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Attorneys for Petitioners

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition)	DOCKET NO. A15-798
of:)	
)	DIRECT TESTIMONY OF MICHAEL J.
WAIKAPU PROPERTIES, LLC; MTP)	SUMMERS
LAND PARTNERS, LLC; WILLIAM S.)	
FILIOS, Trustee of the William)	
S. Filios Separate Property)	
Trust dated APRIL 3, 2000; and)	
WAIALE 905 PARTNERS, LLC,)	
)	
To Amend the Agricultural Land)	
Use District Boundaries into)	
the Rural Land Use District for)	
certain lands situate at)	
Waikapu, District of Wailuku,)	
Island and County of Maui,)	
State of Hawaii, consisting of)	
92.394 acres and 57.454 acres,)	
bearing Tax Map Key No. (2) 3-)	
6-004:003 (por) and to Amend)	
the Agricultural Land Use)	
District Boundaries into the)	
Urban Land Use District for)	
certain lands situate at)	
Waikapu, District of Wailuku,)	
Island and County of Maui,)	
State of Hawaii, consisting of)	
236.326 acres, 53.775 acres,)	
and 45.054 acres, bearing Tax)	
Map Key No. (2) 3-6-002:003)	
(por), (2) 3-6-004:006 and (2))	
<u>3-6-005:007 (por).</u>)	

DIRECT TESTIMONY OF MICHAEL J. SUMMERS

1 My name is Michael J. Summers.

2 I am the President of Planning Consultants Hawai'i,
3 LLC, 2331 W. Main Street, Wailuku, Hawaii 96793 (PCH). PCH,
4 which was formed in 2012, serves public and private sector
5 clients in the areas of master planning, development permitting,
6 community planning and public policy.

7 I received a Bachelor's of Science Degree in Business
8 Economics in 1988 from Hawaii Pacific University and earned a
9 Master's Degree in Urban and Regional Planning from the
10 University of Hawai'i in 1995.

11 While earning my Master's Degree, and for a period of
12 time after receiving my Master's Degree, I worked as a Planning
13 & Policy Analyst for the Office of State Planning for the State
14 of Hawaii. Among other tasks, I worked on agricultural
15 development and transition policies and on the policies
16 concerning the impact of agricultural subdivisions. After
17 receiving my Master's Degree, I was a Planner IV and V for the
18 County of Maui. While at the County, I worked on zoning
19 administration and enforcement, zoning variances, and policies
20 for zoning administration.

21 Beginning in 1999 and continuing to the present, I
22 worked in the private sector as a planning consultant. My

1 professional experience includes master planning, preparing
2 development impact assessments such as Environmental Assessments
3 and Environmental Impact Statements, and community planning.
4 Among the work that I performed, I prepared technical studies in
5 support of the Maui Island Plan (MIP), a pedestrian and bicycle
6 master plan for Central Maui, Special Management Area (SMA) and
7 HRS Chapter 343 documents for major residential developments in
8 Central and South Maui. In the two decades in which I have been
9 involved as a planning consultant, I have been involved with
10 over eighty projects. My experience ranges from development of
11 general and community plans for governmental agencies, physical
12 development plans for private owners, and the permitting of the
13 projects. My practice is different from many planners in that I
14 have done projects from inception to entitlement, or stated
15 another way from development of policies, laws, master plans,
16 and permitting.

17 I testified as a planner before administrative bodies
18 on more than thirty occasions, including two times before this
19 Commission.

20 Around 2009, I was hired by Waikapu Properties, LLC to
21 act as the lead planning consultant on what became the Waikapu
22 Country Town Project. I met with the Petitioners'
23 representatives to obtain their objectives in the development of

1 the Project. I gathered information about the Petition Area,
2 including its state land use classification, zoning and
3 community plan designations. I provided names of consultants
4 who could assist in the design and entitlement process in the
5 fields of engineering, archaeology, cultural impacts, traffic,
6 biology, and market feasibility, among other disciplines.

7 I coordinated the efforts of the consultants whose
8 work was incorporated into the information provided to the
9 County of Maui concerning the inclusion of the Project in the
10 Maui Island Plan, the information provided to this Commission in
11 support of the Environmental Impact Statement, and the
12 information provided to this Commission in support of the
13 request to change the land use classifications from agricultural
14 to urban and agricultural to rural.

15 I was the author of the Environmental Impact Statement
16 that was accepted by this Commission in January of this year.
17 The Final Environmental Impact Statement is Exhibit "25". In
18 addition, I authored the Agricultural Impact Statement which is
19 Appendix "G" to the Final Environmental Impact Statement and the
20 Sustainability Plan which is Exhibit "23."

21 I would like to highlight some of the items in the
22 Agricultural Impact Statement.

23 Before the land was bought by the Petitioners, most of

1 the Petition Area was in agricultural use. Maui Land &
2 Pineapple produced pineapple on the Petition Area until about
3 1997 and stopped all pineapple production on Maui in about 2009.

4 HC&S used parts of the Petition Area for production of
5 sugar cane but that use stopped in 2016.

6 Beginning in 2016, portions of the Petition Area were
7 used for diversified agriculture in which organic crops and
8 herbs were produced. Cattle have been grazed on a portion of
9 the Petition Area since 2013.

10 The bulk of the Petition Area is classified as Prime
11 Agricultural Lands which are lands that have soils that are
12 suited for production of mechanized field crops. A small
13 portion of the Petition Area is listed as Other Important
14 Agricultural Lands which are lands that have importance for the
15 production of crops but which need irrigation for production.

16 The Petition Area lands are highly productive having A
17 and B classifications for productivity.

18 There is about 244,000 acres of Agricultural classed
19 lands on Maui, of which about 82,500 acres are highly productive
20 lands. The Petition Area, which is about 496 acres, represents
21 about 1/2 percent of all the productive lands on Maui and about
22 1/5th of one percent of the agricultural classed lands on Maui.

23 As noted, sugar cane production on Maui ceased in 2016

1 and pineapple production was significantly reduced due to market
2 factors. The decision of HC&S to stop using lands for sugar
3 cane production means that about 33,000 acres of prime
4 agricultural lands will be available for use as diversified
5 agricultural.

6 While there will be a loss of about 496 acres of
7 agricultural classed land, the loss will be mitigated by the
8 retention of about 1,077 acres within the State Agricultural
9 District, of which about 800 acres will be protected in
10 perpetuity for agricultural use and the remaining lands will be
11 restricted to subdivision of no more than five additional
12 agricultural lots. Further, as the Petition Area is located
13 next to lands that are classified as Urban and as the Petition
14 Area was identified as being best used for urban and rural
15 growth in the Maui Island Plan, which I will discuss later, the
16 change of land use classification of the Petition Area from
17 Agricultural to Urban and Rural will not result in a significant
18 change in the amount of lands available for agricultural use in
19 Maui.

20 I also prepared the sustainability plan for the
21 Project. Exhibit "23" is the Sustainability Plan for the
22 Project and serves as a tool used by planners, future developers
23 and governmental regulators to ensure the implementation of the

1 Project's Master Plan.

2 There are seven goals of the Sustainability Plan which
3 are: establishing a community that balances housing with
4 supporting commercial, civic and employment uses; reduction of
5 fossil fuel energy use by promoting the use of renewable energy
6 and transportation by walking and bicycling; reduction of
7 potable water use by providing non-potable water for landscaping
8 of open space; removal of pollutants from storm water runoff
9 while detaining the runoff for a period sufficient to allow for
10 percolation and groundwater recharge; reduction of the volume of
11 solid waste entering landfills by promotion of recycling and
12 composting; creating an environment that promotes diversified
13 agriculture through the establishment of an agricultural
14 conservation area; and promotion of health and wellness by
15 establishing pedestrian and bicycle access between residential
16 area and commercial areas.

17 Among other things, the goals will be accomplished by
18 development of the Project in accordance with the density
19 guidelines established in the Maui Island Plan (which is 9 to 12
20 units per acre), compliance with the County of Maui Residential
21 Workforce Housing Policy (which requires from 20 to 25 percent
22 of the residential housing to be set aside for workforce
23 housing), building of complete streets which incorporate traffic

1 calming features, sidewalks and bicycle paths into the roadways,
2 development of about 32 acres of active and passive parks and
3 about 50 acres of greenways and open space, encouraging multi-
4 modal transportation by proximity of residential to commercial
5 and employment uses, use of energy efficient lighting and
6 promotion of alternative and renewable energy features, the
7 reduction of potable water use by providing non-potable water
8 for landscaping, and by reduction of solid waste by encouraging
9 recycling and composting.

10 As noted, these goals and implementation features will
11 assist in ensuring that the Project's Master Plan is
12 implemented.

13 Finally, I would like to address the inclusion of the
14 Project in the Maui Island Plan. The Maui Island Plan
15 represented a concerted effort of the residents of Maui to
16 determine the location of future growth. Areas of Maui were
17 identified and designated as lands on which urban and rural
18 growth should be allowed. Over the course of about six years
19 and after numerous public hearings before the Maui Planning
20 Commission and the Maui County Council, maps were prepared to
21 designate growth boundaries or areas in which projects such as
22 WCT could and should be developed.

23 With regard to the Project, the WCT Master Plan

1 implemented the directed growth strategy of the Maui Island
2 Plan. When developing the MIP's Directed Growth Plan, the
3 County established a broad island-wide framework that included
4 four themes to identify areas suitable for future urban growth
5 as well as to establish community expectations for the character
6 of future urban development. The four Directed Growth Plan
7 themes in the MIP include the following:

8 *"Theme 1: "Limit Development in Northwest and East Maui;*

9 *Theme 2: Protect Maui's agricultural lands, especially*
10 *prime and productive agricultural lands;*

11 *Theme 3: Direct growth to areas proximate to exiting*
12 *employment centers, where infrastructure and*
13 *public facility capacity can be cost-effectively*
14 *provided, and where housing can be affordably*
15 *constructed; and*

16 *Theme 4: Within the Urban Growth Boundaries, promote*
17 *livable, mixed-use communities defined by a high*
18 *quality of life."*

19 Themes 2, 3 and 4 are addressed by the WCT Master Plan. Theme
20 Two establishes policy guidance to support the creation of the
21 Project's agricultural preserve. Theme 3 justifies the location
22 of the proposed development. Theme Four establishes a policy
23 directive for the implementation of Smart Growth and New

1 Urbanism planning principles.

2 Master Planning and community outreach were initiated
3 by the Applicant in early 2009. There has since been ongoing
4 discussion and information sharing between the Applicant and the
5 Waikapū Community. The Community's input shaped major elements
6 of the Plan, including the proposal to establish an agricultural
7 preserve to the south and west of the Project. The Community's
8 input also redirected the location of the Project's community
9 park from the southern boundary of the project area to its
10 northern boundary along the Waikapū Stream. The Community also
11 requested that the location of the elementary school be moved
12 from an area south of the Project's main street to an area
13 located north of the Project's main street. The Community has
14 also helped to identify potential cultural resource impacts and
15 mitigation measures to protect Waikapū's cultural resources and
16 practices.

17 The overall design goal is to develop a "complete
18 community". Unlike a large-scale standalone single-use
19 subdivision, a complete community provides a balance of
20 residential, commercial, employment and civic uses. This
21 diversity of uses should include developing a mix of fee-simple
22 and rental housing offered at a variety of price points to
23 service a broad age and income demographic. A complete

1 community should also include sufficient land for parks and open
2 space, retail, employment and education facilities to service a
3 community's daily needs. The urban design should promote
4 walkability, which reduces carbon emissions and promotes more
5 active lifestyles.

6 The WCT Master Plan proposes 1,433 residential units,
7 which is consistent with the MIP's allocation for the Planned
8 Growth Area. These units will be offered in a variety of
9 formats, which may include small and large lot single-family,
10 multi-family house lots, multi-family complexes, cottage
11 housing, Ohana units and spacious rural lots. The project also
12 includes about 200,000 square feet of retail and employment
13 space, approximately 82-acres of parks and open space, and a 12-
14 acre elementary school. A network of pedestrian paths, hiking
15 trails, and multi-use paths link the various elements of the
16 project together, which creates a non-motorized transportation
17 network. The Central Maui employment and Civic Center is
18 located nearby in Wailuku and Kahului. Kihei and Wailea are a
19 short commute to the south. Major regional facilities are
20 located within close proximity of the Project, including the
21 seat of Maui County's government, Maui Memorial Hospital,
22 Kahului Airport and Maui College.

23 In summary, the Project will meet a portion of the

1 housing needs for Central Maui in an area in which the community
2 determined that urban and rural growth should occur. The
3 Project has been reviewed by Maui's residents and governmental
4 agencies for almost a decade. Suggestions made by the
5 reviewers, as well as the Waikapu community, were considered and
6 oftentimes incorporated into the WCT Master Plan.

7 I thank you for the opportunity to discuss this
8 Project.

9 DATED: Wailuku, Hawaii, 11/01/17.

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Michael J. Summers
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