

LAND USE COMMISSION  
MINUTES OF MEETING

October 6, 2005

Kakuhihewa  
601 Kamokila Boulevard  
Room 111 Conference Room A & B  
Kapolei, Oahu, Hawaii 96707

COMMISSIONERS PRESENT: Thomas Contrades  
Kyong-su Im  
Lisa Judge  
Duane Kanuha  
Steven Montgomery  
Ransom Piltz

COMMISSIONERS ABSENT: Michael Formby  
Randall Sakumoto

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

Presiding Officer Montgomery called the meeting to order at 10:10 a.m.

A04-753 AINA NUI CORPORATION (Oahu)

Presiding Officer Montgomery stated that this was a hearing on Docket No. A04-753 Aina Nui Corporation (Oahu) to consider the reclassification of approximately 174.209 acres of land currently in the Agricultural District to the Urban District at Ewa, Oahu, Hawaii for residential, golf course, park, and open space uses.

## APPEARANCES

Benjamin Kudo, Esq., represented Petitioner

Cameron Nekota, represented Petitioner

Don Kitaoka, Esq., represented Department of Planning and Permitting

Raymond Sakai, City and County of Honolulu, Department of Planning and Permitting

John Chang, Esq., represented State Office of Planning

Laura Thielen, Director, State Office of Planning

Abe Mitsuda, State Office of Planning

Presiding Officer Montgomery asked Petitioner if staff has inform them of the Commission's policy regarding reimbursement of hearing expenses and if they had agreed to the reimbursement policy. Mr. Kudo replied in the affirmative.

## Public Testimony

### 1. Maeda Timson

Ms. Timson stated that she has been a resident of Makakilo for 34 years and is also the Chair of the Makakilo neighborhood board. Ms. Timson commented that she is in support of this project since it would benefit the community with jobs and shopping centers, stimulate the economy, and that Campbell Estates has a caring relationship with the community.

There were no questions posed by the parties or the Commission.

### 2. Jane Ross

Ms. Ross stated that she is a resident of Honokai Hale, a residential community adjacent to the Kapolei West project, and also a member of the Makakilo neighborhood board. Ms. Ross stated that she was in support of this project because she has lived in this community for over 40 years and remembers a time when there was no mail delivery, no street lights, and no restaurants or shops in this area. She added that Kapolei West will be a positive addition to their community.

Vice Chair Judge asked if Nanakai Gardens was a part of the Honokai Hale residential community. Ms. Ross replied in the affirmative and stated that Nanakai Gardens and Honokai Hale is a part of the same community.

3. Michael Keoni Dudley

Mr. Dudley stated that he was in opposition for this project. Mr. Dudley stated that he is also a member of the Kapolei neighborhood board and commented that a vote for this project was not an unanimous vote as they have received over 600 communications via phone calls, e-mail, etc. concerning traffic impacts and believes that this project is moving too fast. Mr. Dudley also expressed his concern over who will be moving into these high-priced resort homes.

There were no questions posed by the parties or the Commission.

4. Lorraine Martinez

Ms. Martinez stated that she has lived in Honokai Hale since the 1960's and is in support of Campbell Estate and their proposal.

There were no questions posed by the parties or the Commission.

Staff Report

1. Bert Saruwatari

Mr. Saruwatari provided a map orientation of the project and commented on the previous dockets for reclassification in this area. There were no questions posed by the Commission.

Admission of Exhibits

Mr. Kudo described and introduced petitioner's 2<sup>nd</sup> amended list of exhibits and offered into evidence the approximate 58 exhibits. There were no objections by the parties. Said exhibits were admitted into evidence.

Mr. Kudo stated that Petitioner also has an oral stipulation with the parties to qualify their witnesses as experts in their stated fields, as indicated on Petitioner's witness list. There were objections by the parties and the Commission.

Mr. Kitaoka introduced and offered the City and County of Honolulu's eight exhibits. There were no objections by the parties. Said exhibits were admitted into evidence.

Mr. Chang described and offered the State's 12 exhibits. There were no objections by the parties. Said exhibits were admitted into evidence.

### Petitioner's Presentation

Mr. Kudo noted that the Petitioner will begin with a short video presentation, which contained the historical development and vision of the city of Kapolei.

After the video presentation, Presiding Officer Montgomery noted that the audio of the video presentation was not recorded by the court reporter.

Mr. Kudo began his presentation and discussed the history of the area, the Kapolei / Ewa highway master plan, projected growth and regional traffic improvements, and the second city of Kapolei and future surrounding projects.

### Petitioner Witnesses

1. Thomas Fee

Mr. Fee stated that he is a planner with Helber Hassert & Fee and was previously qualified as an expert in land use and environmental planning. Mr. Fee discussed the planning aspects of the Petition and provided a general map orientation and concept plan. Mr. Fee added that Petitioner is in consistency with the State and Ccounty general plan.

A recess break was taken at 11:15 a.m. The meeting reconvened at 11:25 a.m.

Mr. Fee continued with his testimony and discussed issues of existing and potential supplies of ground water, non-potable water for golf courses, the Hawaii State functional plan, affordable housing, mix zoning, diversified agricultural lands, recreational resources to coastal areas, park, and facilities, public pathways and bikeways, coastal zone management, drainage master plan, archeological and cultural preserves, and the historical OR&L right of way.

## Cross Examination

Mr. Kitaoka raised a few questions in the area entitled Transit Mix Use on petitioner's exhibit 5. Mr. Fee commented that it will be serving as the regional transit corridor in a village setting with a mix of housing, retail and transit oriented uses to support the City's transit corridor.

Mr. Chang posed questions relative to traffic impacts and residents who currently live in Kapolei and commute to town on a daily basis to work. Mr. Chang also had a few questions on the timeline of creating a second city in Kapolei.

Vice Chair Judge raised a few questions in petitioner's exhibit 5, the location of the quarry. Vice Chair Judge also raised concern for the level of pesticide use on the golf course given its proximity to the ocean and suggested that the golf course be rated to Audubon status.

Commissioner Im had concerns related to the urban area reclassified in 1991, and commented that since the property was to be used in accordance with the representations at that time, of which plans were to develop 3500 units on that reclassification to urban area. Commissioner Im raised questions on issues of density and the need for more affordable housing.

Vice Chair Judge raised a few questions on the density issue and the change in zoning process with the County.

Mr. Kudo noted that there will be witnesses to address the affordable housing and density issues. Those witnesses would be Dr. Bouslog and Ms. Goth.

A lunch recess break was taken at 12:25 p.m. The meeting reconvened at 1:35 p.m.

Vice Chair Judge left the meeting at this time.

## ADOPTION OF MINUTES

Commissioner Piltz moved to adopt the Land Use Commission meeting minutes of September 29, 2005 and September 30, 2005.

Commissioner Kanuha seconded the motion and noted an amendment on page 6 of the September 29 minutes, 2<sup>nd</sup> paragraph, under cross examination of Mr. Lemmo, Mr. Chang asked what the DLNR's position was. Commissioner Kanuha added that he believed Mr. Lemmo's response was that the DLNR would prefer that the petition area remain in the conservation district or in the alternative, be partially in the conservation district. Commissioner Im commented that he also remembered that as being Mr. Lemmo's comment. The amended minutes of September 29, 2005 and September 30, 2005 were approved by voice votes.

#### TENTATIVE MEETING SCHEDULE

Executive Officer Anthony Ching reported that staff is scheduling a field trip on or before the next hearing on the Big Island. Mr. Ching asked for the Commission's preferences with respect to a Wednesday-Thursday-Friday meeting dates or a Tuesday-Wednesday-Thursday schedule to accomplish the field trip and two day meetings. Mr. Ching added that the various meeting dates are being offered since there appears to be some hardship in finding a venue for the hearings in Hilo. Mr. Ching noted that there are no hotels available at this time and staff is pursuing the county chamber's office. Mr. Ching also noted that staff could go ahead and take some photos and a video if the field trip date is a conflict with the Commission's schedule. Suggested meeting dates would be November 30, December 1 and 2 or November 29, 30, and December 1. There will be no other meetings in December and would conclude the LUC's calendar for 2005.

Commissioner Piltz commented that the Wednesday-Thursday-Friday meeting dates are more feasible for him.

Presiding Officer Montgomery noted for staff to proceed with that schedule and resumed the hearing on the Aina Nui docket.

#### A04-753 AINA NUI CORPORATION (Oahu) - continued

Mr. Kudo requested that tomorrow's hearing (October 7, 2005) start an hour earlier at 9:00 a.m. to ensure that their witnesses will be able to complete their testimony.

Presiding Officer Montgomery entertained a motion to amend the agenda for a start time of 9:00 a.m.

Commissioner Piltz moved to amend the agenda to begin at 9:00 a.m. Commissioner Contrades seconded the motion. The motion was approved by voice votes.

Mr. Kudo discussed issues of the previously reclassified portion of the property as a follow up to Commissioner Im's concerns and noted that development has not occurred because Campbell Estates had given this option to another party, West Beach Estates, who then relinquished the property to Seaside, then to Aina Nui, West Kapolei. Mr. Kudo added that they will be providing details on this matter.

Petitioner's Witnesses (continued)

2. Phillip Lloyd Bruner

Dr. Bruner stated that he is employed at the biology department at BYUH and has been teaching biological courses since 1978. Dr. Bruner was qualified as an expert in the field of faunal surveys – bird and mammals.

Dr. Bruner discussed issues of an earlier study by Andrew Berger (1972) on Hawaiian Birdlife as related to the habitat in Campbell Industrial Park and relevant state birds. Dr. Bruner summarized the content of the report and commented on his report of introduced alien species, migratory species of birds, native birds, and the impact, if any, on mammals, flora, fauna, alien species, and the natural consequences of changes in a natural habitat.

Mr. Kitaoka noted that the City had no questions.

Mr. Chang raised a few questions relative to the most recent field survey conducted and if an invertebrate survey was conducted.

Commissioner Im asked if Dr. Bruner personally conducted a recent field survey on the Petition area. Dr. Bruner replied that he has not done that.

Presiding Officer Montgomery commented that he appreciated Dr. Bruner's use on the book of birds in the Pacific Islands and added that Dr. Bruner's resume and past fieldwork experience places him in a good position to evaluate this situation in Ewa.

3. Barry Neal

Dr. Neal stated that he was a certified meteorologist and has been previously qualified in the field of meteorology and discussed issues of air quality, emission control mitigation, and the state and national ambient air quality standards.

Mr. Kitaoka raised a few questions relative to any past instances or serious consequences of the neighboring properties, businesses at Campbell Industrial Park, or emissions from the adjacent refinery operations.

Mr. Chang noted that the State had no questions.

4. Bryant Terry Brothers

Mr. Brothers stated that he is employed with Wilber Smith & Associates from Raleigh North Carolina. Mr. Brothers was previously qualified as a civil engineer with an emphasis on traffic engineering.

Mr. Brothers summarized his written testimony and discussed issues of existing and planned roadways in the vicinity of the project area, scope of the traffic assessment report, three different time scenarios for 2003, 2014 and 2020, and the acceptable levels and conditions of the interchange and freeway peak hours. Mr. Brothers added that given the small portion of traffic projected by the Petition area, the project would have a small impact.

A recess break was taken at 2:35 p.m. The meeting reconvened at 2:50 p.m.

Mr. Kitaoka raised questions and concerns relative to the concepts of continuity, roadway linkages from the Petition area and neighboring areas, and the encouragement of non-vehicular activity.

Mr. Chang posed questions regarding the Ewa Regional Traffic Plan, the network of roads for better traffic flow, and the mitigation of traffic funneled into the H-1 freeway.



Commissioner Piltz had a few questions relative to the connector roads, Honoa Street interchange and the acceptable peak hour levels of D or better and non-desirable levels of E and F.

Presiding Officer Montgomery asked if they have computed their models compared to the rising cost of fuel to see how it may impact the traffic. Mr. Brothers replied that they have not taken that into consideration when conducting their analysis.

Commissioner Im raised a few questions in reference to the control of implementing mitigation measures, identifying alternatives to the corridor of traffic flow, and the number of cars during peak hours going on to the H-1.

Vice Chair Judge entered the meeting at this time.

Commissioner Im had a few concerns relative to the study that based 60% of residents and 40% of non-residents and asked if they studied on the impacts if this percentage was to change to include more residents and less non-residents. Mr. Brothers replied that they have not recognized that scenario.

Commissioner Piltz raised a few questions related to exhibit 19, Highway Improvement Estimate Costs, impact fees collected, and the amount that the Petition area is contributing out of the 38 million. Mr. Brothers replied that he did not have that answer as their role was to analyze the traffic needs of the project.

5. Craig Arakaki

Mr. Arakaki stated that he is employed by Engineering Concepts as a licensed civil engineer. Mr. Arakaki was previously qualified in the field of civil engineering.

Mr. Arakaki summarize his written testimony and stated that Engineering Concepts performed a preliminary infrastructure needs report for the overall project and petition area. Mr. Arakaki discussed issues of wastewater, power, infrastructure impacts and proposed mitigation measures, drainage, interim detention basin, and the regional water system.

Mr. Kitaoka noted that the City had no questions.

Mr. Chang raised a few questions related to the major drainage channel, planning and design of the channel, the required number of permits and process of the studies needed, and the DOT Harbors Division's preference of no drainage entering the harbors.

Commissioner Im posed questions relative to the interim detention basin, the intent and capacity, and the phasing of the temporary detention basins.

Commissioner Kanuha asked if there was an adequate potable water source to serve this Petition area. Mr. Arakaki replied in the affirmative.

Vice Chair Judge raised questions and concerns related to the irrigation on the golf course with non-potable water, the non-potable source or reclaimed wastewater, construction plans and review approval processes.

Commissioner Piltz posed questions related to the storm drain plan based on 100 years or 50 years and the main drainage plan design.

Presiding Officer Montgomery raised questions on the Ewa coral plain, sinkholes and potential traps for flightless birds.

A recess break was taken at 3:25 p.m. The meeting reconvened at 3:55 p.m.

Presiding Officer Montgomery noted that the Commission needs a 6<sup>th</sup> vote on amending the agenda and entertained a motion to amend the agenda to commence at 9:00 a.m. tomorrow morning.

Commissioner Contrades moved to amend the agenda to commence at 9:00 a.m. on October 7, 2005. Commissioner Piltz seconded the motion. The motion was approved by voice votes.

6. Todd Beiler

Mr. Beiler stated that he is employed by D.L. Adams and Associates and was previously qualified as an expert in acoustical engineering. Mr. Beiler stated that he was hired by Helber Hassert & Fee to conduct and measure the traffic noise levels.

Mr. Beiler summarized his written testimony and discussed issues of his assessment of existing and future traffic noise, aircraft noise, sound measurements along the project site, daytime, peak hour and night noise levels, recommend building distances and mitigation impacts.

Mr. Kitaoka noted that the City had no questions.

Mr. Chang raised a few questions regarding the evaluation of aircraft noise within the project area, different scenarios, the flight paths and noise contour maps used.

Commissioner Im asked if the noise study was conducted on this project area only or the entire Petition area. Mr. Beiler replied that they were contracted by Helber Hassert & Fee to look at the entire area.

Presiding Officer Montgomery posed questions relative to the aircraft noise, the former Naval air station, and the increase of activity in that area.

Mr. Kudo clarified that the Petition area is greater than 300 feet from the H-1 freeway.

Commissioner Piltz requested that the traffic engineer provide information on the cost estimate for highway improvements and how much of the 38 million is allocated to the Petition area. Mr. Kudo replied that they will provide that information at tomorrow's meeting.

The meeting adjourned 4:10 p.m.

*(Please refer to LUC Transcript of October 6, 2005 for more details on this matter.)*