

**WRITTEN DIRECT TESTIMONY OF Max Solmssen [planning environmental]**

1. **Please state your name and business address for the record.**

Max Solmssen/1286 Queen Emma Street, Honolulu, HI 96813

2. **What is your current occupation?**

Project Manager/Environmental Planner

3. **How long have you been a Project Manager/Environmental Planner?**

8 years.

4. **Did you provide a copy of your resume for these proceedings?**

Yes

5. **Is Petitioner's Exhibit 13 a true and correct copy of your resume?**

Yes

6. **Please briefly describe your educational background.**

I received a Master's Degree in Urban and Regional Planning from UH Manoa and undergraduate degree in English Literature from UH Manoa.

7. **Do you specialize in any particular areas?**

Land use and environmental planning, as well as environmental science.

8. **To what professional organizations do you belong?**

Hawaii Association of Environmental Professionals.

9. **What additional certifications do you have?**

29 CFR Part 1910.120, HAZWOPER Certified

8-Hour HAZWOPER Supervisor Certified

OSHA 30-Hour Construction Safety and Health Certified

OSHA 10-Hour Construction Industry Outreach Training Program Certified

Munitions and Explosives of Concern (MEC) Recognition Training Certified

State of Hawaii Lead-Based Paint Inspector

State of Hawaii Asbestos Inspector

10. **What does a Project Manager/Environmental Planner do?**

Manage the execution of a variety of environmental planning studies, such as environmental assessments and environmental impact statements.

11. **How long have you worked for Environet?**

8 years

12. **What is your title at Environet?**

Project Manager/Environmental Planner

13. **What responsibilities and duties are required in your current position?**

Manage the execution of a variety of environmental planning studies, such as environmental assessments and environmental impact statements.

14. **Please briefly describe some of the projects that you have been involved with over the course of your career.**

- Honolulu International Airport Modernization Plan Environmental Support. Managed several environmental tasks that included collecting multi-incremental soil samples, reporting laboratory analytical results, and providing management of impacted soils (i.e., disposal of pesticide and petroleum-impacted soils). Other duties have included management of surface water and sediment sampling in support of environmental permitting to comply with provisions of the U.S. Clean Water Act, as well as other state regulations.
- Preparation of an Environmental Assessment for the Waiakea and Palai Streams Flood Control Project, Hilo, Oahu, U.S. Army Corps of Engineers. Project Manager for a NEPA and HRS 343-compliant EA that analyzes the environmental, social and economic impacts for proposed public infrastructure flood control project within the Waiakea and Palai streams watershed
- Preparation of an Environmental Assessment for the Kuliouou Stream flood control project, Oahu, Hawaii. U.S. Army Corps of Engineers. Project Manager for a NEPA and HRS 343-compliant EA that analyzes the environmental, social and economic impacts for proposed public infrastructure flood control project within the Kuliouou stream.

15. **Do you have a specialized knowledge of Environmental Planning in Hawaii?**

Yes

16. **Have you ever testified under oath based on your work position before a judicial or administrative body?**

No

17. **If yes, when and where did you testify?**

18. **Have you ever testified as an expert based on your work position before a judicial or administrative body?**

No

19. **If yes, when and where did you testify?**

20. **Are you familiar with the Lima Ola Workforce Housing project (“Project”) being developed by the County of Kauai Housing Agency?**

Yes

21. **Please describe your involvement in the Project.**

Environmental Planner tasked with managing and executing the preparation of an Environmental Assessment and Sustainability Plan for the subject project.

22. **Please describe the Petition Area**

The project site includes a 75 acre parcel located in Eleele, Kauai.

23. **Please describe the land use designations for the surrounding properties**

Lands to the east include Agricultural zoned parcels under both State and County zoning designations. Lands to the west/southwest include Urban lands under State zoning rules, and residentially zoned lands under County zoning. Lands to the south include Agricultural lands under State zoning, and Residential, Conservation, Agricultural and Commercial zoning under County zoning.

24. **Did you prepare the Final Environmental Assessment (“FEA”) that was submitted as Petitioner’s Exhibit 3 ?**

Yes

25. **Is the Project generally consistent with what was assessed under the FEA?**

Yes

26. **Were any Studies Prepared for the FEA?**

27. Yes:

- Biological Survey
- Air Quality Study
- Traffic Impact Analysis
- Environmental Noise Report
- Cultural Impact Assessment
- Archaeological Inventory Survey

28. **Were any additional studies prepared?**

Yes: Market Study

29. **Have you read the Petition for Land Use District Boundary Amendment that was filed in this Docket?**

Yes

30. **Please explain why Petitioner filed that Petition.**

Petitioner filed the Petition to request that the Commission reclassify the Petition Area from the Agricultural District to the Urban District in order to develop the Lima Ola Project.

31. **Are you aware that the Land Use Commission must perform an assessment of the proposed reclassification for conformity with the applicable goals, objectives, and policies of the Hawaii state plan, chapter 226, HRS, and applicable priority guidelines and functional plan policies?**

Yes.

32. **Are you familiar with the Hawaii State Plan, Priority Guidelines and State Functional Plan?**

Yes.

33. **Please discuss your evaluation of the Project's consistency with the goals, directives and policies of the Hawaii State Plan**

The proposed project would be in conformance with the State Plan's objectives and policies for socio-cultural advancement with regard to housing. Specifically, the proposed project would fulfill the following objectives of the State Plan:

- Provide greater opportunities for Hawai'i's people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, through collaboration and cooperation between government and non-profit and for-profit developers to ensure that more affordable housing is made available to very low-, low- and moderate-income segments of Hawai'i's population.
- Effectively accommodate the housing needs of Hawai'i's people.
- Stimulate and promote feasible approaches that increase housing choices for low-income, moderate-income, and gap-group households.
- Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.
- Foster a variety of lifestyles traditional to Hawai'i through the design and maintenance of neighborhoods that reflect the culture and values of the community.

While the proposed development would include use of agricultural land for residential purposes, the County has identified the project site as the most appropriate and feasible location for a much needed affordable housing project. The County has also determined that the change in use of the project site would not represent a significant impact to the available agricultural lands on Kaua'i.

34. **In your professional opinion, does the Project conform to the applicable goals, objectives and policies of the Hawaii State Plan?**

Yes

35. **Please discuss your evaluation of the Project's consistency with the State Priority Guidelines.**

The State Priority Guidelines include the following seven major areas:

- economic development,
- population growth and land resource management,
- affordable housing,
- crime and criminal justice,
- quality education,
- principles of sustainability,
- and climate change adaptation

The proposed project would provide economic opportunities through construction jobs for approximately 20-30 years. The proposed project is a key aspect of managing population growth and severe lack of affordable housing within the County. The proposed project would include 100% affordable housing, and would incorporate sustainable building and development practices to assure that the project has a minimal impact on the human and natural environment. The project site was also chosen due to its location outside the shoreline area, mitigating direct impacts from sea level rise.

36. **In your professional opinion, does the Project conform to the goals, objectives and policies of the Priority Guidelines?**

Yes

37. **Please discuss your evaluation of the Project's consistency with the State Functional Plans.**

The project is consistent with the Employment State Function Plan (SFP) since it would provide new jobs during the 20-30 year development window.

The project would be consistent with the Energy SFP through the implementation of energy efficient features in the proposed housing units. Renewable resource use such as solar hot water are also planned.

The project would be consistent with the Housing SFP since the project would provide affordable housing.

38. **In your professional opinion, does the Project conform to the goals, objectives and policies of the applicable State Functional Plans?**

Yes

39. **Are you aware that the Land Use Commission must perform an assessment of the proposed reclassification for conformity with the objectives and policies of the Coastal Zone Management Program, chapter 205A, HRS?**

Yes

40. **Are you familiar with the objectives and policies of Chapter 205A?**

Yes

41. **Please discuss your evaluation of the Project's consistency with the goals and objectives of HRS Chapter 205A**

The proposed project would not impede use of recreational or scenic resources since the project site would not include use of any recreational lands or result in an impact to historic resources or coastal resources. The grade of the project site would allow for preservation of mauka-makai

view corridors within the area. The proposed project would represent a County public agency initiative to provide much needed economic use; affordable housing.

42. **In your professional opinion, does the Project conform to the goals and objectives of HRS 205A?**

Yes

43. **Are you aware that the Land Use Commission must perform an assessment of the proposed reclassification for conformity with the County General Plan?**

Yes

44. **Please discuss your evaluation of the Project's conformity with the County General Plan?**

The County General Plan states that 'Ele'ele has been a growing residential community that supports the local businesses and visitors. The plan also states that the west side, which includes the towns of Waimea, Kekaha, Hanapēpē and 'Ele'ele have an estimated capacity for additional residential growth, and that Port Allen, located *makai* of 'Ele'ele, is planned for expanded commercial and harbor growth. Growth is planned within existing towns and developed areas to reduce isolated sprawl. The Proposed Action would include a compact walkable community located directly adjacent to the established residential community of 'Ele'ele Heights, and *mauka* of 'Ele'ele shopping center and Port Allen. Therefore, the Proposed Action would be in accordance with the guidance established in the County General Plan.

45. **In your professional opinion, is the Project in conformance with the General Plan?**

Yes

46. **Are you aware that the Land Use Commission must perform assessment of the proposed reclassification for conformity with the Hanapepe-Eleele Community Development Plan?**

Yes

47. **Are you familiar with the Hanapepe-Eleele Community Development Plan?**

Yes

48. **In your professional opinion, is the Project in conformance with the Hanapepe-Eleele Community Development Plan?**

Yes

49. **Are you aware that the Land Use Commission must perform an assessment of the proposed reclassification for conformity with the current zoning designation?**

Yes

50. **Are you familiar with the current zoning designation for the Petition Area?**

Yes

51. **Is the Project in conformance with the current zoning?**

The county is working to utilize the HRS 201H exemption process in order to provide the much needed affordable housing in a reasonable amount of time. While the current zoning of the project site under State and County zoning is Agricultural, the County has identified the project site as the best location for the planned housing development.

52. **Are you aware that the Land Use Commission must review a proposed reclassification for consistency with the Urban District standards set forth under HAR 15-15-18?**

Yes

53. **Are you familiar with these standards?**

Yes

54. **Please describe the Project's conformance with the standards under HAR 15-15-18.**

1. **HAR §15-15-18(1)**

*It shall include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses.*

2. **HAR §15-15-18(2)**

*It shall take into consideration the following specific factors: (A) Proximity to centers of trading and employment except where the development would generate new centers of trading and employment; (B) Availability of basic services such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, and police and fire protection; and (C) Sufficient reserve areas for foreseeable urban growth.*



3. **HAR §15-15-18(3)**

*It shall include lands with satisfactory topography, drainage, and reasonably free from the danger of any flood, tsunami, unstable soil condition, and other adverse environmental effects.*

4. **HAR §15-15-18(4)**

5. **HAR §15-15-18(5)**

*It shall include lands in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the state and country general plans or county community plans or development plans.*

6. **HAR §15-15-18(6)**

*It may include lands which do not conform to the standards in paragraphs (1) to (5): (A) When surrounded by or adjacent to existing urban development; and (B) Only when those lands represent a minor portion of this district.*

7. **HAR §15-15-18(7)**

*It shall not include lands, the urbanization of which will contribute toward scattered spot urban development, necessitating unreasonable investment in public infrastructure or support services.*

8. **HAR §15-15-18(8)**

*It may include lands with a general slope of twenty per cent or more if the commission finds that those lands are desirable and suitable for urban purposes and that the design and construction controls, as adopted by any federal, state, or county agency, are adequate to protect the public health, wealth and safety, and the public's interests in the aesthetic quality of the landscape.*

55. **In your professional opinion, does the proposed reclassification conform to the standards set forth in HAR 15-15-18?**

Yes

56. **Are you aware that prior to granting a reclassification the Land Use Commission must specifically consider certain matters as set forth under HRS Section 205-17?**

Yes

57. **Please provide your evaluation of the Project's conformance with those criteria?**

The Commission must consider the following:

*(1) The extent to which the proposed reclassification conforms to the applicable goals, objectives, and policies of the Hawaii state plan and relates to the applicable priority guidelines of the Hawaii state plan and the adopted functional plans;*

*(2) The extent to which the proposed reclassification conforms to the applicable district standards;*

*(3) The impact of the proposed reclassification on the following areas of state concern:*

*(A) Preservation or maintenance of important natural systems or habitats;*

*(B) Maintenance of valued cultural, historical, or natural resources;*

*(C) Maintenance of other natural resources relevant to Hawaii's economy, including agricultural resources;*

*(D) Commitment of state funds and resources;*

*(E) Provision for employment opportunities and economic development; and*

*(F) Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups;*

*(4) The standards and criteria for the reclassification or rezoning of important agricultural lands in section 205-50;*

*(5) The county general plan and all community, development, or community development plans adopted pursuant to the county*

*general plan, as they relate to the land that is the subject of the reclassification petition; and*

*(6) The representations and commitments made by the petitioner in securing a boundary change.*

My assessment on the Project's impact on those six areas of State concern is as follows:

(A) Preservation or maintenance of important natural systems or habitats.

The project would not significantly impact natural systems or habitats. Mitigation to protect biological resources within the area are described in the FEA.

(B) Maintenance of valued cultural, historical, or natural resources.

An AIS and CIA were completed for the project site and determined that there would be no impact to any significant historical or cultural resources.

(C) Maintenance of other natural resources relevant to Hawaii's economy, including agricultural resources.

While the proposed project would result in loss of agricultural lands, the current onsite agricultural activities would not be impacted based on an assessment of alternate available agricultural lands in the area and Kauai County, as well as close communication with the current commercial agricultural lessee.

(D) Commitment of state funds and resources

The development of the Project at this date will not require the commitment of State funds and resources, as it is being administered by the County of Kauai Housing Agency.

(E) Provision of employment opportunities and economic development.

The proposed project would provide construction jobs for 20-30 years as phasing commences.

(F) Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups.

The project would 100% affordable housing.

58. **In your professional opinion, have the Commission's decision-making criteria been satisfied?**

Yes

59. **In your professional opinion as an expert in land use planning in the State of Hawaii, would you recommend reclassification of the Petition Area for development of the Lima Ola Project?**

Yes

DATED: Honolulu, Hawai'i, May \_\_10\_\_, 2017.

A handwritten signature in black ink, appearing to read "Max A. Smith", is written over a horizontal line.