economy. It is recognized as one of the few
2 industries that may help to rehabilitate some of our
3 rural communities.

4 Access to land may be critical in the future
5 because we need to increase self-sufficiency in our
6 communities. We may have the opportunity to develop
7 high export markets to export crops abroad. And
8 small-scale farming may become the way of the future
9 to expand both local and export markets.

10 Small-scale farms may become more valuable
11 in Hawai'i because they are more efficient, more
12 profitable and because the money that they make stays
13 in Hawai'i instead of leaving the state.

14 Therefore, the future of small farm models
15 of diversified agriculture may eventually replace the
16 outmoded model of large-scale monocultures used by
17 plantation agriculture. So we would have new types of
18 agriculture in the state.

19 However, the success of small-scale farming
20 in the state or for high value crop production is
21 often dependent on micro-climates. The example we
22 have the Maui onions or the Kona coffee where high
23 levels of productivity are obtained only in specific,
24 micro-climates whether it's Koa Ridge or other parts
25 of the island.

1 Also small-scale farms often depend on
2 isolation from other farms. So location is important.
3 So some specific micro-climates may be highly valuable
4 for the production, say, of ginger or other sites
5 nearby may not be as efficient for that production.

6 Thirdly, there's the importance of the
7 ecological services provided by green corridors or
8 what is called green buffer zones. Small farms'
9 productivity depends on the availability of these
10 green corridors around the state.

11 The green corridors provide climate
12 moderation and help maintain populations of bees, of
13 pollinators and other beneficial insects which small
14 farms rely on to, especially if you don't want to use
15 so much pesticides, so on.

16 We need to preserve agricultural lands and
17 green corridors because they may be providing
18 ecological services that may not be even currently
19 understand.

20 We may not understand what benefits are
21 currently but which may result to be vital to maintain
22 the productivity of these crops in the future.

23 Fifth. We know that energy prices may
24 continue to increase in the future. And the supply of
25 fossil fuels is uncertain in the long term. Possible

1 implications in the increased prices of energy include
2 the cost of inputs for farmers such as pesticides and
3 fertilizers or may be prohibited. And crop yields in
4 the future may decline if we don't have access to
5 those inputs.

6 In the same manner we may thus need or --
7 the yields may decline if we don't have access to
8 those inputs. So similarly we may need more land to
9 reach the same levels of productivity that we used to
10 use in the past with high levels of inputs.

11 Thus, we may need to produce more -- also
12 because of the increases in transportation costs for
13 shipping, we may need to produce more of our food
14 locally in Hawai'i. And thus demand for more land may
15 be necessary with different sites, locations being
16 required for the production of different types of
17 crops.

18 I'm almost done. We need to realize that
19 because of climate change or increases in the cost of
20 energy and transportation, or simply because of
21 advances in the way we are designing our communities,
22 that our communities of the future may look different
23 from what they look today. They may be designed in a
24 different way.

25 They may be designed in different ways to

1 minimize transportation costs, to minimize the
2 traveling distances between our living communities and
3 where we work, to supply the food that we need to be
4 in close proximity to where we live. And also to
5 generate employment of local, the local workforce in
6 high value agricultural industries close to our
7 communities.

8 And also to minimize urbanization, traffic
9 congestion and to main the high quality of life. And
10 also communities of the future may demand and require
11 green corridors around them to maintain the quality of
12 life.

13 So in the future, if we design communities
14 in a different way, we -- our communities may want to
15 have green corridors around them or green buffer zones
16 to maintain their economic stability and quality of
17 life.

18 Q Just a few follow-up questions to your
19 testimony. The issue of food scarcity has been
20 discussed in this proceeding. And we have served
21 general acknowledgment that right now we only produce
22 about 15 percent of the food we consume in Hawai'i.

23 Do you have any analogies from other
24 countries, for example, Japan as to what levels of
25 internal production are deemed to be appropriate or

1 important in terms of food security?

2 A I think we don't have any specific numbers.
3 If you contrast the different regions and places in
4 the world in terms of what level would we feel
5 comfortable in terms of self-sufficiency. We have
6 40 percent would we be happy or 60 percent? So
7 there's no specific target level.

8 What we know that communities around the
9 world is very concerned about. There was a UN meeting
10 in 2004 with an agricultural organization where food
11 security was considered an issue of national security.
12 And we know a lot of communities and countries in the
13 world are trying to say we need to get as high as we
14 possibly can.

15 Just as an example, Japan, which
16 traditionally has had a local sufficiency level of
17 40 percent. In the 2000's they made a huge public
18 campaign just to go from 40 percent to 45 percent. So
19 for them it was a big issue nationally to reach those
20 levels.

21 And they have developed educational
22 campaigns, commercials in television and so on to
23 increase just to that small level of percentage.

24 Q And that's, I mean 40 percent obviously is
25 substantially larger than 15 percent. But in Japan

1 they felt it was important to continue progressing and
2 even getting an additional 5 percent was obviously
3 very important, correct?

4 A They thought it would be a significant step
5 not only for self-sufficiency but also to promote
6 local agriculture and promote the economy locally.

7 Q I'd like to ask you some questions about
8 some photographs we have, we have submitted as
9 exhibits. The one that's currently projected behind
10 you is Sierra Club Exhibit 10.

11 Earlier I was corrected. I thought as a
12 non-expert that the vegetable there is taro in the
13 foreground. I've been informed it's, in fact, toon.
14 Do you recognize the difference between the two?

15 A It is what?

16 Q Toon t-o-o-n, correct? Can you tell from
17 this photograph what vegetable it is?

18 A Not really. It looks like a narrow leaf,
19 family of taro.

20 Q So it's similar to taro. Can you comment on
21 what this photograph tells you beyond sort of what
22 you've already said about the unique nature of this
23 site?

24 A To me it tells me, again, that this area is
25 ideal for a wide variety of crops. Root crops is one

1 capital like sweet potatoes, so on. It tells me it's
2 moderate slope which again makes it ideal for
3 production of range of crops.

4 Q What about just the color and consistency of
5 the soil? Is there anything you can tell just by
6 looking at this photograph?

7 A It's typical soil from Central O'ahu. But
8 in general it's of good quality. So if you have
9 access to irrigation you will get good crops. You see
10 a little bit of erosion there from wind. But in
11 general there's moderate, no erosion in those sites.

12 Q I'd like to go to the next slide. This
13 slide, can you give us some more information about
14 what you see here?

15 A Here we seem to have a romaine lettuce or
16 lettuce production. This is considered a cool system
17 crop. To me, again, it shows that in the Koa Ridge/
18 Central O'ahu area it's ideal to produce a range of
19 vegetable crops including the type of cool season
20 crops that we normally think of being adapted to Kula
21 or Kamuela which are 2,000 high elevation.

22 In this side what we have is ideal
23 radiation, solar radiation through the day and cool
24 nights. And this is almost the ideal environment for
25 plants, the nighttime. In terms of the produce

1 industry we are moving towards specialties where
2 consumers are looking for high tasty or sweet crops.
3 And cool nights provide the plants the ability to
4 concentrate more nutrients, more sweetness.

5 So, again, in this side we can produce high
6 volume crops that will be popular with consumers.

7 Q Thanks. The next slide is from the Castle &
8 Cooke Waiawa area where there are cattle. Can you
9 comment on what you see in this slide.

10 A In this slide, again, it just gives me the
11 idea of the range of agricultural enterprises that you
12 conduct in Central O'ahu. But also it gives me the
13 idea that when you're growing high-value crops you
14 don't just grow high-value crops consistently.

15 Sometimes you need to give a break to the
16 land to let it rest, to get rid of diseases and pests
17 and return a few years later back to high value crops.

18 So this means that when we're thinking of
19 how much acreage we need, we need to consider other
20 uses of land that we may need to maintain productivity
21 over the long term which is rotation with livestock
22 production as well.

23 Q Next slide. Again, maybe you can comment on
24 whatever you may see in this slide that's relevant?

25 A Here we see some livestock production which

1 is alternative use for the lands in Central O'ahu. In
2 terms of the natural vegetation, even though this may
3 not be native, it brings to mind the fact that farms
4 don't exist in isolation but are part of the larger
5 landscaping around it.

6 Having a healthy landscape overall assures
7 good productivity of farms over a long period of time.
8 I make a reference in my testimony about the
9 ecological services of natural vegetation or green
10 corridors.

11 For instance, we know that bees and the
12 beneficial insects that help our farms find these
13 environments ideal to sustain themselves. So insects
14 and bees, they like to have shade. They like to have
15 access to water. They like to have access to nectar,
16 nectar from flowers so they can feed, they can go in,
17 eat insects or bugs in the vegetable fields.

18 When we think of farming we also need
19 increasingly worldwide agriculturists are thinking of
20 we need a green corridor to maintain the productivity
21 of that farm over the long term.

22 Q You make reference in your testimony to a
23 DOA annual report, Department of Agriculture annual
24 report from 2004 where they have found about 3800
25 acres are currently in crop production for vegetables

1 on O'ahu. Do you remember that part of your
2 testimony?

3 A Yes.

4 Q And that 3800 acres, is that mostly growing
5 food for internal consumption or for export?

6 A Mostly it is for local production in the
7 state.

8 Q There's been some reference in this
9 proceeding to old studies from the 1980s regarding how
10 much land might be necessary to feed the population of
11 O'ahu. And the number of 5,000 acres has been
12 discussed as a potential number.

13 But here you're saying there are 3800 acres
14 that are currently under production on O'ahu. And
15 still we're only feeding no more than 15 percent of
16 our internal consumption, correct?

17 A Yes. We're not nearly close to meet our
18 local demand. We continue to bring high volumes of
19 head lettuce, for example, dry onions, potatoes. We
20 have a long ways to go in terms of meeting local
21 demand for vegetable crops, not to mention other
22 grains or carbohydrate sources for the state.

23 Q So if we're producing no more than
24 15 percent using 3800 acres, does that 5,000 number
25 make sense to you as a number that would be sufficient

1 to feed the state or the island?

2 A Ah, no. Again, I don't think we have
3 developed specific data from real comprehensive
4 studies. But in my mind we would need larger acreage.
5 And again considering that in the future we may have
6 less access to pesticides and chemical inputs.

7 To maintain healthy farms I think we are
8 going to increasingly rely on rotations. One year you
9 grow tomatoes. The next year another crop to increase
10 the quality of the soil.

11 So I think we need to consider where we will
12 need agriculture for other uses than simply, tomatoes,
13 tomatoes, tomatoes, tomatoes or whatever crop you're
14 talking about.

15 Q Okay. And also when you're growing crops in
16 rotations, you're going to need more land, correct,
17 because you have to spread around and change the way
18 you're producing food?

19 A Correct. In addition to that one of the
20 current concerns in society is about the health of the
21 population. And part of the health to solve those
22 health issues include changing our diets which relies
23 more on local production, consuming more types of
24 vegetable and fruit crops which can be grown locally.

25 Q In addition to having acres available for

1 internal food production, is there a value to the
2 state's economy to also reserving land so that we can
3 grow crops for export?

4 A I feel that it is important. I think we
5 really cannot tell the future. And one of the key
6 examples has been the tomato industry, for example.
7 In the old days we used to grow -- we thought most of
8 the tomatoes were grown in the field.

9 But over the past 10, 15 years the tomato
10 industry in the U.S. the whole country has shifted to
11 hot house production. So my position is that there's
12 windows of opportunity. And in Hawai'i we have to be
13 ready as new industries come to the state.

14 For example, the high value production of
15 greenhouse organic crops. Could we in the state
16 develop high volume greenhouse production for export
17 to Japan, to Asia or other countries? And that land
18 may become vital for those types of enterprises.

19 Q The UH study that you cited that talked
20 about needing, perhaps, as much as 260,000 acres plus
21 to be entirely self sustainable, that did not take
22 into account future population increases, correct?

23 A Correct.

24 Q So that was only focused on just our current
25 population.

1 A On the current situation.

2 Q But we're all aware that population of the
3 islands is likely to increase in the future, correct?

4 A Right. And again, I think the yields
5 estimates that they considered were assuming we still
6 have access to the same amount of water, pesticides
7 and access to fertilizers and so on.

8 Q So those assumptions, this essentially is a
9 conservative number then. Because it's not accounting
10 for what really are likely increases in energy costs
11 and water issues, correct?

12 A Right.

13 Q We have also had some discussion about what
14 kind of leases are available to farmers. And we had a
15 witness testify from Dole Foods yesterday.

16 A I'm sorry, what kind of?

17 Q Leases.

18 A Lease.

19 Q We had a witness from Dole Foods talk about
20 leases that are typically available for farmers in the
21 former plantation lands. And he gave us a number of
22 about five years for a typical lease. Now, does that
23 seem like an adequate length of time for a farming
24 operation to get up, going and obtain financing and so
25 forth?

1 A In agriculture we're starting to change the
2 paradigm of what it means to farm. In the old days
3 when we had readable access to high inputs of
4 fertilizers and chemicals, the soil was of little
5 importance because we could always apply fertilizer to
6 get higher yields.

7 But because of higher pressure from diseases
8 and pests, the new paradigm is that we really need to
9 start to increase the quality of the soil. Organic
10 farming has become very popular sustainable
11 agriculture.

12 So nowadays farmers, when they start to
13 farm, a big factor in their production system is
14 increase the quality of the soil so the productivity
15 will be there 10, 15 years down the road.

16 And this becomes problematic when you only
17 have five-year leases. If you're gonna make a huge
18 investment to improve the quality of the soil and you
19 may not have access to that land in a few years down
20 the road.

21 Q So do you think it's fair to say that part
22 of the challenge for preserving adequate land for
23 agriculture is that not all of that land is
24 necessarily available in lease terms that are
25 sufficient to really produce food?

1 A Right. To begin to farm it really takes a
2 lot of investment. You have to make a lot of loans
3 and make investments. Those investments you need
4 several years to pay them off.

5 If you cut down a few years, couple years
6 down the road because your lease is cut off, you would
7 have not made money from that operation.

8 Q You're aware that the Sierra Club's position
9 and also the position you stated in your testimony is
10 that you believe this farmland should be preserved for
11 agricultural use, correct?

12 A Yes. I feel that it is important to
13 preserve the land.

14 Q And if, though, however the Land Use
15 Commission reached a different conclusion, decided to
16 approve the reclassification, would you think that
17 minimally there should be some additional features in
18 this development to promote farming?

19 I'll suggest a few to you to see if you
20 think these would help in any way. What about an
21 intensive larger-scale community garden feature? Do
22 you think that would be a helpful aspect of a project
23 like this?

24 A Yes. I think I indicated that definitely
25 green zones are likely to improve the quality of life.

1 I know that gardening is the most important hobby in
2 the United States. I have a home garden myself in
3 Manoa.

4 I know the list of people that want to sign
5 up has increased lately especially with the economic
6 crises. So I think that would be definitely a plus.

7 Q What about regular farmers' markets within
8 this? They talked about having a kind of village
9 square as part of this development.

10 Would farmers' markets that are actually
11 regularly scheduled consistent be an important
12 feature?

13 A We just had in Hawai'i the visit of Kathleen
14 Merrigan, the U.S. Deputy Secretary of U.S. Department
15 of Agriculture. She gave a talk at Manoa. She
16 mentioned that the local food movement is the fastest
17 and greatest movement in the agricultural industry,
18 greater than the organic movement.

19 That means that consumers are increasingly
20 trying to purchase product local both because they
21 want to support their farmers, also because they know
22 where the produce is coming from. They think it
23 improve their health.

24 So definitely in the long term having access
25 to farmers markets, local food produced and even a

1 green corridor of small farms around the community
2 makes people feel a lot better about their communities
3 than even that they're living in the country.

4 MR. YOST: Thank you very much.

5 CHAIRMAN PILTZ: Mr. Matsubara?

6 CROSS-EXAMINATION

7 BY MR. WYETH MATSUBARA:

8 Q Good morning, Mr. Valenzuela. My name's
9 Wyeth Matsubara representing Castle & Cooke in this
10 matter. I have a few questions. Did you take the
11 photographs that were just depicted in this slide
12 show?

13 A No.

14 Q Have you visited the Castle & Cooke Koa
15 Ridge land area or the Waiawa area that's referenced
16 in the Petition Area?

17 A No. I lived for many years in Central O'ahu
18 but I have not visited this particular case.

19 Q Okay. Just curious. Before I get into your
20 written testimony, your oral testimony today I just
21 want to do a little background. You have a fairly
22 extensive background in farming, correct?

23 A Correct.

24 Q And your extensive background's in vegetable
25 crops?

1 A Yes. My background is in research, research
2 with farming.

3 Q But you also actually farm. I mean you farm
4 and you're pretty good at vegetable crop production,
5 correct?

6 A I don't -- technically I don't farm. I do
7 research to support farmers. I do research field
8 trials in our experiment stations, but I don't farm
9 myself.

10 Q Okay. At those research stations you just
11 referenced, in the Waimanalo and the North Shore one,
12 you grow a variety of vegetable crops, correct?

13 A Correct.

14 Q In successfully growing these vegetable
15 crops you have a good understanding of the amount of
16 plantings a farmer can effectively achieve from their
17 land, correct?

18 A Yes.

19 Q I'm going to direct you to your written
20 testimony to page four to seven. I want to point to
21 your -- this is going to be the second paragraph on
22 the top where you reference that, "The current
23 large-scale agricultural operation at Koa Ridge has
24 been operating probably remarkably non-intensive
25 production methods. According to the Petitioner

1 agriculture in Koa Ridge over the past few years has
2 consisted of one planting per acre per year."

3 Do you recall that?

4 A Yes.

5 Q Do you have any information as you sit here
6 today to dispute that representation that was made by
7 Petitioner?

8 A No. If I think it's not true?

9 Q Correct.

10 A No.

11 Q Did you speak with the farm operator at Koa
12 Ridge to make your own determination whether that
13 representation that one planting per acre per year is
14 accurate or not?

15 A No. I simply based my comments on the
16 report from the Petitioner.

17 Q Thank you. Are you aware that Larry Jefts
18 Farms also provides the same type of operation, one
19 planting per acre per year?

20 A Yes.

21 Q Okay. And that this non-intensive type of
22 farming is also done by other farmers in the state of
23 Hawai'i, correct?

24 A Yes.

25 Q Especially land, large landowners that farm

1 the land, they tend to operate in this what you call
2 non-intensive type farming, correct?

3 A Yes.

4 Q Going down a little bit further in that same
5 page, the text you state and also in your oral you
6 mention that, "Other more typical vegetable operations
7 in the state work their land more intensively, with
8 three to six or more plantings per year."

9 Do you recall that statement?

10 A Yes.

11 Q Okay. So your opinion today is that farming
12 operations could increase its special crop production
13 by a factor of three to six or even more plantings per
14 year, correct?

15 A Correct.

16 Q Okay. So Koa Ridge operation could do the
17 same thing. They could increase their crop production
18 by three to six times or more.

19 A That's my position, yes.

20 Q Along that same line Larry Jefts could also
21 increase their crop production on their lands three,
22 six, eight times more than the amount they're doing
23 today.

24 A Depending on the crop, yes.

25 Q Same with the other large landowners that

1 have crop production that can use a less intensive
2 crop mode. They could produce three to six times more
3 the amount of crops than the land they have, correct?

4 A Depending on the crop, yes.

5 Q I want to skip back to the first page.
6 Sorry I'm jumping around. Also in your oral testimony
7 today you made a statement that -- this is going to be
8 in the middle of Page 1, right, in the reference to
9 the Hawai'i State Constitution, you reference,
10 "Approximately 53 percent of Class A and B land has
11 been reclassified from agriculture to urban use over
12 the past 50 years." Do you recall that statement?

13 A Yes.

14 Q I'm just -- there's no reference or
15 authority cited to that figure. I just would like to
16 know your authority for that 53 percent figure.

17 A I believe I borrowed from it from testimony
18 from the Department of Agriculture. I don't have the
19 citation with me but I can provide it to you.

20 Q Okay. Do you know what the Department of
21 Agriculture cited as their reference or authority
22 that 53 percent, okay, of agriculture land had been
23 reclassified to urban?

24 A I don't recall.

25 Q You don't have any independent knowledge

1 today or sources of information today as to the source
2 or the validity of that 53 percent number, is that
3 correct?

4 A No, I just know from Sandra Kunimoto from
5 the DOA.

6 Q I'm going to show you Exhibit 53 that was
7 submitted by the Petitioner. And I'll give you some
8 time to look it over. This was compiled by Castle &
9 Cooke.

10 But what it is it's a compilation of using
11 public documents and records for the Land Study Bureau
12 showing the LSB A and B lands that were in existence
13 in the '65 to '72 timeframe and to the current, the A
14 and B ratings of today's current timeframe.

15 I'd also like to represent that yesterday
16 the director of the Office of Planning also stated
17 that his staff had also looked at these numbers and
18 they did not have any major contention with them.
19 They're fairly accurate.

20 I'm going to ask you a couple questions on
21 that if that's okay.

22 A Okay.

23 Q So if you're looking at your statement that
24 "Approximately 53 percent of Class A and B land has
25 been reclassified from ag to urban use over the past

1 50 years," if we go down to the second box and look at
2 the A and B subtotal that was in existence in 1965 to
3 '72, it shows a 203,244 acres of A and B land. Is
4 that correct?

5 A Yes.

6 Q Now, the current A and B land acreage is
7 174,836 acres of land, is that correct?

8 A Yes, according to these numbers.

9 Q Do you have anything to dispute these
10 numbers? Do you have anything to dispute these
11 numbers that they're inaccurate?

12 A No, not with me.

13 Q Do you know of anything that would help --

14 A No, I haven't followed the statistics very
15 closely.

16 Q Okay. So according to these statistics --
17 and I'm horrible at math -- it's a 13.9 percent
18 reduction from ag land that's been reclassified to
19 urban. Is that fair?

20 A Yes, based on these numbers, yes.

21 Q So would your 53 percent be a mistaken
22 number, perhaps?

23 A If these numbers are accurate, yes. But I
24 would have to look at the numbers again.

25 Q That's fair. Thank you. I want to go down

1 to the same page of your written testimony where it
2 says -- this is going to be a bullet point No. 3 -- in
3 parentheses it says "(the land in question represents
4 15 percent of the remaining available prime land on
5 O'ahu with access to irrigation water for the
6 production of short-term crops...)"

7 A Yes.

8 Q I'm assuming that you took this -- to get
9 the 15 percent you took the amount we're taking out of
10 ag and compared that to the amount available or the
11 total amount of ag land on O'ahu?

12 A I believe I took this from the Petitioner's
13 report.

14 Q Okay. Sure. Are you aware that Petitioner
15 has amended or upgraded his amount of available ag
16 land to 15,000 acres total on the island of O'ahu?

17 A I don't think I've seen the latest.

18 Q Okay. So to be fair now, the 565 acres of A
19 and B land that is currently going to be
20 reclassified -- or is attempting to be classified in
21 the Petition Area is actually only 3.8 percent of the
22 remaining available A and B prime ag land on O'ahu, is
23 that correct?

24 MR. YOST: Object as to the characterization
25 of that question. It's too broad, vague.

1 Q (By Mr. Wyeth Matsubara): Do you understand
2 the question?

3 A Yes. But I don't know -- I don't know if I
4 can make a position, say, yes or no in terms of what
5 you're saying.

6 Q Okay. If the amount of land available
7 increases to 15,000, and the amount of land that's
8 being reclassified does not change, the percentage I'm
9 saying is going to be reduced from your position in
10 this written testimony here from 15 percent is
11 actually just 3.8 percent is going to be removed,
12 correct?

13 A If your numbers are correct that might be
14 the case. But I would need to look at the numbers
15 myself to make that determination.

16 Q Sure. And if we go one step further and
17 take this 565 acres from the total amount of ag land
18 on the Island of O'ahu -- the island of O'ahu I'm not
19 sure if you have that exhibit in front of you,
20 Exhibit 53 references that on the Island of O'ahu we
21 have a total 41,674 acres remaining of prime A and B
22 land. Do you see that?

23 A Where?

24 Q Do you see that? It's A and B subtotal.
25 The first box references O'ahu Land Study Bureau

1 acreage. It shows an A and B subtotal. The total
2 amount of A and B lands on this island, island of
3 O'ahu is 41,674 acres of A and B land.

4 A Trying to look here. Where are you?

5 Q On the top box. There's two boxes on that
6 exhibit.

7 A Mm-hmm.

8 Q The top box.

9 A Top box.

10 Q Okay. The third line down shows A and B
11 subtotal.

12 A Right.

13 Q If you go through the third column?

14 A Right. I saw, yeah, yeah, yeah.

15 Q So that the 565 acres of land in the
16 Petition Area is gonna be about .32 percent -- excuse
17 me, 1.4 percent of the O'ahu land acreage.

18 A Right. I think there's, in terms of the
19 acreage available, like the report from the Petitioner
20 at the time was referring to the land that is not
21 currently being used, what currently remains
22 available.

23 Q Correct, yes. So that clarified that the
24 Petitioner's report referenced 15,000 acres that was
25 open or available for lease and did not include

1 current A and B lands that are either in use or
2 unavailable for lease?

3 A Okay.

4 Q Now, you mentioned microclimates. And you
5 referenced Maui onions and Kula onions, correct?

6 A Yes.

7 Q So it's important that to recognize that
8 some of these microclimates provide regional locations
9 that may be more optimal for that crop to be grown
10 such as Maui.

11 A Correct.

12 Q You mentioned in your testimony today
13 regarding Japan and the increase in levels of
14 self-sufficiency which we agree with is important,
15 correct?

16 A Yes.

17 Q Isn't it also true that Japan places
18 extremely high tariffs and in some instances does not
19 allow the importing of certain ag products into Japan
20 such as rice?

21 A That may be the case. I don't know.

22 Q If we were to import strong tariffs or even
23 blocked or banned the importing of certain vegetable
24 crops or ag crops, that would help increase our
25 15 percent consumption, that correct?

1 A We already have tariffs nationally.

2 Q Like Japan, though?

3 A Probably similar with some crops like
4 sugarcane.

5 Q How about Hawai'i? How about the state of
6 Hawai'i? We're focusing on the state of Hawai'i in
7 trying to be more sustainable. Your point of
8 reference was Japan and how they were able to increase
9 it.

10 How about the state of Hawai'i? Are we
11 banning, let's say, importing of vegetable crops here
12 to increase the vegetable crop consumption or
13 purchases by local farmers?

14 A Personally I feel that subsidies or tariffs
15 to help our local farmers would help but that's a
16 different topic.

17 Q I would agree with that, it would be a
18 benefit to the farmers.

19 Now, you also mentioned certain technologies
20 of the high value -- for tomatoes, you mentioned, you
21 discussed something about tomatoes, the high-value
22 greenhouse production?

23 A Yes.

24 Q Does the greenhouse production for tomatoes
25 require A and B-rated prime ag lands?

1 A Depends if you're using the soil or not.

2 Q Well, the greenhouse is placed on top of the
3 land, correct?

4 A Yes.

5 Q So you would place this greenhouse on a
6 D-rated or E-rated land?

7 A The tomatoes growing in the greenhouse can
8 be grown on the soil itself or they have to grow in
9 active shelf media. If it's prime land the growers
10 may consider growing in the soil itself.

11 Q Of course. However, if you were to do a
12 greenhouse effect that does not utilize the land
13 underneath you, it does not require the use of A and B
14 land, correct?

15 A I'm sorry?

16 Q Okay. I understand that in this greenhouse
17 effect for tomatoes that if the greenhouse is on A and
18 B land the farmer's probably going to use that A and B
19 soil and not have to input or use different soil.

20 However, there are greenhouses that don't
21 use underlying soil and have the crop produced on a
22 raised level. They could use A and B soils from other
23 locations, correct?

24 A Right. I think the -- just to clarify I
25 think the example I gave was for the mainland U.S. I

1 wasn't talking specifically greenhouse tomatoes in
2 O'ahu. It could be greenhouse leafy crops, mushrooms,
3 any kind of very high-value intensive crop.

4 Q And I agree with that. My point is just
5 that the requirement for A and B lands is not a
6 necessity for these greenhouses to produce tomatoes,
7 other vegetable crops, and grown crops, correct?

8 A Possibly they could be grown on rooftops.
9 But in general it would open an opportunity for
10 agricultural production.

11 Q Thank you. You referenced the 2004
12 Department of Agriculture report regarding the crop
13 production in the state of Hawai'i?

14 A Yes.

15 Q I don't have that crop report. Was that
16 referenced in your written testimony?

17 A Yes.

18 Q The 3800 acres of crop, 300 acres of land
19 used, is that actual crop acres? Or is it such as
20 Aloun Farms, they have 700 acres, but they only farm
21 one acre per planting. Is that actual crop in crop
22 acreage?

23 A Yeah. I believe that was reported harvested
24 acreage.

25 MR. WYETH MATSUBARA: One second. (Pause)

1 Thank you, Professor. I have no further questions.

2 THE WITNESS: Thank you.

3 CHAIRMAN PILTZ: City? Mr. Yee.

4 CROSS-EXAMINATION

5 BY MR. YEE:

6 When people talk about whether land is
7 appropriate or available for agricultural, is it true
8 that they look at factors in addition to or other than
9 the soil classification?

10 A Yes.

11 Q So if you were simply to look at the amount
12 of acreage in A and B lands, that would not answer the
13 question of how much land is available for agriculture
14 because you would need to look at other factors in
15 addition to simply the soil classification, correct?

16 A Correct.

17 MR. YEE: No other questions.

18 CHAIRMAN PILTZ: Neighborhood Board?

19 MS. LOOMIS: No questions.

20 CHAIRMAN PILTZ: Commissioners, any
21 questions? Commissioner Lezy.

22 COMMISSIONER LEZY: Thank you, Chair. Thank
23 you for your testimony, Professor Valenzuela. A few
24 follow up questions.

25 Mr. Matsubara showed you Exhibit 53 that had

1 some information about the available A and B-rated
2 lands throughout the state, more importantly for our
3 purposes here on the island of O'ahu.

4 And the indication there is there's roughly
5 41,000 acres of A and B rated agricultural lands on
6 this island. Your written testimony indicated that
7 based on this, I think, 2004 report issued by the
8 Department of Agriculture that there was about
9 3800 acres that were actively being farmed or in
10 production.

11 THE WITNESS: (Nodding head).

12 COMMISSIONER LEZY: I'm just curious to know
13 if you have an opinion as to why if there's 10 times
14 that much land available for agriculture, why we're
15 not seeing more that's in active production.

16 THE WITNESS: Why we're not seeing more in
17 active production? I don't have a lot of knowledge in
18 terms of the inner goings in terms of how the land is
19 distributed.

20 My own personal feeling is that a lot of the
21 land is owned by large landowners. My perspective is
22 is that they have the wrong model of what agriculture
23 should look like in agriculture. They still have the
24 large-scale -- the only agriculture that's going to
25 work in Hawai'i is large-scale type of plantings.

1 And they haven't considered alternatives of
2 yes, we could have small-scale farms and it's okay to
3 lease, subdivide the land to small growers. But
4 that's only my own perspective.

5 COMMISSIONER LEZY: Do you have an idea of
6 what the breakdown is large institutional type
7 landowners versus smaller landowners or small farming
8 landowners?

9 THE WITNESS: I have no idea. But my
10 feeling is most of the land, available land in O'ahu
11 is owned by large landowners.

12 COMMISSIONER LEZY: Your written testimony
13 included information from a UH study that estimated
14 that you would need about 206,0000 acres of land in
15 order to reach self-sufficiency agriculturally.

16 Is that just A and B-rated lands or is that
17 A through E ratings?

18 THE WITNESS: I think they included most of
19 the available land in the state.

20 COMMISSIONER LEZY: And then the last
21 question I had for you was Mr. Yost asked you a
22 question about self-sufficiency. I guess what the
23 aspiration would be in order to get to
24 self-sufficiency.

25 And this is something that we've talked

1 about not only in this docket matter but other docket
2 matters, and no one has ever really been able to
3 define what this idea of self-sufficiency is.

4 I'm just curious what your opinion is. Does
5 that mean no necessity of import? What is
6 self-sufficiency from an agricultural perspective?

7 THE WITNESS: From my perspective what we
8 really need in Hawai'i is a White Paper of Agriculture
9 that looked at the -- that takes a global perspective
10 in terms of where we are, and where we want to go, and
11 that defines specific parameters. If today we're at
12 15 percent, in 15 years we're going to reach a higher
13 level of percentage.

14 But it's obvious we live on an island. And
15 that our supply of food is only a couple of weeks, and
16 that we really need to change our paradigms in terms
17 of where we are in agriculture. But so far there has
18 been little work.

19 Our policymakers or leaders really haven't
20 looked at the issues since 1978, the constitutional
21 mandate to look at self-sufficiency in the state.

22 So in terms of where should we be. I think
23 it always goes in small steps. We should be
24 visualizing not only in terms because of only in terms
25 of self-sufficiency but also because it's a stimulus

1 to the economy when the food is grown locally when
2 it's not grown out of state.

3 COMMISSIONER LEZY: Thank you.

4 CHAIRMAN PILTZ: Any other questions,
5 Commissioners? I have one question, doesn't have
6 anything to do with this particular Project, but it
7 has to do with ag lands.

8 Senator Inouye came to Maui last week and
9 talked to the sugar plantation and saying there's a
10 possibility of saving it because they're looking at in
11 five years that sugar will be out on Maui. So they're
12 talking about feed crop and feed stock for biomass.

13 Do you think that's a real option? We're
14 still talking mono-crop. Is it a real option or are
15 they wasting their time?

16 THE WITNESS: Personally I'm concerned about
17 the model of biofuel crop production and large-scale
18 mono-cultures. I feel it's largely an extractive
19 industry where you're taking resources away for the
20 land.

21 You're basically mining the lands. So it
22 really questions whether this will be a system that
23 will be around the next 40, 50, 60 years.

24 They're using the model that agriculture is
25 based on high external inputs, take out nutrients from

1 the soil. So I question its sustainability in the
2 long term.

3 CHAIRMAN PILTZ: Thank you. I appreciate
4 that. Mr. Yost?

5 MR. YOST: Brief redirect.

6 REDIRECT EXAMINATION

7 BY MR. YOST:

8 Q Mr. Matsubara was asking you about the Japan
9 example where Japan is close to 45 percent internal
10 production, food production. And he was wondering
11 whether if we just put more tariffs on imports here or
12 somehow restricted imports that that would solve our
13 problem.

14 But clearly the other side of the coin is
15 that if you restricted the import you have to have
16 something to replace it with, correct?

17 A Correct.

18 Q And we don't currently have local food
19 production to replace the food that we're importing,
20 correct?

21 A Right, correct.

22 Q So if you were going to enter into that kind
23 of policy, you would have to have both sides of the
24 coin at the same time to make it work.

25 A Yes. Just to follow up. I feel that in

1 Hawai'i it's possible to grow a lot of our food
2 production, but you need the proper technology. And
3 our farmers need the proper assistance, the how to,
4 because a lot of our farmers are on their own.

5 MR. YOST: Thank you. No further questions.

6 CHAIRMAN PILTZ: All right. Commissioner
7 Wong.

8 COMMISSIONER WONG: Mr. Chairman, I have
9 some questions but not of the witness.

10 CHAIRMAN PILTZ: Okay. Thank you, sir.

11 THE WITNESS: Thank you.

12 COMMISSIONER WONG: Mr. Chairman, I
13 understand that there will be a few more witnesses,
14 perhaps legislators and certain rebuttal witnesses by
15 the Petitioner.

16 Mr. Chairman, I just wanted to make a couple
17 comments because I'd like to invite the Petitioner to
18 elaborate on these particular areas.

19 No. 1. Let's talk about agriculture.
20 Recognizing that once this land is reclassified from
21 ag to urban will very unlikely ever go back to
22 agriculture.

23 We understand Petitioner is talking about
24 leasing farmlands to other farmers in another area of
25 the island there that would, shall we say, compensate

1 for the loss of A and B lands.

2 So my question to Petitioners: If you are
3 truly going to lease this land to farmers, equivalent
4 amount of land, if not more, we recognize the
5 ownership by Castle & Cooke can change, officers can
6 change, philosophy can change.

7 So the question is why -- we'd like to know
8 for me why shouldn't the Petitioner be required to
9 have those substitute lands that's going to be leased
10 placed under an agriculture easement to assure the
11 public that those lands for the next 40 years would,
12 in fact, be available for farmers to use to farm.
13 That's the first question.

14 Second question has to do with energy.
15 Energy is a major problem in the state. In fact
16 energy is a major problem throughout the country.

17 I can well recall four, five years ago,
18 particularly four years ago when this Commission
19 suggested that solar water heaters be placed on new
20 construction.

21 Oh, the developers, the petitioners all
22 yelled and screamed. Maybe our own University of
23 Hawai'i when they came in with West O'ahu did not even
24 want solar water. Yet today solar water heating for
25 new construction is the law.

1 So let's talk about photovoltaic and perhaps
2 alternative energy. We have seen charts, and the
3 evidence here shows how the amount, number of
4 photovoltaic systems have increased not a little bit,
5 not lots but dramatically.

6 So by the time this Project gets built,
7 possibly three, four years before the first home is
8 built the cost of photovoltaic systems would even
9 become cheaper. And oil price we think is going to go
10 higher.

11 With that being the case, the feasibility of
12 photovoltaic systems become even more feasible in
13 terms of economics. In other words, the payback time
14 would be faster and quicker. And once it's paid back
15 you get so-called free electricity for the life of the
16 system.

17 Recognizing that, I'd like to know from the
18 Petitioner why shouldn't the Petitioner here be
19 required to have photovoltaic system on the homes that
20 it sells in a number of at least 10 percent of the
21 units?

22 If you're going to build 5,000 homes, what
23 is 500 homes? Besides, owners can then put that cost
24 into their homes and their mortgage and pay it over a
25 30 year period.

1 In fact, new construction with photovoltaics
2 makes more sense, Mr. Chairman, than an existing
3 building because of financing. You can build, you can
4 have the cost of the system spread over 30 years by
5 adding that as the cost of the home.

6 The next question has to do with commercial.
7 We all know commercial uses a huge amount of
8 electricity. This Project, for example, from what I
9 read here, requires something like 49 megawatts of
10 electricity or somewhere in that order.

11 Commercial uses are tremendous: Air
12 conditioning, refrigerators, motors and all of those
13 things that commercial activities require. And it's
14 one thing to say that we'll try to cut down the use;
15 we'll have hot water pipes to be insulated. Those are
16 manini stuff, in other words, very little.

17 What we really need to do is produce the
18 electricity by alternative means. So the question is
19 why should not this petition be required to produce on
20 this Project 50 percent of the energy consumed for
21 commercial purposes?

22 The production can be by alternative energy
23 methods, whether it is by photovoltaic system, wind
24 energy or even concentrated energy in the form like
25 you read about in SOPAGE.

1 So, Mr. Chairman, I would really love to
2 have the Petitioner comment on these questions at the
3 right time.

4 CHAIRMAN PILTZ: Thank you. Commissioner
5 Devens.

6 COMMISSIONER DEVENS: You know, I would join
7 Commissioner Wong on having those thoughts thrown out
8 there to see if that's something that could be
9 considered. I think he makes some valid points on
10 that.

11 CHAIRMAN PILTZ: Any other comments? Okay.
12 All right. We'll see you next month at our next
13 meeting. We're adjourned.

14

15 (The proceedings were adjourned at 1:20)

16 --oo00oo--

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23 C E R T I F I C A T E

24

25 I, HOLLY HACKETT, CSR, RPR, in and for the State

1 of Hawai'i, do hereby certify;

2 That I was acting as court reporter in the
3 foregoing LUC matter on the 22nd day of April 2010;

4 That the proceedings were taken down in
5 computerized machine shorthand by me and were
6 thereafter reduced to print by me;

7 That the foregoing represents, to the best
8 of my ability, a true and correct transcript of the
9 proceedings had in the foregoing matter.

10

11 DATED: This _____ day of _____ 2010

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17 HOLLY M. HACKETT, CSR #130, RPR
18 Certified Shorthand Reporter
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