

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

May 16, 2013

2013 MAY 17 P 1:31
LAND USE COMMISSION
STATE OF HAWAII

MEMO TO: Land Use Commission
State of Hawaii
P.O. Box 2359
Honolulu, Hawaii 96804

FROM: Department of Planning, County of Maui *cy*
Clayton I. Yoshida, AICP, Planning Program Administrator

SUBJECT: **DOCKET A11-794 / STATE OF HAWAII, DEPARTMENT OF EDUCATION**

TRANSMITTED ARE THE FOLLOWING:

COPIES	DATE	DESCRIPTION
Original and 16 copies	5/16/2013	County of Maui, Department of Planning's List of Exhibits Amendment No. 1, with Exhibits 3, 6, 7, and 8

- | | |
|-------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> For your information & files | <input type="checkbox"/> For your review and approval |
| <input type="checkbox"/> For approval & signature | <input type="checkbox"/> See REMARKS below |
| <input type="checkbox"/> Per your request | <input checked="" type="checkbox"/> For filing |

REMARKS:

Please return a file-marked copy of the document(s) to us in the attached self-addressed envelope.

Thank you for your cooperation.

Attachments

xc: Jeffrey P. Dack, AICP, Current Planning Supervisor (PDF)
Project file
General File

CIY:JPD:aj

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DOCKET NO./PETITIONER: A11-794 / STATE OF HAWAII, DEPARTMENT OF EDUCATION

PARTY: COUNTY OF MAUI

LIST OF EXHIBITS – Amendment No. 1

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
1	Resume for William Spence, Director of Planning – previously submitted		
2	Resume for Rowena Dagdag-Andaya, Deputy Director of Public Works – previously submitted		
3	Resume for Paul Meyer, Deputy Director of Water Supply		
4	Maui County Council Resolution No. 13-34 – Community Plan Amendment and Change in Zoning for the site of the proposed Kihei High School – previously submitted		
5	Maui Island Plan Figure 8-4: Kihei-Makena Planned Growth Areas – previously submitted		
6	Expert Written Testimony Report from William Spence, Director of Planning		
7	Expert Written Testimony from Rowena Dagdag-Andaya, Deputy Director of Public Works		
8	Expert Written Testimony from Kyle Ginoza, Director of Environmental Management		

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PAUL J. MEYER

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MAKAWAO, MAUI, HAWAII 96768
Work: (808) 572-6677
Cell: (808) 283-3210
Email: meyerassoc@hawaii.rr.com

PROFESSIONAL EXPERIENCE:

County of Maui

Deputy Director – Department of Water Supply

2010 – present

Meyer Associates, LLC

Principal

2005 – 2010

Provide general business and financial consulting services to various clients involved in real estate development, food processing, ranching, energy, land management and information management industries.

Maui Land & Pineapple Company, Inc.

Executive Vice President/Finance

1984 – 2004

Reporting to the chief executive officer along with two division heads, serving as chief financial officer for the company and its subsidiaries:

- Supervised directly all aspects of the work of the Controller, Secretary, Treasurer, Director of Information Services, Director of Taxation and Director Internal Audit and certain functions of the division controllers and their staff
- Managed all aspects of financial, control and accounting systems including management information, external reporting and governmental compliance
- Managed all aspects of investor relations including AMEX listing and compliance, proxy solicitations, webcasts, websites and SEC compliance issues;
- Managed all aspects of external financing and lender relations including mortgage loans, equipment financing, leases, secured and unsecured transactions, financing foreign operations, acquisitions, dispositions, real estate project financing and joint venture financing arrangements;
- Supervised commercial property acquisitions, development and operations

including Queen Kaahumanu Center and Napili Plaza Shopping Center

- Assisted the CEO and division heads in formulating strategic and tactical plans for the individual lines of business and for the Company; supervised preparation of annual and five year financial plans for the divisions and the Company; designed and set, together with the CEO, incentive plans and plan parameters
- At the divisional level, formulated with division managers the business strategies, business and production plans for operating units, developed capital requirements and capital expenditure programs, pricing and competitive strategies, governmental relations and compliance programs and other functions in support of operations
- Acted as Chairman of the Administrative Committee and fiduciary for all aspects of five qualified benefit plans and two non-qualified plans including investment management of plan assets of \$58 million
- Supervised all external legal work, directed major litigation, managed all contingent liability issues relating to the Company, its assets and operations and supervised risk management functions
- Assisted the Board and Committees of the Board in performing their duty of responsible corporate governance.

Victoria Station Incorporated

Chief Financial Officer, Treasurer & Secretary

1982 – 1984

Reporting to the President and Chief Executive Officer, managed the financial aspects of the out of court reorganization of this 97-unit publicly held restaurant company:

- Managed the cash management, risk management, legal, tax, internal audit, property and regulatory compliance functions, together with 12 Treasury staff
- Managed directly external relations including investor relations, public reporting and public relations
- Negotiated and implemented a restructuring of external debt which provided for, among other things, a deferral of debt service over a 3-year period and conversion of institutionally held subordinated debt to common stock
- Managed an asset sale program involving 41 properties, and negotiated the sale of 6 properties

- Together with Accounting and Human Resources staff, redesigned employee benefits programs and formulated new accounting and control policies
- Assisted the Chief Executive in formulating the new business plan and reorganizing company operations.

Intel Corporation

Assistant Treasurer

1980 – 1982

Acting Treasurer

November 1980 – November 1981

Reporting to the Chief Financial Officer, managed the financial aspects of Intel's Chapter II reorganization and \$1.3 billion debt restructure. Managed treasury function (corporate finance, treasury operations and risk management):

- Negotiated the bank, institutional and public debt restructuring, and managed relations with creditors
- Coordinated capital budgeting and corporate finance functions
- Instituted a multi-divisional cash management program involving 209 bank accounts and a \$300 million short-term portfolio
- Evaluated and resized the company's risk management program (\$1.8 million budget)
- Managed numerous cash and asset based settlements with creditors and plaintiffs
- Together with Controller, formulated accounting and budgeting policies
- Managed \$40 million tax benefit sale/leaseback financing program.
- As an administrator of pension plan, health plan and investment savings plan, revamped benefits programs and updated investment portfolio (assets of \$15 million)

Bank of America

Vice President – Technology Group Head

1979 – 1980

As supervisor of an eight officer national team, developed strategic and business plans for this target industry:

- Managed the group's credit and marketing efforts (\$840 million portfolio).

Vice President – Hawaii and Alaska Team Leader **1976 – 1979**

As supervisor of a three officer team, managed relationships with a diverse group of corporate clients:

- Led extensive real estate construction lending (\$250 million average loan portfolio)
- Increased the team's annual pre-tax profit from \$1.2 million to \$5.5 million

Assistant Vice President / Account Officer **1974 – 1976**

As second in a team of four officers, managed several large problem loan relationships (e.g. Penn Central, Memorex Corporation, Surety Industries, Great Southwest Corporation, Sonoma Vineyards)

Assistant Cashier / Senior Area Relations Officer **1971 – 1974**

Managed European correspondent bank relations in various positions within the bank's Europe Division:

- Managed relationships with U.S. subsidiaries of European corporations and the bank's business in the Soviet Union and East European countries
- For a 6-month period in 1973, officially represented the bank to the East Bloc countries based in Vienna

Continental Bank

International Banking Trainee **1970 – 1971**

EDUCATION:

University of California Berkeley

M.B.A. requirements completed 1978

Loyola University Chicago

B.S. B.B.A. 1970

Stanford University

Attended 1965 – 1966

BUSINESS & SOCIAL AFFILIATIONS:

Seabury Hall – Treasurer & Trustee

Hawaii Tax Foundation

Financial Executives Institute

Pacific Club

Haleakala Club

St. Francis Yacht Club

Maui Country Club

ADDITIONAL INFORMATION:

Military Service – Honorably discharged as Sergeant (USAR)

Family – Married to Hon. Rosalyn Loomis Meyer; Sons Nick & Peter, ages 27 & 23

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

STATE OF HAWAII, DEPARTMENT
OF EDUCATION

To Amend the Agricultural Land Use District
Boundaries into the Urban Land Use District for
Approximately 77.2 acres of land at Kihei, Maui,
Hawaii, Maui Tax Map Key Nos. (2) 2-2:081 and
083

DOCKET NO. A11-794

State Of Hawaii, Department
Of Education
Kihei High School

2013 MAY 17 P 1:34
LAND USE COMMISSION
STATE OF HAWAII

TESTIMONY OF THE MAUI COUNTY PLANNING DEPARTMENT

The County of Maui Planning Department (hereinafter referred to as "Planning Department") recommends, subject to conditions, approval of the petition by the State Of Hawaii, Department Of Education (hereinafter referred to as "Petitioner"), to reclassify approximately 77.2 acres from the Agricultural Land Use District to the Urban Land Use District at Tax Map Keys (2) 2-2:081 and 083 (hereinafter referred to as "Property"), Kihei, Maui, Hawaii.

It is notable that descriptions and analysis in this testimony report frequently acknowledge and draw from the *Final Environmental Impact Statement Kihei High School* (EIS), September, 2012, prepared for the Petitioner by Group 70 International, Inc.

DESCRIPTION OF THE PROJECT

THIS IS FOR DBA: According to the EIS for the project, the Petitioner proposes to develop a new high school campus in Kihei on 77.2 acres of undeveloped land mauka of Piilani Highway between Kulanihakoi and Waipuilani Gulches on the island of Maui. The proposed school will serve grades 9-12 in the South Maui Region. Site improvements would include construction of approximately 215,000 square feet of buildings to support an enrollment capacity of 1,650 students and approximately 206 supporting faculty and staff. The high school will be constructed to meet or exceed the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Silver certification, or comparable rating system. The campus also will include athletic fields (e.g., tennis, track and field, football, soccer, baseball and softball fields, and swimming pool) and associated infrastructure improvements (e.g., new roadways, utilities, drainage, wastewater and water systems). An extension of Kulanihakoi Street mauka of Piilani Highway will serve as the main campus access road. The EIS States that it is a goal of the proposed development that the school will not only serve the enrolled youth, but be a center for the Kihei community. Kihei High School will provide opportunities for employment (both short and long-term) within the Kihei-Makena area. Approximately 930 people are anticipated on campus at the end of Phase I, including 800 students, 120 staff and 10 visitors per day. With the construction of Phase II, the campus population is expected to total 1,941 people, including 1,650 students, 206

staff and 85 visitors.

The gently sloping 77-acre Kihei High School campus property will be graded with several tiers. Academic buildings are clustered on the upper-level; the stadium, athletics and physical education facilities are located on the mid-level; and the lower-level adjacent to Piilani Highway features athletics fields, landscaping and open space (**Exhibit 1**).

Although with recent funding by the state Legislature the project may be developed all at one time, the EIS stated that the Kihei High School project was anticipated to be constructed in two separate phases. According to the EIS Phase I was anticipated to take approximately two years to complete prior to school opening projected for 2016. Construction of Phase I would allow for a student capacity of approximately 800 students. Plans for Phase I included two classroom houses, administrative/student center, library, cafeteria, selected elective buildings and selected athletics facilities. Phase I would also include on-site and off-site infrastructure improvements for the entire site, including the Kulanihakoi Street extension, campus driveways, fire lanes, parking and walkways, and Piilani Highway improvements including traffic signalization, grading, drainage and utilities. Phase II would be developed when enrollment increases justify the improvements and based on availability of State funding. Anticipated completion of Phase II construction was to be approximately 10 years after the completion of Phase I. The design and construction schedule will be subject to approval of the Legislature and release of funds by the Governor. Phase II included construction of the final two (2) classroom houses, remaining electives buildings and remaining athletics facilities. Construction of Phase II would increase the school to its maximum student capacity of 1,650 students. The EIS continued that potential future plans include construction of an auditorium and swimming pool. There was no set timeframe for construction of these buildings. Although the Project may be constructed in phases, the buildings scheduled to be constructed in Phase II and the potential future facilities are integrated in the campus master plan, without regard to locating all of Phase II and future improvements in a single contiguous area (**Exhibit 2**).

DESCRIPTION OF THE PROPERTY

1. The Property which is approximately 77.2 acres is located at Tax Map Keys (2) 2-2:081 and 083, Kihei, Island of Maui, Hawaii, adjoining the north side of Piilani Highway between Waipuilani and Kulanihakoi Gulches. (See attached Map, **Exhibits 3 and 4**)

2. Land Use Designations --
 - a. State Land Use District -- Agricultural
 - b. Maui Island Plan -- Within Urban Growth Boundary
 - c. Kihei-Makena Community Plan -- 29.175 acres as Agriculture, and 48.007 acres as Public Quasi-Public
 - d. County Zoning -- Agricultural

3. Surrounding Uses --

North --	Kulanihakoi Gulch and vacant land proposed for development
East --	Vacant grazing land
South --	Waipuilani Gulch, golf course and vacant grazing land
West --	Piilani Highway and single family residences makai of the Highway

4. Topography over the majority of the site is composed of gently sloping smooth terrain with occasional weathered basalt outcrops. It lies upland between Waipuilani and Kūlanihakoi Gulches. The existing site generally slopes downward to the west and southwest with an average slope of approximately 11%. Onsite ground elevations range from approximately 40 feet Average Mean Sea Level (AMSL) in the southwest to an elevation of approximately 110 feet AMSL at the northeast boundary. The soils on the project site are classified as Waiakoa extremely stony silty clay loam (WID2), and Alae sandy loam (AaB) by the US Department of Agriculture Natural Resources Conservation Service.

The entire Kihei High School project site is highly disturbed from a natural vegetation perspective, strongly influenced by low amounts of rainfall and grazing by deer and pasture animals. The EIS states that no plants of interest or concern were observed on the property. However, two (2) specimens of Hawaiian cotton or ma'ō were observed along the top of the road cut fronting the property. These are in a location unlikely to be used for construction access. A botanical survey found no federal or State listed endangered, threatened, proposed, or candidate botanical resources on or in the immediate vicinity of the project site.

APPLICABLE REGULATIONS

Standards for reviewing a Land Use Commission Urban District Boundary Amendment are found under Title 15, Subtitle 3 State Land Use Commission, Chapter 15 Land Use Commission Rules, Subchapter 2, §15-15-18 of the Hawaii Administrative Rules as follows:

- (1) It shall include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses;
- (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) It shall include lands with satisfactory topography, drainage and reasonably free from the danger of floods, tsunami, unstable soil condition, and other adverse environmental effects;
- (4) Land contiguous with existing urban areas shall be given more consideration than non-contiguous land, and particularly when indicated for future urban use on state or county general plans;
- (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 county general plans;
- (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) 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; and
- (8) It may include lands with a general slope of twenty percent 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, welfare and safety, and the public's interests in the aesthetic quality of the landscape.

Pursuant to §15-15-77 Decision-making criteria for boundary amendments:

- (a) The commission shall not approve an amendment of a land use district boundary unless the commission finds upon the clear preponderance of the evidence that the proposed boundary amendment is reasonable, not violative of section 205-2, HRS, and consistent with the policies and criteria established pursuant to sections 205-16, 205-17, and 205A-2, HRS.
- (b) In its review of any petition for reclassification of district boundaries pursuant to this chapter, the commission shall specifically 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, but not limited to agricultural resources;
 - (D) Commitment of state funds and resources;
 - (E) Provisions 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) In establishing the boundaries of the districts in each county, the commission shall give consideration to the general plan of the county in which the land is located;
 - (5) The representations and commitments made by the petitioner in securing a boundary change, including a finding that the petitioner has the necessary economic ability to carry out the representations and commitments relating to the proposed use or development; and
 - (6) Lands in intensive agricultural use for two years prior to date of filing of a petition or lands with a high capacity for intensive agricultural use shall not be taken out of the agricultural district unless the commission finds either that the action:
 - (A) Will not substantially impair actual or potential agricultural production in the vicinity of the subject property or in the county or State; or
 - (B) Is reasonably necessary for urban growth.

ANALYSIS OF THE MAUI COUNTY PLANNING DEPARTMENT

NEED FOR THE PROPOSED USE

It has been a long standing goal of citizens of Kihei and other parts of Maui, as well as of their representatives, to develop a full service public high school in Kihei to better serve the Kihei community and its students. The Planning Department agrees with the Petition's "Assessment of Need for Reclassification" which states:

Petitioner's assessment of population growth trends justifies the need for development and construction of a public high school to serve South Maui's growing population and to alleviate the need to transport high school age children to Baldwin High School and Maui High School, Central Maui's two public high schools that presently serve the South Maui Community. Development of the Project will reduce overcrowding at Baldwin High School and Maui High School.

LAND USE

1. The proposed project is in conformance with the goals, objectives and policies of the Hawaii State Plan. Following are headings of sections of HRS that list state goals, objectives, and policies with which the Petition and/or its associated development is in conformance.

§226-4 State Goals

§226-5 Objective and policies for population

§226-6 Objectives and policies for the economy--in general

§226-10.5 Objectives and policies for the economy—information industry

§226-11 Objectives and policies for the physical environment—land based, shoreline, and marine resources

§226-15 Objectives and policies for facility systems—solid and liquid wastes

§226-16 Objective and policies for facility systems—water

§226-17 Objectives and policies for facility systems—transportation

§226-18 Objectives and policies for facility systems—energy

§226-18.5 Objectives and policies for facility systems—telecommunications

§226-20 Objectives and policies for socio-cultural advancement—health

§226-21 Objectives and policies for socio-cultural advancement—education

§226-23 Objectives and policies for socio-cultural advancement—leisure

§226-24 Objectives and policies for socio-cultural advancement—individual rights and personal well-being

§226-25 Objectives and policies for socio-cultural advancement—culture

§226-26 Objectives and policies for socio-cultural advancement—public safety

§226-27 Objectives and policies for socio-cultural advancement—government

Furthermore, following are headings of sections of HRS that list categories of priority guidelines of the Hawaii State Plan for which the Petition and/or its associated development supports one of more of the priority guidelines listed in that section.

§226-103 Economic priority guidelines

§226-104 Population growth and land resources priority guidelines

§226-105 Crime and criminal justice

§226-107 Quality education

§226-108 Sustainability

2. The subject property is in the State Agricultural District. The Petitioner has requested the Commission to amend the District Boundary to include the property within the State Urban District. The proposed use for a high school is consistent with the requested Urban District designation of the property.
3. As stated in the Maui County Charter, as amended in 2002:

“The General Plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.”

The County of Maui 2030 General Plan Countywide Policy Plan, adopted by the Maui County Council on March 19, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan replaces the General Plan as adopted in 1990 and amended in 2002. The Countywide Policy Plan acts as an over-arching values statement and umbrella policy document for the Maui Island Plan and the nine Community Plans that provides broad goals, objectives, policies, and implementing actions that portray the desired

direction of the County's future. The plan includes:

1. A vision statement and core values for the County to the year 2030
2. An explanation of the plan-making process
3. A description and background information regarding Maui County today
4. Identification of guiding principles
5. A list of countywide goals, objectives, policies, and implementing actions related to the following core themes:
 - A. Protect the Natural Environment
 - B. Preserve Local Cultures and Traditions
 - C. Improve Education
 - D. Strengthen Social and Healthcare Services
 - E. Expand Housing Opportunities for Residents
 - F. Strengthen the Local Economy
 - G. Improve Parks and Public Facilities
 - H. Diversify Transportation Options
 - I. Improve Physical Infrastructure
 - J. Promote Sustainable Land Use and Growth Management
 - K. Strive for Good Governance

The proposed project is in keeping with the following Countywide Policy Plan goals, objectives and policies:

THEME: Protect the Natural Environment

GOAL: Maui County's natural environment and distinctive open spaces will be preserved, managed, and cared for in perpetuity.

Objective: Educate residents and visitors about responsible stewardship practices and the interconnectedness of the natural environment and people.

Policies:

- a. Expand education about native flora, fauna, and ecosystems

THEME: Preserve Local Cultures and Traditions

GOAL: Maui County will foster a spirit of pono and protect, perpetuate, and reinvigorate its residents' multi-cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage.

Objective: Perpetuate the Hawaiian culture as a vital force in the lives of residents.

Policies:

- g.* Encourage schools to promote broader incorporation of Hawaii and other local culture' history and values lessons into curriculum.
- i.* Promote, encourage, and require the correct use of traditional place names, particularly in government documents, signage, and the tourism industry.

Objective: Emphasize respect for our island lifestyle and our unique local cultures, family, and natural environment.

Policies:

- a.* Acknowledge the Hawaiian culture as the host culture, and foster respect and humility among residents and visitors toward the Hawaiian people and their practices.
- b.* Perpetuate a respect for diversity, and recognize the historic blending of cultures and ethnicities.
- c.* Encourage the perpetuation of each culture's unique cuisine, attire, dance, music, and folklore, and other unique island traditions and recreational activities.
- d.* Recognize the interconnectedness between the natural environment and the cultural heritage of the islands.

Objective: Preserve for present and future generations the opportunity to know and experience the arts, culture, and history of Maui County.

Policies:

- a.* Foster teaching opportunities for cultural practitioners to share their knowledge and skills.
- c.* Broaden opportunities for public art and the display of local artwork.
- d.* Foster the Aloha Spirit by celebrating the Hawaiian host culture and other Maui County cultures through support of cultural-education programs, festivals, celebrations, and ceremonies.
- e.* Support the perpetuation of Hawaiian arts and culture.

THEME: Improve Education

GOAL: Residents will have access to lifelong formal and informal educational options enabling them to realize their ambitions.

Objective: Provide nurturing learning environments that build skills for the 21st century.

Policies:

- b.* Plan for demographic, social, and technological changes in a timely manner.
- d.* Promote development of neighborhood schools and educational centers.

- e. Integrate schools, community parks, and playgrounds, and expand each community's use of these facilities.
- f. Support coordination between land use and school-facility planning agencies.
- i. Encourage the State to promote healthier, more productive learning environments, including by providing healthy meals, more physical activity, natural lighting, and passive cooling.
- k. Design school and park facilities in proximity to residential areas.
- l. Support technology- and natural-environment-based learning.

Objective: Provide all residents with educational opportunities that can help them better understand themselves and their surroundings and allow them to realize their ambitions.

Policies:

- b. Broaden the use of technology and telecommunications to improve educational opportunities throughout the County.
- e. Integrate cultural and environmental values in education, including self-sufficiency and sustainability.
- g. Ensure teaching of the arts to all ages.

Objective: Maximize community-based educational opportunities.

Policies:

- c. Support the development of a wide range of informal educational and cultural programs for all residents.

THEME: Strengthen Social and Healthcare Services

GOAL: Health and social services in Maui County will fully and comprehensively serve all segments of the population.

Objective: Strengthen public-awareness programs related to healthy lifestyles and social and medical services.

Policies:

- a. Expand public awareness about personal safety and crime prevention.
- c. Expand public awareness and promote programs to achieve healthy eating habits and drug-free lifestyles.

THEME: Strengthen the Local Economy

GOAL: Maui County's economy will be diverse, sustainable, and supportive of community values.

Objective: Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.

Policies:

- a. Support economic decisions that create long-term benefits.
- b. Promote lifelong education, career development, and technical training for existing and emerging industries.
- c. Invest in infrastructure, facilities, and programs that foster economic diversification.

THEME: Improve Parks and Public Facilities

GOAL: A full range of island-appropriate public facilities and recreational opportunities will be provided to improve the quality of life for residents and visitors.

Objective: Expand access to recreational opportunities and community facilities to meet the present and future needs of residents of all ages and physical abilities.

Policies:

- c. Assist communities in developing recreational facilities that promote physical fitness.
- d. Expand venue options for recreation and performances that enrich the lifestyles of Maui County's people.
- e. Expand affordable recreational and after-school programs for youth.
- f. Encourage and invest in recreational, social, and leisure activities that bring people together and build community pride.
- g. Promote the development and enhancement of community centers, civic spaces, and gathering places throughout our communities.
- h. Expand affordable access to recreational opportunities that support the local lifestyle.

Objective: Improve the quality and adequacy of community facilities.

Policies:

- a. Provide an adequate supply of dedicated shelters and facilities for disaster relief.
- c. Ensure that parks and public facilities are safe and adequately equipped for the needs of all ages and physical abilities to the extent reasonable.
- d. Maintain, enhance, expand, and provide new active and passive recreational facilities in ways that preserve the natural beauty of their locations.

THEME: Diversify Transportation Options

GOAL: Maui County will have an efficient, economical, and environmentally sensitive means of moving people and goods.

Objective: Reduce the reliance on the automobile and fossil fuels by encouraging walking, bicycling, and other energy-efficient and safe alternative modes of transportation.

Policies:

- a. Make walking and bicycling transportation safe and easy between and within communities.
- b. Require development to be designed with the pedestrian in mind.
- c. Design new and retrofit existing rights-of-way with adequate sidewalks, bicycle lanes, or separated multi-use transit corridors.

THEME: Improve Physical Infrastructure

GOAL: Maui County's physical infrastructure will be maintained in optimum condition and will provide for and effectively serve the needs of the County through clean and sustainable technologies.

Objective: Significantly increase the use of renewable and green technologies to promote energy efficiency and energy self-sufficiency.

Policies:

- a. Promote the use of locally renewable energy sources, and reward energy efficiency.
- c. Expand education about energy conservation and self-sufficiency.
- d. Encourage small-scale energy generation that utilizes wind, sun, water, biowaste, and other renewable sources of energy.
- k. Reduce Maui County's dependence on fossil fuels and energy imports.
- l. Support green building practices such as the construction of buildings that aim to minimize carbon dioxide production, produce renewable energy, and recycle water.

Objective: Direct growth in a way that makes efficient use of existing infrastructure and to areas where there is available infrastructure capacity.

Policies:

- a. Capitalize on existing infrastructure capacity as a priority over infrastructure expansion.
- d. Promote land use patterns that can be provided with infrastructure and public facilities in a cost-effective manner.

THEME: Promote Sustainable Land Use and Growth Management

GOAL: Community character, lifestyles, economies, and natural assets will be

preserved by managing growth and using land in a sustainable manner.

Objective: Improve land use management and implement a directed-growth strategy.

Policies:

- b.* Direct urban and rural growth to designated areas.
- h.* Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.

Objective: Design all developments to be in harmony with the environment and to protect each community's sense of place.

Policies:

- a.* Support and provide incentives for green building practices.
- b.* Encourage the incorporation of green building practices and technologies into all government facilities to the extent practicable.
- d.* Ensure that adequate recreational areas, open spaces, and public-gathering places are provided and maintained in all urban centers and neighborhoods.
- f.* Use trees and other forms of landscaping along rights-of-way and within parking lots to provide shade, beauty, urban-heat reduction, and separation of pedestrians from automobile traffic in accordance with community desires.
- g.* Where appropriate, integrate public-transit, equestrian, pedestrian, and bicycle facilities, and public rights-of-way as design elements in new and existing communities.
- h.* Ensure better connectivity and linkages between land uses.
- i.* Facilitate safe pedestrian access, and create linkages between destinations and within parking areas.

Objective: Improve and increase efficiency in land use planning and management.

Policies:

- b.* Ensure that new development projects requiring discretionary permits demonstrate a community need, show consistency with the General Plan, and provide an analysis of impacts.
- e.* Coordinate with Federal, State, and County officials in order to ensure that land use decisions are consistent with County plans and the vision local populations have for their communities.

THEME: Strive for Good Governance

GOAL: Government services will be transparent, effective, efficient, and responsive to the needs of residents.

Objective: Strengthen governmental planning, coordination, consensus building,

and decision making.

Policies:

- a. Plan and prepare for the effects of social, demographic, economic, and environmental shifts.

4. The Maui Island Plan was adopted by the County Council as Ordinance No. 4004 on December 21, 2012, and became effective with the Mayor's signature on December 28, 2012. The Introduction to the Maui Island Plan starts with "The Purpose of the Maui Island Plan", stating that:

The Maui Island Plan (MIP) accomplishes the following:

- Assesses existing conditions, trends, and issues specific to the island of Maui;
- Provides policy direction for the use and development of land, extension and improvement of transportation services and infrastructure, development of community facilities, expansion of the island's economic base, provision of housing, and protection of natural and cultural resources;
- Establishes policies to manage change and to direct decisions about future land use and development; and
- Provides the foundation to set capital improvement priorities, revise zoning ordinances, and develop other implementation tools.

The MIP is guided by the following Vision Statement and Core Values:

Maui Island Vision

*Ua mau ke ea o ka `āina i ka pono
Maui Island will be environmentally, economically, and culturally
sustainable with clean, safe, and livable communities and small
towns that will protect and perpetuate a pono lifestyle for the
future.*

Core Values

To achieve our island's vision, we will be guided by the following values:

- A. Adopt responsible stewardship principles by applying sound natural resource management practices;
- B. Respect and protect our heritage, traditions, and multi-cultural resources;
- C. Plan and build communities that include a diversity of housing;
- D. Retain and enhance the unique identity and sense of place;
- E. Preserve rural and agricultural lands and encourage sustainable agriculture;
- F. Secure necessary infrastructure concurrently with future development;
- G. Support efforts that contribute to a sustainable and diverse economy for Maui;

- H. Create a political climate that seeks and responds to citizen input;
- I. Respect and acknowledge the dignity of those who live on Maui;
- J. Establish a sustainable transportation system that includes multiple modes, including walking, biking, and mass transit, as well as automobile-based modes; and
- K. Recognize and be sensitive to land ownership issues and work towards resolution.

The proposed project is in keeping with the following MIP goals, objectives and policies:

GOAL 1.1 Maui's people, values, and lifestyles thrive through strong, healthy, and vibrant island communities.

Objective: Greater retention and return of island residents by providing viable work, education, and lifestyle options.

Policies:

1.1.1.a. Expand programs that enable the community to meet the education, employment, housing, and social goals of youth and young adults.

GOAL 3.1 Maui will be disaster resilient.

Objective: A more coordinated emergency response system that includes clearly defined and mapped evacuation routes.

Policies:

3.1.3.a. Identify and expand shelter facilities and evacuation routes away from areas susceptible to natural hazards. Expand programs that enable the community to meet the education, employment, housing, and social goals of youth and young adults.

GOAL 4.1 Maui will have a balanced economy composed of a variety of industries that offer employment opportunities and well-paying jobs and a business environment that is sensitive to resident needs and the island's unique natural and cultural resources.

Objective: A more diversified economy.

Policies:

4.1.1.a. Encourage an economy that is driven by innovation, research and development, and human resource development, including but not limited to, increasing technology- and knowledge-based sectors to be a major component in Maui County's economic base.

4.1.1.b Support the creation of new jobs and industries that provide a living wage.

GOAL 4.7 Maui will have effective education and workforce development programs and initiatives that are aligned with economic development goals.

Objective: Improve preschool and K-12 education to allow our youth to develop

the skills needed to successfully navigate the 21st century.

GOAL 6.4 An interconnected, efficient, and well-maintained, multimodal transportation system.

Objective: Safe, interconnected transit, roadway, bicycle, equestrian, and pedestrian network.

Policies:

6.4.2.c. Require new development, where appropriate, to integrate sidewalks, pathways, bikeways, and transit infrastructure into new commercial and residential projects while enhancing community character.

GOAL 6.8 Maui will have school and library facilities that meet residents' needs and goals.

Objective: Assist in providing appropriate school and library facilities in a timely manner and in strategic locations.

Policies:

6.8.1.a. Work in partnership with all educational institutions to meet current and future needs including appropriate location, timing, and design of future facilities.

6.8.1.j. Work with the State to identify intermediate school sites in Central Maui and other areas where needed.

Objective: Provide a more expansive network of safe and convenient pedestrian-friendly streets, trails, pathways, and bikeways between neighborhoods and schools where appropriate.

Policies:

6.8.2.a. Encourage the State to build new school facilities in appropriate locations that minimize time and distance for students to travel to and from school.

GOAL 6.10 Maui will meet its energy needs through local sources of clean, renewable energy, and through conservation.

Objective: Reduce fossil fuel consumption. Using the 2005 electricity consumption as a baseline, reduce by 15 percent in 2015; 20 percent by 2020; and 30 percent by 2030.

Policies:

6.10.1.a. Support energy efficient systems, processes, and methods in public and private operations, buildings, and facilities.

GOAL 7.3 Maui will have livable human-scale urban communities, an efficient and sustainable land use pattern, and sufficient housing and services for Maui residents.

Objective: Facilitate more self-sufficient and sustainable communities.

Policies:

- 7.3.2.b. Site community facilities such as schools, parks, libraries, and community centers within walking and biking distance of residences.
- 7.3.2.c. Facilitate self-sufficient communities and shorten commutes by:
 - (2) Allowing for appropriate commercial development and community services to shorten commutes
- 7.3.2.i. Develop communities that provide sufficient parks, schools, libraries, and other essential public facilities and services to serve resident needs.

GOAL 8.1 Maui will have well-serviced, complete, and vibrant urban communities and traditional small towns through sound planning and clearly defined development expectations.

Policies:

- 8.1.e. New development shall be consistent with the UGBs, STBs, and all other applicable policies of the MIP. New urban-density development shall not be allowed outside of a UGB or STB.
- 8.1.h. The County will seek to focus capital improvements (schools, libraries, roads, and other infrastructure and public facilities) within the UGBs and STBs in accordance with the MIP.

It is notable that the Property lies within an Urban Growth Boundary, as well as within the overall boundaries of the “Kihei-Makena Planned Growth Areas” as depicted on the MIP’s Figure 8-4: (**Exhibit 5**). The MIP states that “the Kihei Makena planned growth area is adjacent to the proposed Kihei High School” and briefly describes that growth area as follows:

Kihei Mauka is located in North Kihei, mauka of the Piilani Highway and north of the Waipuilani Gulch. Kihei Mauka will encompass more than 583 acres and be comprised of a mix of land uses, housing types, lot sizes, open space, parks, and other public facilities to create an interconnected network of walkable communities that together will create a self-sufficient town.

Furthermore, the MIP includes the following provision regarding design review of major projects.

7.3.3-Action 1 Develop and adopt regulations to require Urban Design Review Board review of all major urban expansion, new towns, and urban infill, and redevelopment projects.

In response, the Planning Department is adding the following additional condition of approval to recommend to the Land Use Commission beyond the original six conditions

identified in the Planning Department's initial Position Statement.

7. That, prior to commencement of construction, the detailed project design prepared by the Kihei High School Design-Build developer and the Petitioner shall be submitted to the Maui County Urban Design Review Board for its recommendations.

5. According to the Kihei-Makena Community Plan the property is currently identified for a combination of Public/Quasi-Public and Agriculture land uses. The proposed use of the property is consistent with the land use map of the Community Plan for the approximately 48.175 acres TMK (2) 2-2-002:081 which is currently designated for Public/Quasi-Public land use, but the proposed use is not yet consistent with the land use map of the Community Plan for the approximately 29.175 acres TMK (2) 2-2-002:081 which is currently designated for Agriculture land use. However, on April 5, 2013, the Maui County Council adopted Resolution No. 13-34 initiating and referring to the Maui Planning Commission proposed bills for a Community Plan Amendment to change the approximately 29.175 acres TMK (2) 2-2-002:081 from Agriculture land use to Public/Quasi-Public and to change the zoning for the entire property from the Agricultural District to P-1 Public Quasi-Public District (**Exhibit 5**).

The proposed action is in keeping with the following Community plan goals, objectives and policies:

LAND USE

GOAL A well-planned community with land use and development patterns designed to achieve the efficient and timely provision of infrastructural and community needs while preserving and enhancing the unique character of Maalaea, Kihei, Wailea and Makena as well as the region's natural environment, marine resources and traditional shoreline uses.

Objectives and Policies:

- b.* Identify priority growth areas to focus public and private efforts on the provision of infrastructure and amenities to serve existing residents and to accommodate new growth.

- f.* Establish a distribution of land uses which provides housing, jobs, shopping, open space, and recreation areas in close proximity to each other in order to enhance Kihei's neighborhoods and to minimize dependence on automobiles.

ECONOMIC ACTIVITY

GOAL A diversified and stable economic base which serves resident and visitor needs while providing long-term resident employment.

Objectives and Policies:

- b.* Expand educational opportunities and encourage research and technological activities.

HOUSING AND URBAN DESIGN

GOAL A variety of attractive, sanitary, safe and affordable homes for Kihei's residents, especially for families earning less than the median income for families within the

County. Also, a built environment which provides complementary and aesthetically pleasing physical and visual linkages with the natural environment.

Objectives and Policies:

- f. Incorporate principles of xeriscaping in all future landscaping.
- g. Encourage the use of native plants in landscaping in the spirit of Act 73, Session Laws of Hawaii, 1992.

PHYSICAL AND SOCIAL INFRASTRUCTURE

GOAL Provision of facility systems, public services and capital improvement projects in an efficient, reliable, cost effective, and environmentally sensitive manner which accommodates the needs of the Kihei-Makena community, and fully support present and planned land uses, especially in the case of project district implementation.

Allow no development for which infrastructure may not be available concurrent with the development's impacts.

Water Distribution

Objectives and Policies:

- d. Encourage the use of non-potable water for irrigation purposes and water features. Prohibit the use of potable water in large water features or require substantial mitigation fees.
- e. Encourage the use of plants which have a relatively low need for water.

Drainage

Objectives and Policies:

- a. Design drainage systems that protect coastal water quality by incorporating best management practices to remove pollutants from runoff. Construct and maintain, as needed, sediment retention basins and other best management practices to remove sediments and other pollutants from runoff.
- c. Support the implementation of flood control projects and sediment retention basins *mauka* of Piilani Highway to address present problem areas.
- d. Minimize the increase in discharge of storm water runoff to coastal waters by preserving flood storage capacity in low-lying areas, and encouraging infiltration of runoff.

Energy and Public Utilities

Objectives and Policies:

- a. Promote energy efficiency as the energy resource of first choice, and increase energy efficiency in all sectors of the community.
- b. Locate goods, services, and employment in close proximity to residential centers to minimize energy expenditures for transportation. Support the development of communication

infrastructure and promote telecommuting to minimize travel.

Recreation

Objectives and Policies:

- a. Provide high-quality recreational facilities to meet the present and future needs of residents of all ages and physical ability.

Education

Objectives and Policies:

- a. Require the delivery of quality educational facilities at the time such facilities are needed. Emphasize advanced planning so that school facilities such as classrooms, playgrounds, libraries, cafeterias and other appurtenant structures are delivered in a timely manner so as to eliminate the use of portable facilities.
- b. Enhance the classroom learning environment through measures which would reduce excessive temperature and background noise problems.
- d. Build a high school to serve the Kihei region when required to accommodate growth.

6. Zoning – The property is currently zoned Agricultural. The proposed use is not a permitted use or a special use allowed in the Agricultural District. However, on April 5, 2013, the Maui County Council adopted Resolution No. 13-34 initiating and referring to the Maui Planning Commission proposed bills to change the zoning for the entire property from the Agricultural District to the P-1 Public Quasi-Public District as well as for a Community Plan Amendment to change the approximately 29.175 TMK (2) 2-2-002:081 from an Agriculture land use designation to Public/Quasi-Public (**Exhibit 6**). The high school would be a permitted use within the P-1 Public Quasi-Public District.

The EIS addresses parking and requirements under the Zoning code as follows.

Parking for students, staff and visitors will be provided in parking lots adjacent to the campus. A school bus loading/parking area will be provided to allow loading and parking for up to 15 buses. During normal school days, buses will unload and pick up students here. Buses can unload and park here during events such as football games. Overflow parking for events will potentially be accommodated on a seven-acre portion of the campus located across the Kulanihakoi Street extension. A Conceptual Parking Plan is provided (**Exhibit 7**)....

Parking requirements for the proposed high school are determined from several different regulations. DOE standards for faculty and visitors are part of the FADS system. DOE has determined 226 stalls are required to support faculty and visitors to the campus. The County of Maui Zoning Code has age-based requirements for student parking based on total number of classrooms. According to the Zoning Code, approximately 560 stalls will be required for student parking. The Zoning Code also requires parking spaces

to accommodate component facilities such as the future auditorium, football / soccer stadium, library, the future swimming pool, gymnasium and cafeteria. The 5,000-seat football/soccer stadium will be the largest single component use, requiring 833 parking spaces per code. Under the Zoning Code, the total number of parking spaces required for the campus is approximately 1,941. Loading spaces will be provided as necessary throughout the campus per the requirements of the Maui County Code.

Campus parking requirements per the Maui County Zoning Code are very high due to student and staff parking requirements in addition to parking requirements for the 5,000-seat stadium. Because sporting events at the stadium are not anticipated during school hours, it is possible that some of the student and staff parking can serve as stadium parking during sporting events. The conceptual site plan currently shows 948 total parking spaces, which does not meet the 1,941 spaces required by the County Zoning Code, but would serve to meet the school's parking needs during normal school hours or during sporting events at the stadium. This issue remains unresolved and will need to be determined between DOE and the County.

AGRICULTURE

1. The State Department of Agriculture reviewed the Petition and the EIS. In a letter to the Office of Planning dated March 5, 2013 they said the Department of Agriculture "does not object to the petitioner's request, as we believe the project will not adversely affect the existing agricultural activities or agricultural resources of the area." They commented that "100% of the subject lands are rated 'E' by the Land Study Bureau. 98% of the land is not classified according to the Agricultural Lands Important to the State (ALISH), while 2% is rated Prime". Their comments continued that:

There is currently no irrigation infrastructure on the land, and there were no historical agricultural uses besides ranching on the subject lands.

The subject area is enclosed by gulches to the north and south. Seed corn and orchard operations are located about half a mile north of the school site (FEIS, Appendix B, p. 12). Given the distance, the FEIS states that the farms are not expected to cause nuisance problems for the proposed school (FEIS, Appendix B, p. 12). The lands to the east are owned by Haleakala and Kaonoulu Ranch. Discussion with the Department of Education regarding location and siting of the proposed high school has been part of the ranches' master planning efforts, and it is assumed that the ranches will appropriately plan their ranching activities so as to not be a nuisance to the school (FEIS, p. 1-2).

2. The EIS states that:

The "Kihei High School: Impacts on Agriculture" report (July 2011) was prepared for the Kihei High School project by Plash Econ Pacific, LLC, to identify and assess potential impacts of the project on agriculture.... Current on-site land uses include grazing and ranching....

The Kihei High School project site consists of lands having poor agronomic conditions. The area is characterized by site soils belong to the Alae series and the Waiakoa series. Most of the soils have poor agricultural productivity. Rainfall in the area is typically low and water is not available for crop farming. Additionally, there are no existing irrigation improvements. Agricultural activities are not taking place on the project site as the overall site is poorly suitable for growing commercial field crops.

The EIS discussion of potential impacts on agriculture concludes:

The development of the Kihei High School project is not expected to have a significant impact on existing and future agricultural activities such as farming and ranching operations. With regard to diversified crop farming, there are no existing or recent farming activities taking place on the site. While the project will result in a small loss of low-quality agricultural land of which there is a large supply on Maui, the large supply of good farmland on the island will not be affected. Consequently, the Kihei High School project will not result in significant impacts to the growth of diversified crop farming. No mitigation is proposed.

With regard to ranching operations, approximately 76 acres of the proposed school site across Haleakala Ranch and Kaonoulu Ranch is currently used for grazing cattle, however, feed production is low, due to arid conditions. While the project will result in a loss of land for ranching operations, the overall acreage loss will be too small to effect cattle operations of Haleakala Ranch and Kaonoulu Ranch. In view of this finding, mitigation measures are not recommended.

3. Section 19.30A.020 of the Maui County Zoning Ordinance states that “Agricultural lands that meet at least two of the following criteria should be given the highest priority for retention in the agricultural district:
 - A. Agricultural Lands of Importance to the State of Hawai'i (ALISH);
 - B. Lands not classified by the ALISH system whose agricultural land suitability, based on soil, topographic, and climatic conditions, supports the production of agricultural commodities, including but not limited to coffee, taro, watercress, ginger, orchard and flower crops and nonirrigated pineapple. In addition, these lands shall include lands used for intensive animal husbandry, and lands in agricultural cultivation in five of the ten years immediately preceding the date of approval of this chapter; and
 - C. Lands which have seventy-five percent or more of their boundaries contiguous to lands within the agricultural district.

Although it is possible that the property meets criterion C., 75.6 acres of the overall 77.2 acres site is unclassified under the ALISH designations (Criterion A.), and criterion B. is not met. Therefore, the Maui County Zoning Ordinance would not consider that the property “should be given the highest priority for retention in the agricultural district.”

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

1. The project EIS reports that an archeological inventory survey (AIS) and cultural impact assessment (CIA) were conducted for the property and proposed development upon it. A poor condition mound complex created by ranching activities was identified as the only archeological feature. The EIS concluded in this regards:

The SHPD [State Historic Preservation Division] accepted the AIS in their letter dated February 12, 2010. SHPD stated that while continuous monitoring did not appear to be necessary, a program of intermittent monitoring during the initial phases of ground preparation and build out should be implemented. SHPD requested to reserve further recommendations and final comment pending review of project related permit applications and plans.

Per the SHPD-approved AIS, SIHP No. 50-50-10-6393 [the mound site] has been documented to the fullest extent and no further mitigation is recommended. Intermittent monitoring will be conducted during the initial phases of ground disturbing activities.

2. From the CIA, the EIS concludes:

The information presented in the CIA report for the project site reveals no notable cultural activities took place at the specific project areas.... There was no additional information from the contacted organizations, newspapers, and archival research. Therefore, it is reasonable to conclude that, pursuant to Act 50, the exercise of native Hawaiian rights, or any ethnic group, related to gathering, access or other customary activities will not be affected by the activities of the proposed Kihei High School. Adverse effects are not anticipated since no cultural activities were identified to occur at the project area.

INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

1. **Water** -- The subject property is not currently supplied with water service. The EIS provides a water service summary stating that:

The domestic water and fire supply would be supplied through the Central Maui Water System by connecting to the existing 18-inch water main on Liloa Drive and upgrading the existing 8-inch water main in the Piilani Village Subdivision. A booster system will be required to meet required fire flow pressure. Irrigation water will be supplied via on-site brackish wells. The domestic, fire, and irrigation lines will consist of separate looped distribution systems following the main roadways and sidewalks throughout the campus.

In a February 3, 2012 comment letter on the Draft EIS, the Maui County Department of Water Supply (DWS) noted that "There is currently no moratorium on issuance of water meters on the Central Maui System. Meter size will be determined based on domestic calculations in the building permit process." They continued "we note that two irrigation wells are proposed to meet all irrigation demand" and "that permitted pumps installed in

Kamaole aquifer totals at least 13.45 mgd with sustainable yield of 11 mgd. We recommend that the applicant further analyze the alternative of using reclaimed water from Kihei Sewage Treatment Plant from a potential distribution line mauka of the project site that could serve multiple proposed projects in the Kanonoulu area.”

In response to these concerns about the source of non-potable water, the Petitioner had prepared a *Non-potable Water System Alternatives* report. The EIS summarizes the conclusions from the report and the Petitioner’s preferred approach to providing irrigation water as follows.

While cost has significant implications on the DOE’s capital improvement budget, it is not the only factor to be considered selecting the recommended alternative.... Of the two alternatives, brackish wells will provide a more reliable source and will not require an additional backup/alternate source. As such, school personnel can focus their efforts on the operation and maintenance of a single non-potable water system. In addition, there may be more uncertainty in the school construction project schedule if the R-1 alternative is selected, since funding for design and construction of the distribution line extension would need to be secured by the County of Maui. The use of R-1 recycled water would also require further approvals of BMPs by the DOH which could add to the project delivery schedule. Therefore, there is the possibility that the campus landscape and athletic fields may not be completed prior to the scheduled opening of the school. A disadvantage of using brackish groundwater for irrigation is that its projected salinity is expected to be about double the level in the R-1 water from the Kihei WWRF [Waste Water Recycling Facility]. More careful consideration must be given to the following issues during the design phase:

- Selection of salt-tolerant species in campus landscaping plan
- Use of corrosion-resistant materials in pumping and irrigation equipment
- Quality of top soil or import material

Based on the findings of the Non-potable Water System Alternatives Analysis, DOE prefers to implement the brackish water system alternative. DOE will continue to discuss the possibility of using R-1 recycled water from the WWRF with the County, and final determination of the non-potable water system will be the responsibility of the DOE and DB team.

The DWS comment letter also recommended various water conservation measures and the EIS states that these “will be taken into consideration”.

2. **Sewers** -- The subject property is not currently serviced by the County wastewater system. However, the EIS summarizes the proposed infrastructure to address this as follows.

Proposed on- and off-site sewer lines will comply with the County standards. The existing collection system (including Kihei Wastewater Pump Station Nos. 3, 4, 5 and 6) should have adequate capacity for flows generated by the proposed Kihei High School such that upgrades are not necessary.... The

County will formally determine if any upgrades are required after the Plan Review Application form is submitted. If upgrades are necessary to support the proposed Kihei High School, the DOE will be required to fund any mandatory off-site improvements to the collection system. It is anticipated that sewer service will be provided by the extension of the County system from an existing drop manhole in the intersection of Kulanihakoi Street and Mahealani Street in the Piilani Village subdivision approximately 300 feet from the proposed Kihei High School. The proposed sewer line would extend across Piilani Highway to an on-site property sewer service manhole.

The Maui County Department of Environmental Management (DEM) had commented in a letter dated December 10, 2009 prior to the preparation of a Draft EIS that "Although wastewater system capacity is currently available as of 12/10/2009, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit." That letter also included other DEM recommendations and requirements. However, DEM did not comment on the Draft EIS which included the above quoted summary of proposed infrastructure, as well as an engineering study addressing current and proposed infrastructure and a response to the December, 2009 DEM letter.

3. **Drainage** -- The subject property is located in Zone X as indicated by the Flood Insurance Rate Map, outside of areas of a 100-year flood. The EIS describes the current status of property drainage as follows:

Because the property is vacant there is no existing drainage system serving the site except for drainage infrastructure in Piilani Highway, which is owned and maintained by the DOT. The majority of the existing runoff at the site drains towards a 72-inch diameter culvert under Piilani Highway. The remainder of the runoff drains into either Kulanihakoi Gulch or Waipuilani Gulch. Both gulches cross Piilani Highway under bridges spanning the gulches. These gulches are generally dry except after significant rainfall events.

The EIS summarizes the "Conceptual Drainage Plan" as follows.

The proposed drainage system will consist of the following improvements:

- The off-site drainage improvements are intended to divert runoff generated above the proposed Kihei High School into the neighboring Waipuilani Gulch.
- Final drainage improvements will seek to minimize diversion of runoff into Kulanihakoi Gulch.
- The on-site drainage system should be designed to safely convey on-site runoff into the basin and prevent runoff entering Piilani Highway.
- The on-site basin should be designed to reduce post-development flow rates and quantity to below pre-development levels.
- The 7.7-acre parcel formed by the extension of Kulanihakoi Street will remain vacant; there will not be any drainage

improvements constructed within the parcel at this time.

According to the DEIS, the property includes portions of three drainage basins, one leading to Kulanihako'i Gulch to the north (referred to as Basin No. 8), one leading to Waipuilani Gulch to the south (Basin No. 10), and a smaller one in the middle (Basin No. 9). The EIS describes the "On-site Drainage Concept" as follows:

The majority of the school site is situated within the lower portion of Basin 9. The runoff from the remainder upper portion of Basin 9 and portions of Basin 10 will be intercepted by a proposed ditch constructed along the Kihei High School upper boundary and diverted into Waipuilani Gulch (refer to [Exhibit 8] Figure 4-20). The proposed ditch should be designed in accordance with County Drainage Standards with appropriate freeboard and velocity dissipation. Based on the conceptual site plan, it is anticipated that the ditch will be a 5-foot wide reinforced concrete channel with an approximate wall height of 8 feet; however, other materials are available such as prefabricated high density polypropylene (HPDE) channels which may be more cost effective.... In summary, the increase in off-site runoff will be less than 1% after the school is constructed.

On-site stormwater runoff will sheet flow or be directed by grassed swales/gutters into drain inlets and pipes. Due to on-site sumps, the underground drainage system should be sized to convey the 50-year runoff quantities with a one-foot freeboard allowance. The underground drainage system should drain into a detention basin before entering the existing 72-inch culvert under Piilani Highway.

In their comment letter on the Draft EIS dated February 17, 2012, the Maui County Department of Public Works (DPW) stated their comment no. 4 as follows.

Waipuilani Gulch becomes a narrow drainage channel at South Kihei Road. Flooding of South Kihei Road and adjacent areas have been problematic in the past due to stormwater from Waipuilani Gulch. The Draft Environmental Impact Statement (EIS) indicates that the off-site drainage improvements are intended to divert runoff from the proposed high school to Waipuilani Gulch.... Overflows from Kulanihako'i Gulch have also caused flooding and mud flows on to Kaonoulu Street and South Kihei Road. Although the proposed drainage improvements do not call for the diversion of runoff into Kulanihako'i Gulch, any diversion of water into this gulch should be minimized.

In response to the DPW concern, the Maui County Department of Planning has worked with DPW to recommend the following condition no. 6 in the Planning Department's Position Statement dated March 20, 2013.

That, to the satisfaction of the Maui County Department of Public Works, no additional storm water resulting from the Petition Area shall be added to Waipuilani Gulch.

In its February 3, 2012 letter comment on the Draft EIR, the Planning Department listed comment no. 10 in part as follows regarding the proposed mauka ditch.

Although we can anticipate that school regulations would “prohibit” students from being in the vicinity of this ditch, it is also realistically very likely that some students will at times stray into or actually seek out this ditch for various unauthorized purposes. From this standpoint it might even be looked as something akin to an “attractive nuisance.” Therefore, its design must give high consideration to safety of students who might be attracted to a ditch 5-feet wide and 8-feet deep. This could be addressed by, for example, an alternative design of equivalent capacity which is shallower and wider, but which will still stop the upland drainage at whatever velocity and volume is anticipated during the more intense range of storm events;

In their letter dated September 5, 2012, consultants preparing the EIS responded as follows.

We acknowledge the County’s concern regarding potential unauthorized use of the proposed diversion ditch on the school’s upper boundary. Increasing the width of the ditch would require additional land area, thus reducing available space for school facilities. A wider and shallower ditch would still remain a potential safety hazard attracting more unwanted intruders such as skate boarders during dry periods and body boarders during heavy storms. It should be noted that simply widening the ditch will not significantly reduce the depth of the ditch. For example doubling the width of the ditch to 10 feet would still require a ditch depth of 6 feet to convey for the 100-year storm and 5 feet for the 50-year storm. We understand designing for student safety is critical and the Department’s concerns will be forwarded to the DB team to be addressed during project design.

4. **Roadways, Curbs, Gutters, Sidewalks and Transportation** -- Access to the project site is proposed to be from an extension of the current Kulanihakoi Street mauka across Piilani Highway. The EIS summarizes the current status of this access point, Piilani Highway, and the new proposed configurations as follows:

In the vicinity of the Kihei High School project, Piilani Highway is a predominantly four-lane, two-way roadway oriented in the north-south direction that provides access through Kihei. At the intersection with Kulanihakoi Street, the northbound approach of the highway has an exclusive left-turn lane and two (2) through lanes while the southbound approach has two (2) through lanes and an exclusive right-turn lane. Kulanihakoi Street is oriented in the east-west direction and serves as a connector roadway between South Kihei Road and Piilani Highway. At the intersection with Piilani Highway, the Kulanihakoi Street approach has two (2) stop-controlled lanes that serve left-turn and right-turn traffic movements....

The access roadway for the proposed Kihei High School will connect to the

east side of the intersection creating a four (4) way intersection. After the connection is completed, the westbound approach of the access road is expected to have two (2) westbound lanes that serve left-turn, through, and right-turn traffic movements. In addition, northbound deceleration and acceleration lanes are expected to be constructed along Piilani Highway to facilitate entering and exiting traffic at the school's access.

The EIS presents a series of recommendations to mitigate traffic impacts, which if implemented, allows the EIS to conclude that "The development of the Kihei High School project is not expected to have a significant impact on traffic operations in the project vicinity." Included in the mitigations are the following roadway improvements.

- Provide an exclusive right-turn lane, shared left-turn lane and through lanes on the access road approach from the high school at the intersection with Piilani Highway.
- Provide a channelized northbound deceleration lane and acceleration lane along Piilani Highway at the intersection with the access road for the high school.
- Provide an exclusive southbound left-turn lane along Piilani Highway at the intersection with the access road for the high school.
- Provide two (2) eastbound departure lanes along the access road for the high school from the intersection with Piilani Highway.
- Modify the eastbound approach of Kulanihakoi Street at the intersection with Piilani Highway and the access road for the high school to provide an exclusive right-turn lane and a shared left-turn and through lane.
- Install a traffic signal system at the intersection of Piilani Highway and Kulanihakoi Street, and the access road for the high school. The layout and dimension of these lanes should be determined during the design phase of the project.

Additional recommended programmatic mitigations include:

- Prepare a Traffic Management Plan for the high school to minimize the impact of school related vehicles on the surrounding roadways. This plan should address daily school and special event traffic.
- Consider preparing Traffic Assessment Reports periodically once the high school is opened to verify projected traffic conditions in the vicinity and assess the effectiveness of traffic management strategies implemented by the proposed high school.

Regarding short term impacts, the EIS states as follows.

Plans to mitigate the construction period traffic impacts include scheduling off-peak movement of equipment and materials to minimize the disruption to traffic flow and inconvenience to the motoring public, bicyclists and pedestrians. Dust and noise pollution will be contained through job-site construction management practices and adherence to State and County laws which pertain to construction dust management and noise control. A

Construction Traffic Management Plan will be prepared to minimize conflicts with traffic along roadways during construction.

Partly in response to comments on the Draft EIS, the Petitioner commissioned the preparation of a Kihei High School Pedestrian and Bicycle Analysis (Ped and Bike Analysis). The introduction to this topic in the EIS states as follows:

Concern has been expressed for the safety of students traveling to the proposed high school via bicycle or as pedestrians on local roadways. Stantec prepared a pedestrian and bicycle analysis for the project site.... The following information summarizes their findings. The study addresses existing roadways in Kihei, regional bicycle and pedestrian planning, predicted traffic volumes, planned future development, and current practices in bicycle and pedestrian facilities. Based on their research, the following major observations, recommendations and conclusions were made. Recommendations in this study seek to maximize connectivity and access to the site and to ensure provision of appropriate safety measures for bicycles and pedestrians.

The Ped and Bike Analysis addressed and made some recommendations on relevant facilities within the larger Kihei community nearby and makai of Piilani Highway. However, since those conditions are beyond the control of the Petitioner, summary statements from the EIS about pedestrian and bicycle facilities cited below will be limited to those in close proximity to the proposed high school.

Increased Automobile Traffic on Kulanihakoi Street

Kulanihakoi Street may experience increased traffic demands with the school project due to school related traffic and due to the proposed traffic signal at Piilani Highway. Because the intersection is not currently signalized, it is lightly used to turn left onto Piilani Highway today. In comparison, intersections with signalized accesses experience higher flows.

Increased Pedestrian and Bicycle Traffic on Kulanihakoi Street

Kulanihakoi Street will also experience significant demand for school related pedestrians and bicyclists. It would be desirable to provide improvements that facilitate school usage, while discouraging undesirable traffic increases. Bicycle lanes already exist for the block nearest Piilani Highway. They could be provided for the rest of the segment, but this would require loss of parking. Alternatively, the roadway would be appropriate for designation as a bicycle route featuring bike route signs, Share the Road or Bikes Allowed Full Use of Lane (BAFUL) signs, and sharrow markings. However, these measures will not be optimal for managing potential increases in automobile traffic. A bicycle boulevard treatment may be appropriate. Low cost bicycle boulevards can be provided through placement of traffic control devices such as speed humps that now exist on Waipuilani and other roadways in the community.

Traffic Signal at Kulanihako'i Street and Piilani Highway

The traffic signal and required additional improvements for Kulanihako'i Street and Piilani Highway associated with development of the high school should be carefully designed to maximize safety and bicycle friendliness. The proposed Kulanihako'i Street approach roadway should provide a left turn lane, a through lane, and a right turn lane at the highway. Crosswalks should be provided across both the north and south legs of Piilani Highway. Also, since turning vehicles will conflict with through pedestrians and bicyclists along Kulanihako'i Street, the traffic signal should be designed to serve left turn vehicles and through vehicles/pedestrians/bicyclists separately. This could be accomplished through various measures; however, it is recommended that a separate left turn phasing be provided for Kulanihako'i Street, so that left turns do not turn through pedestrian or vehicle streams. Provision of left turn phasing for Kulanihako'i Street also provides a slight safety benefit, since the left turns would normally be served right after the high speed through phases of Piilani Highway. This reduces the potential of a high speed vehicle running the fresh red and colliding with pedestrian or bicyclist. While this potential is considered remote, the precaution is justified on the basis of a heavily used high school crossing.

Pedestrian Crossing

Concerns have been heard that traffic signals may not provide the highest level of safety for pedestrians desiring to cross Piilani Highway to access the school site. Calls for grade separation via tunnels or overpasses have been suggested. Professional experience with grade separations does not suggest that they are superior treatments to traffic signals. Pedestrians will avoid bridges due to the effort to climb three flights of stairs to an elevation high enough to bridge across the highway and to return to street grade on the other side. Also such a bridge needs to be handicap accessible, requiring very long ramps to serve wheelchair users. Use of such a facility is virtually always disappointing. Tunnels have less construction issues, but they can result in security issues related to darkness and require maintenance to prevent accumulation of broken glass and litter. They are often closed due to security and maintenance issues following construction. A more appropriate grade separation treatment may be the development of a greenbelt bikeway and recreational trail that would follow the watercourse that passes under Piilani Highway south of the intersection. This would be a facility appropriate for consideration in evaluating plans for a bikeway network west of Piilani Highway for the entire community, and is a community-wide planning issue.

Also, although there can be no guarantee that a pedestrian involved collision would never occur, the provision of a traffic signal is considered an adequate counter-measure. It is not appropriate to call for provision of traffic signals to address pedestrian issues at some locations while dismissing them at other locations. There are numerous locations in Hawai'i where similar conditions have been addressed as proposed.

Right Turn Lane on Piilani Highway

The right turn lane treatments common along Piilani Highway should also be evaluated carefully. It would be preferable for the right turns to be served by the traffic signal, with right turn lanes that are provided separately and to the right of the suggested through bicycle lanes.... This treatment is also suggested for the existing leg of Kulanihakoi Street which will require change when the signal is constructed.

The Ped and Bike Study also included recommendation for facilities on the campus to facilitate pedestrian and and bicycle travel.

As Piilani Highway is a state highway, the proposed intersection improvements and those within the Piilani Highway right-of-way are under the control of the State Department of Transportation (SDOT). The most recent letter from SDOT which the Maui County Planning Department possesses as of the writing of this written testimony is dated March 18, 2013 and is attached to the Position Statement of the Office of Planning (OP). As of this writing, the Planning Department understands that the Petitioner is addressing OP's associated recommended conditions with OP and/or SDOT. However, one of the conditions recommended by the Maui County Planning Department is germane to these items under discussion between the Petitioner, OP and/or SDOT. That is condition no. 1 of the Planning Department's Position Statement which reads:

That the following recommendations, modified from those in the Kihei High School Bicycle and Pedestrian Analysis (Appendix N to the Kihei High School Final Environmental Impact Statement (EIS)) and section 4.2.5.2 of the EIS, shall be implemented during project development, with 1.b. designed in consultation with the Maui County Departments of Planning and Public Works, and with 1.a designed in consultation with the Hawaii Department of Transportation and the same two County Departments:

- a. Design features for the proposed intersection and traffic signal at Kulanihakoi Street and Piilani Highway to provide optimum service and the highest level of protection for bicycles and pedestrians, including consideration of tunnel or underpass for bicycles and pedestrians
- b. High quality and direct access from the school to the pedestrians and bikeway networks
- c. Bicycle friendly improvements on the school campus

Two other recommend conditions within the Planning Department's Position Statement are also relevant to transportation and they read as follows.

3. That, if requested by the Maui County Department of Transportation, the Petitioner shall include an area for public transit access to the school.
4. That, to the satisfaction of the Maui County Department of Planning, and in accordance with the Kihei-Makena Community Plan (Housing

and Urban Design Implementing Action d.), the Petitioner shall incorporate a landscaped buffer on the campus fronting Piilani Highway to achieve a parkway character.

5. **Electrical, Telephone and Cable** – The EIS reports that:

Construction of the proposed Kihei High School project will result in the demand for additional electrical, telecommunication, and cable services. The project site is currently undeveloped and utilities will need to be extended on site. Electrical, telephone, and cable television transmission lines will be installed underground and connect with existing systems. This project will incorporate energy efficient technology and design to reduce the project's overall energy consumption. It is anticipated that MECo, HTel and Oceanic Time Warner Cable will provide necessary services to the project site. No significant environmental impacts are anticipated from provision of these services.

6. **Parks** -- There are several parks in the Kihei region that provide recreational opportunities to the community. The nearest park facilities are at Kalepolepo Beach Park. The EIS reports that The South Maui Region Parks & Open Space Master Plan includes a concept plan for a 46 acre future Kihei Community Park to be located between Piilani Highway, North-South Collector Road, Halekuai Street and Welekahao Drive. The Kihei High School will help meet some of the community's recreational demands and is not expected to impact current facilities.

7. **Schools** – The EIS reports the Kihei schools and their recent enrollments as follows.

Kihei offers two public elementary schools (Kamalii and Kihei), one public middle school (Lokelani), and one public charter high school to serve its student population. Lokelani Intermediate School, which contributes to Kihei's high school student population, has an enrollment of 597 students in 2011-2012. Kihei Public Charter High School, with grades PK-12, had a total student enrollment of 509 for 2011-2012. It has 248 high school students enrolled in its 9th through 12th grades. The majority of Kihei's high school-age population is served by Maui High School in Kahului approximately 10 miles away from central Kihei.

The project will meet some of Kihei's current educational demands.

8. **Solid Waste** -- The nearest landfill site is the Central Maui Sanitary Landfill in Puunene. The EIS provides the follow summary.

According to the County Integrated Solid Waste Management Plan (2009), approximately 200,000 tons of solid waste is deposited at the [Central Maui] landfill every year. The landfill is projected to reach capacity in 2026. The County has diverted around 30% of its waste to recycling, composting, and other beneficial uses per year since 2006. The County Integrated Solid Waste Management Plan (2009) calls for 50% diversion of Maui's waste through waste collection and recycling programs improvement and

infrastructure improvements, including consideration of a waste-to-energy facility. This will extend the life of the landfill to 2042.

The Kihei High School project will be served by DEM solid waste collection and disposal services. During the construction of the proposed project, cleared vegetation will be transported to the County's green waste recycling facility at the Central Maui Landfill.... After build out, waste collection and disposal will be handled by a private waste collection service. The management of solid wastes generated by the proposed project will emphasize waste diversion and recycling. Additionally, in order to achieve LEED or comparable certification, one of the requirements of the project will be to divert a certain percentage of construction waste from landfills.... Kihei High School is estimated to generate 280 tons of waste per year at a full build-out of 215,000 SF.... Waste generated by the proposed project is not expected to have a significant adverse impact on the solid waste collection services and disposal facilities.

9. **Public Services** -- Fire protection is from the Kihei Fire Station located next to Kalama Park. The library servicing Kihei is also located next to Kalama Park. The nearest hospital is Maui Memorial Medical Center located in Wailuku, which provides acute, general, and emergency care services from its 231 bed facility. The project is not anticipated to impact these services and facilities.

The EIS summarizes public transit service and impacts as follows.

The County currently funds a public bus system that provides service in and between various Central, South, West, Haiku, and Upcountry Maui communities. All buses run seven (7) days a week. Two (2) routes serve the proposed project area, they are:

- Kihei Villager #15 - loops hourly from 6:05 A.M.-8:05 P.M., seven days a week, from Piilani Village Shopping Center to Maalaea.
- Kihei Islander #10 - loops hourly from 5:30 A.M.-7:30 P.M., seven days a week, from Kaahumanu Center to Wailea Ike Drive....

The bus stop closest to the project site is located at Kulanihakoi Street and South Kihei Road....

The proposed project may increase the number of daily passengers in the Kihei area when the proposed project is complete. It is common for high school students to use a public transportation option to travel to and from school. Significant impacts on the public transit system are not anticipated and no mitigation measures are necessary.

Furthermore, as stated above, one of the recommend conditions within the Planning Department's Position Statement reads as follows.

That, if requested by the Maui County Department of Transportation, the Petitioner shall include an area for public transit access to the school.

The Maui Police Department is currently completing construction of a new police station approximately two (2) miles south of the project site on the makai side of Piilani Highway. This new facility will replace the current police station in the Kihei Town Center. The EIS discusses possible impacts on police services as follows.

The Kihei High School project will require additional police protection. This area is currently under police protection, but the Kihei High School project will add a substantial amount of people and property onto a previously undeveloped lot mauka of Piilani Highway. These people will require protection while at the facility and the property will require protection at all times. Although additional police protection is required, the Maui Police Department is prepared to meet this need, and will continue to grow as population and crime rate dictates. The close proximity of the nearest department station will facilitate the proposed project's protection. Additionally the mauka development of Kulanihakoi Street and the on-site roadways will facilitate police patrol and protection on the site. Significant negative impacts on police protection and law enforcement services are not anticipated and no mitigation measures are necessary.

SOCIO-ECONOMIC IMPACTS

On a short term basis, the project will support construction and construction related employment. The EIS concludes the following on a longer term basis.

The Kihei High School project is not expected to introduce new residents into Kihei or any neighboring area once completed. It is possible, however, that a small percentage of development and/or construction workers may relocate into the area during the project development phase, thereby resulting in minimal impacts to existing housing. No negative impacts on housing conditions are anticipated.... No significant impacts to population are anticipated.... The development of the Kihei High School will result in significant expenditures that will have a positive impact on the economies of the State and the County on a direct and indirect basis. With significantly increasing capital investment and capital flow in the region, new employment opportunities will arise and an expanded tax base will occur, as such, the proposed project will serve as an economic stimulus for the region.... Direct and indirect jobs provided by operations will support about 240 residents on Maui and about 50 residents on Oahu... during Phase I. Phase II will bring the supported population to over 410 residents on Maui and over 80 residents on Oahu. Once the School becomes operational, experienced faculty, administrators, and professional staff will be recruited from other public and private schools in Hawaii and, to a lesser extent, from mainland schools. Teachers and professional staff who are new to their fields will be recruited from the UH and other institutions.

ENVIRONMENTAL IMPACTS

1. Air quality -- There will be short term noise and air quality impacts during the construction phases of the project. Best management practices should be incorporated into the project in accordance with Federal, State and County standards.

On a longer term basis the EIS addressed air quality as follows.

Except for periodic impacts from volcanic emissions (vog) and possibly occasional localized impacts from traffic congestion and local agricultural sources, the present air quality of the project area is believed to be relatively good.... After construction, motor vehicles coming to and from the proposed development will result in a long-term increase in air pollution emissions in the project area. To assess the impact of emissions from these vehicles, a computer modeling study was undertaken to estimate current ambient concentrations of carbon monoxide at intersections in the project vicinity and to predict future levels both with and without the proposed project. During worst-case conditions, model results indicated that present 1-hour and 8-hour carbon monoxide concentrations are well within both the state and the national ambient air quality standards. With or without the project, carbon monoxide concentrations in the project area during the next 15 years will likely decrease (improve) somewhat compared to existing concentrations. Implementing mitigation measures for traffic-related air quality impacts is probably unnecessary and unwarranted.

However the Planning Department also acknowledges that opening a full curriculum high school in Kihei could well lead to some reduction in regional air pollution emissions as there will be less driving of students between Kihei and their current Maui High School in Kahului.

2. Noise – The EIS reports that an acoustic study was conducted for the Petition area. The EIS states as follows.

The existing background ambient noise levels within the project site are relatively low at the mauka (east) end and relatively high on the makai (west) end of the site. Traffic along Piilani Highway controls the background noise levels at the makai end of the project site, noise levels diminish to relatively low levels at the mauka end of the project site. On the makai side of Piilani Highway, existing traffic noise levels also diminish with increasing distances from Piilani Highway, and are controlled by the traffic on connector roads and South Kihei Road in areas between Piilani Highway and the shoreline.... The existing background noise levels at the school site were estimated to range from approximately 56 to 62 DNL near the proposed Practice Fields to approximately 45 DNL at the mauka end of the project site.

Very small changes in traffic noise levels (0.0 to 0.1 DNL) are expected along Piilani Highway in the project environs between CY 2010 and 2025 as a result of project traffic. The growth in nonproject traffic by CY 2025 is predicted to result in traffic noise level increases of 0.5 to 0.6 DNL along Piilani Highway.... Along Kulanihakoi Street, makai of Piilani Highway, increases in future traffic noise levels of 0.7 DNL are predicted by CY 2025, primarily as a result of project traffic.

The future campus of Kihei High School is planned so that the noise sensitive buildings and classrooms are set back at least 650 feet from Piilani Highway, where future traffic noise levels are predicted to be “Acceptable” at

less than 55 DNL. The terracing of the school grounds plus the noise shielding effects from buildings which are closest to the highway should further reduce traffic noise levels from Piilani Highway.

Short-term Impacts General Construction Noise: Temporary, unavoidable noise impacts may occur during construction activities within the project area, particularly during the excavation and earth moving activities on the project site.... Mitigation measures to reduce construction noise to inaudible levels will not be practical in all cases, but the use of quiet equipment and compliance with State DOH construction noise regulations are recommended as standard mitigation measures.

On-Site Noise Sources: The potential noise from playground, practice field, pool, and athletic stadium activities could disturb neighboring residences. Noise levels associated with these outdoor facilities tend to be high due to the shouting and screaming which occur during these outdoor activities and play periods. The neighboring properties to the south and across Piilani Highway to the west are the most likely areas to experience the highest noise levels (53 to 65 decibels A-weighted) from these outdoor activities. In addition, potential noise levels from the school's central plant equipment may also cause adverse noise impacts if the noise levels are not controlled. Noise mitigation measures which limit the noise from fixed mechanical equipment to those allowed by the State Department of Health should be incorporated into the project. In addition, public address systems installed at the outdoor facilities should be designed to minimize sound spillover into adjacent properties.

3. Scenic and visual resources – The EIS addresses this subject as follows.

The site is characterized by open, undeveloped grazing land dotted with scrub brush and rock outcroppings... and slopes gently upward to the east toward the summit of Haleakala. The Kihei High School project site is not located in a designated scenic corridor. Due to the geographic separation caused by sloping terrain, the Kihei High School campus site concept includes terracing at increasing elevations. Academic and administrative buildings are anticipated on the upper levels, and the sports stadium, supporting athletic facilities, outdoor play courts, and practice fields are anticipated on the lower levels. Campus structures will generally range from one (1) to two (2) stories, and the stadium bleachers and broadcast booth are anticipated to reach approximately 40 feet in height.

Development of the project site will replace vegetated land with a high school campus, playing fields, landscaping, and related infrastructure such as internal roadways. Kihei High School will be visible from Piilani Highway and existing neighboring developments. The project design will maintain visual standards of the area by meeting County height and design requirements. To mitigate potential visual impacts, the campus will include open space and landscaped areas throughout the development. Landscaping and playing fields are planned fronting Piilani Highway to maintain a setback for reduction

of visual and noise impacts and maintain a park-like open visual corridor. The project is not anticipated to significantly impact mauka views of Haleakala or coastal views. See Figure... 4-16 [Exhibit 9] for a conceptual viewshed study of potential changes to view to Haleakala from Piilani Highway.

4. Flora and Fauna – The EIS reports on these site plants and animals in part as follows:

The vegetation on the site is best described as a savanna: grassland with scattered trees. There are ample signs of past wildfires on the site.... The entire Kihei High School project site is highly disturbed from a natural vegetation perspective, strongly influenced by low amounts of rainfall and grazing by deer and pasture animals. No plants of interest or concern were observed on the property.

The project area was surveyed for avian and mammalian species in November 2009.... No species currently listed, or proposed for listing under either the federal or the State endangered species programs were detected during the course of this survey. The findings of... [the mammalian] survey are consistent with the habitat present on the site, its location on Maui, and its current usage as cattle pasturage.... The development and operation of the Kihei High School project is not expected to result in deleterious impacts to any avian or mammalian species currently listed or proposed for listing under either the federal or the State endangered species statutes.

CONCLUSIONS OF THE MAUI COUNTY PLANNING DEPARTMENT REGARDING COMPLIANCE WITH STATE URBAN DISTRICT STANDARDS

The Planning Department finds that the petition is in compliance with the standards of the State Urban District as follows:

- (1) It shall include lands characterized by “city-like” concentrations of people, structures, streets, urban level of services and other related land uses;

The northern portion of the property immediately adjoins the mauka side of Piilani Highway. The entire makai side is urbanized Kihei, with normal urban “concentrations of people, structures, streets, urban level of services and other related land uses”. The mauka side of Piilani Highway north and south of the petition area is also already urbanized, with principally gulches separating the property from land that is already developed or under development at urban concentrations. The property can be considered urban infill.

- (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) Substantiation of economic feasibility by the petitioner;

- (C) Proximity to basic services such as sewers, transportation systems, water, sanitation, schools, parks, and police and fire protection; and
- (D) Sufficient reserve areas for urban growth in appropriate locations based on a ten year projection;

The property is highly proximate to the Kihei and South Maui region of trading and employment. The high school proposed for the petition area has recently been granted development funding by the state legislature. It is proximate "to basic services such as sewers, transportation systems, water, sanitation, schools, parks, and police and fire protection". The property lies well within the Maui Island Plan's Urban Growth Boundary for North Kihei (Exhibit 4), leaving substantial area nearby for appropriate urban growth.

- (3) It shall include lands with satisfactory topography and drainage and reasonably free from the danger of floods, tsunamis, unstable soil conditions, and other adverse environmental effects;

The property is not located in an area of flooding. It has a gently sloping topography and is not subject to tsunami inundation nor unstable soil conditions. Gulches provide drainage adjoining the property to the north and south. The addition of on-site drainage improvements in compliance with County drainage ordinances and recommended conditions of approval will alleviate potential downstream flooding issues associated with development of the property. With the implementation of Best Management Practices as committed in the EA along with necessary permits and recommended conditions of approval, development of this site will not lead to associated adverse environmental effects.

- (4) In determining urban growth for the next ten years, or in amending the boundary, land contiguous with the existing urban areas shall be given more consideration than non-contiguous land, and particularly when indicated for future urban use on state or county general plans;

The property is contiguous with existing urbanized Kihei. Makai and to the north, the property is separated from lands currently designated as Urban only by a gulch and Piilani Highway. To the southwest it is separated from Urban designated land only by a gulch and a golf course. The property is identified for future urban use in the Maui Island Plan.

- (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 county general plans;

The property is part of the Kihei area of existing urban concentration. It is within an area identified for future urban growth on the Maui Island Plan, which in turn is part of the Maui County General Plan.

- (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:

The property does conform to the above standards in paragraphs 1 to 5.

- (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;

The property can be considered urban infill within the mauka portion of the Kihei urbanized area and will not contribute toward scattered spot urban development. It's development will not necessitate unreasonable investment in public infrastructure or support services.

- (8) It may include lands with a general slope of twenty percent or more which do not provide open space amenities or scenic values if the commission finds that those lands are desirable and suitable for urban purposes and that official design and construction controls are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the landscape.

The property has an average slope of approximately 11%, with limited variation on the property. The project will be designed to complement the property's natural topography.

POSITION OF THE MAUI COUNTY PLANNING DEPARTMENT

The Planning Department supports approval of the Petition for a District Boundary Amendment from the State Agricultural District to the State Urban District subject to the following conditions:

1. That the following recommendations, modified from those in the Kihei High School Bicycle and Pedestrian Analysis (Appendix N to the Kihei High School Final Environmental Impact Statement (EIS)) and section 4.2.5.2 of the EIS, shall be implemented during project development, with 1.b. designed in consultation with the Maui County Departments of Planning and Public Works, and with 1.a designed in consultation with the Hawaii Department of Transportation and the same two County Departments:
 - a. Design features for the proposed intersection and traffic signal at Kulanihakoi Street and Piilani Highway to provide optimum service and the highest level of protection for bicycles and pedestrians, including consideration of tunnel or underpass for bicycles and pedestrians
 - b. High quality and direct access from the school to the pedestrians and bikeway networks
 - c. Bicycle friendly improvements on the school campus
2. That, to the satisfaction of the Maui County Department of Planning, overflow parking and lighting shall be provided to accommodate special events to be held on the campus.

3. That, if requested by the Maui County Department of Transportation, the Petitioner shall include an area for public transit access to the school.
4. That, to the satisfaction of the Maui County Department of Planning, and in accordance with the Kihei-Makena Community Plan (Housing and Urban Design Implementing Action d.), the Petitioner shall incorporate a landscaped buffer on the campus fronting Piilani Highway to achieve a parkway character.
5. That, to the satisfaction of the Maui County Police Department, the campus design and development shall incorporate best practices in Crime Prevention through Environmental Design (CPTED).
6. That, to the satisfaction of the Maui County Department of Public Works, no additional storm water resulting from the Petition Area shall be added to Waipuilani Gulch.
7. That, prior to commencement of construction, the detailed project design prepared by the Kihei High School Design-Build developer and the Petitioner shall be submitted to the Maui County Urban Design Review Board for its recommendations.

APPROVED: -



WILLIAM SPENCE
Planning Director

KĪHEI HIGH SCHOOL
Draft Final Environmental Impact Statement



Figure 2-1
Conceptual Site Plan

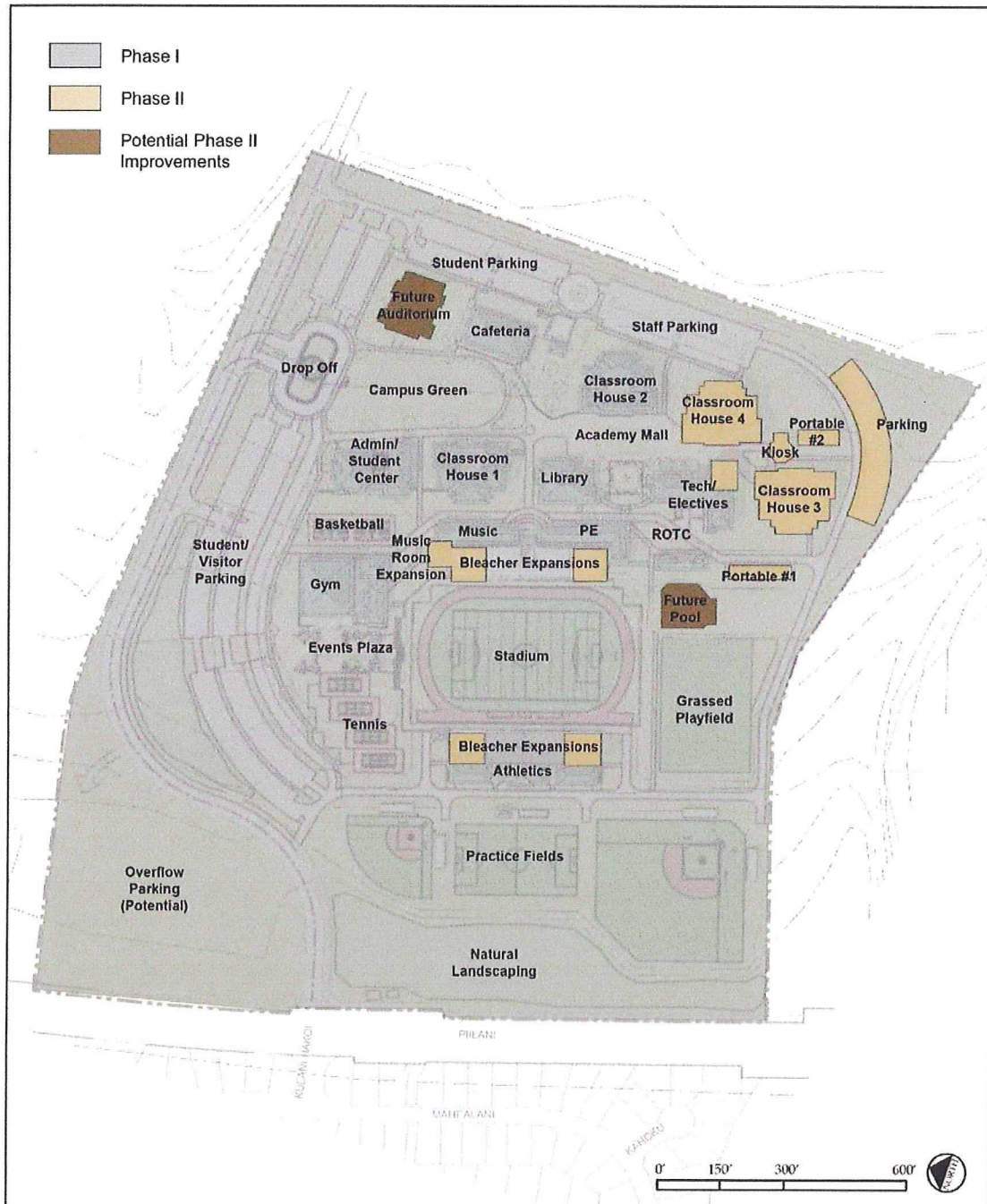


Figure 2-2
Conceptual Phasing Plan

KIHEI HIGH SCHOOL
Draft Environmental Impact Statement



Figure 1-2
Location Map

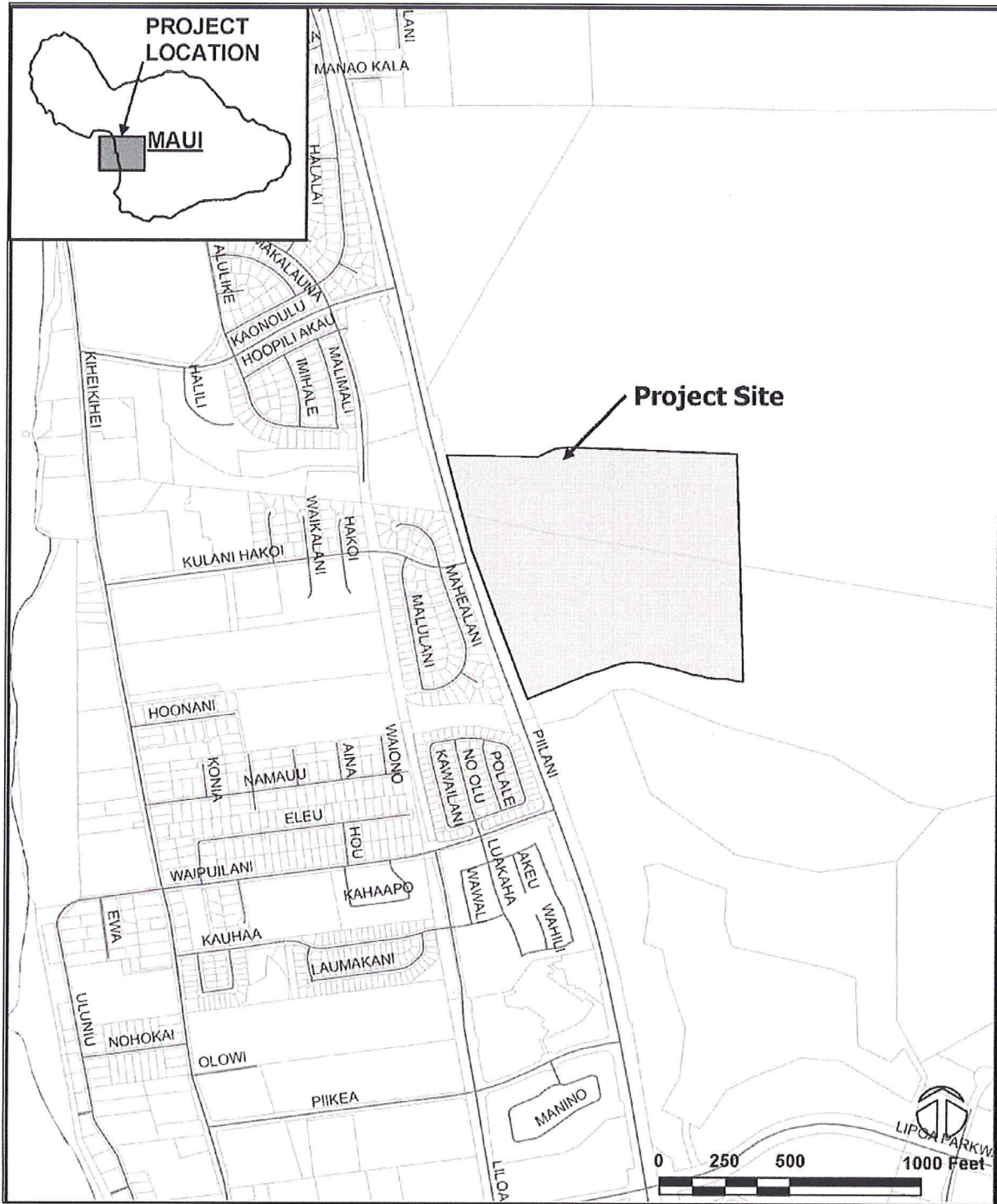
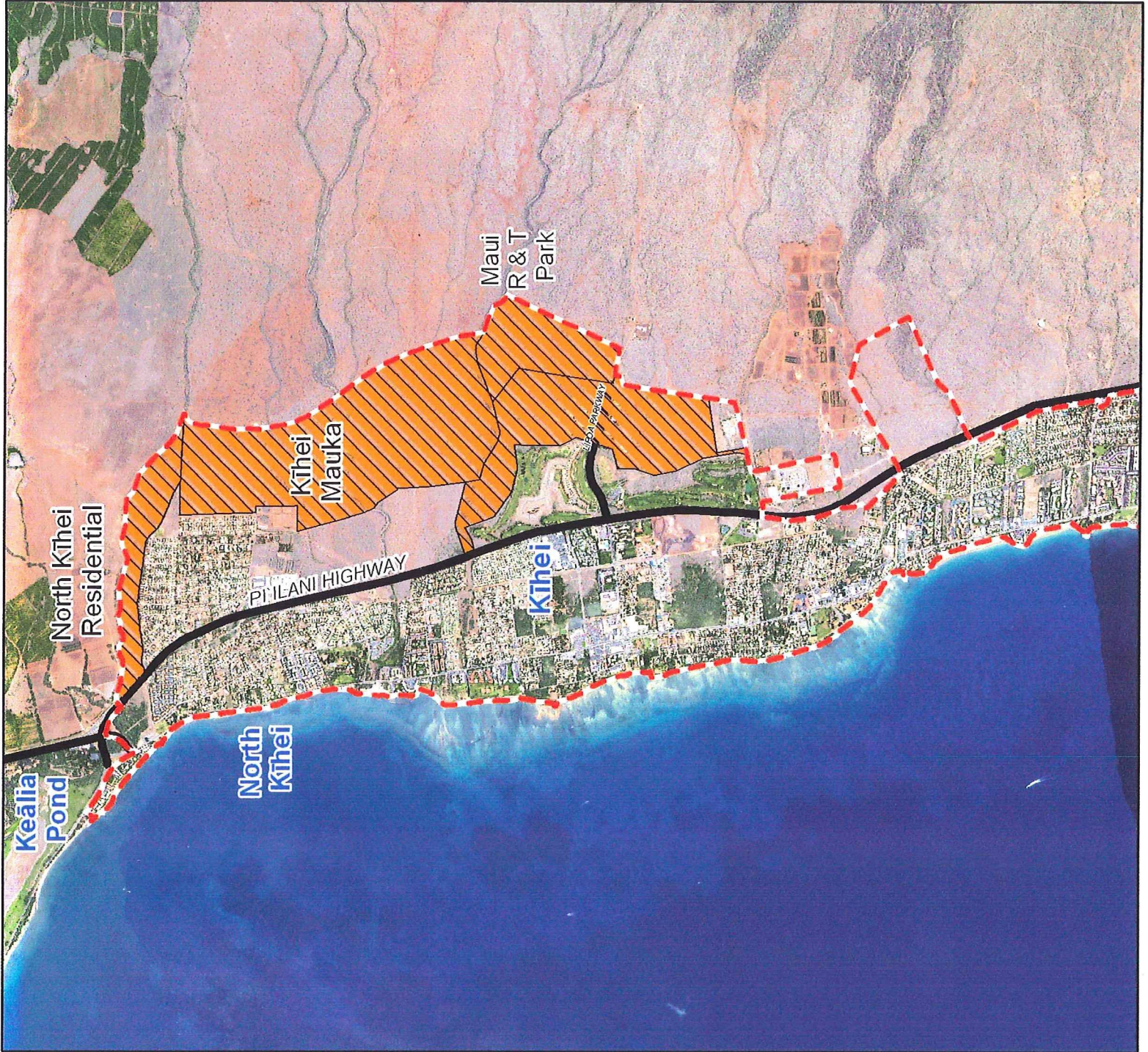
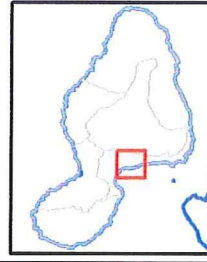


Figure 4-57
Area Roadways and Project Site Map

Legend

Directed Growth Boundaries

- Urban
- Small Town
- Rural
- Other
- Planned Growth Area
- Primary Roads



Resolution

No. 13-34

REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS
TO ENACT A COMMUNITY PLAN AMENDMENT AND A CHANGE IN ZONING
FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII,
TAX MAP KEY NUMBERS (2) 2-2-002:081 (POR.) AND (2) 2-2-002:083 (POR.),
FOR THE PROPOSED KIHEI HIGH SCHOOL

WHEREAS, the Council wishes to facilitate the construction of a new high school on State-owned property fronting Piilani Highway in Kihei, Maui, Hawaii; and

WHEREAS, the Council is, therefore, considering a Community Plan Amendment from Agriculture to Public/Quasi-Public for approximately 29.175 acres situated at Kihei, Maui, Hawaii, identified for real property tax purposes by Tax Map Key Number (2) 2-2-002:081 (por.); and

WHEREAS, the Council is also considering a Change in Zoning from Agricultural District to P-1 Public/Quasi-Public District for the 29.175 acres, in addition to approximately 48.007 acres situated at Kihei, Maui, Hawaii, identified for real property tax purposes by Tax Map Key Number (2) 2-2-002:083 (por.), collectively comprising approximately 77.182 acres; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended ("Charter"), require that the appropriate planning commission review proposed land use ordinances and amendments to the General Plan and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby refers the proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-2-002:081 (POR.), FOR THE PROPOSED KIHEI HIGH SCHOOL", a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Maui Planning Commission, pursuant to Sections 8-8.4 and 8-8.6 of the Charter;
2. That it hereby refers the proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY

EXHIBIT 6

Resolution No. 13-34

SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY NUMBERS (2) 2-2-002:081 (POR.) AND (2) 2-2-002:083 (POR.), FOR THE PROPOSED KIHEI HIGH SCHOOL”, a copy of which is attached hereto as Exhibit “2” and made a part hereof, to the Maui Planning Commission, pursuant to Sections 8-8.4 and 8-8.6 of the Charter;

3. That it respectfully requests that the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and
4. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, and the Maui Planning Commission.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel
County of Maui

paf:cmn:13-040a

ORDINANCE NO. _____

BILL NO. _____ (2013)

A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-2-002:081 (POR.), FOR THE PROPOSED KIHEI HIGH SCHOOL

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Kihei-Makena Community Plan and Land Use Map is hereby amended from Agriculture to Public/Quasi-Public for property situated at Kihei, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 2-2-002:081 (por.), comprising approximately 29.175 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Amendment Map No. CP-____, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:cmn:13-040b

EXHIBIT "A"

DESCRIPTION

KAONOULU RANCH-WATER TANK SUBDIVISION
LOT 1-A-1

Being portions of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole situated at Kaonoulu, Koheo 1 & 2, Kihei, Island and County of Maui, State of Hawaii.

Beginning at a 1/2-inch pipe on the Southwest corner of this lot on the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,695.40 feet North

21,731.05 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] on a curve to the right with a radius of 6,935.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 75° 21' 36.2"; the chord azimuth and distance being: 166° 04' 48.1" 174.29 feet to a 1/2-inch pipe;
2. 166° 48' 151.65 feet along same to a 1/2-inch pipe;
3. 256° 48' 615.00 feet along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 to a 1/2-inch pipe ;
4. Thence along same on a curve to the right with a radius of 1,000.00 feet, the chord azimuth and distance being: 265° 18' 295.62 feet to a PK nail;
5. 273° 48' 1,330.50 feet along same to a 1/2-inch pipe;
6. 0° 00' 737.29 feet along remainders of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole;
7. 100° 28' 1,517.10 feet along Grant 9325, Apana 1 to Haleakala Ranch Co.;

8. 95° 59' 656.11 feet along same to the point of beginning and containing an area of 29.175 Acres.

Access will not be permitted into and from Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] over and across Courses 1 and 2 of the above described Lot 1-A-1.

This work was prepared by me
or under my supervision.



RONALD M. FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink that reads "M Silva".

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
January 20, 2011

KR01

ORDINANCE NO. _____

BILL NO. _____ (2013)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY NUMBERS (2) 2-2-002:081 (POR.) AND (2) 2-2-002:083 (POR.), FOR THE PROPOSED KIHEI HIGH SCHOOL

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from Agricultural District to P-1 Public/Quasi-Public District is hereby granted for property situated at Kihei, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 2-2-002:081 (por.), comprising approximately 29.175 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-____, which is on file at the Office of the County Clerk of the County of Maui, and by reference made a part hereof; and

SECTION 2. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from Agricultural District to P-1 Public/Quasi-Public District is hereby granted for property situated at Kihei, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 2-2-002:083 (por.), comprising approximately 48.007 acres, and more particularly described in Exhibit "B", attached hereto and made a part hereof, and in Land Zoning Map No. L-____, which is on file at the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:cmn:13-040c

EXHIBIT "2"

DESCRIPTION

**KAONOULU RANCH-WATER TANK SUBDIVISION
LOT 1-A-1**

Being portions of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole situated at Kaonoulu, Koheo 1 & 2, Kihei, Island and County of Maui, State of Hawaii.

Beginning at a 1/2-inch pipe on the Southwest corner of this lot on the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,695.40 feet North

21,731.05 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] on a curve to the right with a radius of 6,935.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 75° 21' 36.2"; the chord azimuth and distance being: 166° 04' 48.1" 174.29 feet to a 1/2-inch pipe;
2. 166° 48' 151.65 feet along same to a 1/2-inch pipe;
3. 256° 48' 615.00 feet along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 to a 1/2-inch pipe ;
4. Thence along same on a curve to the right with a radius of 1,000.00 feet, the chord azimuth and distance being: 265° 18' 295.62 feet to a PK nail;
5. 273° 48' 1,330.50 feet along same to a 1/2-inch pipe;
6. 0° 00' 737.29 feet along remainders of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole;
7. 100° 28' 1,517.10 feet along Grant 9325, Apana 1 to Haleakala Ranch Co.;

8. 95° 59'

656.11 feet along same to the point of beginning and containing an area of 29.175 Acres.

Access will not be permitted into and from Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] over and across Courses 1 and 2 of the above described Lot 1-A-1.

This work was prepared by me
or under my supervision.



RONALD M. FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink that reads "M Silva".

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
January 20, 2011

KR01

DESCRIPTION

**ANAWIO SUBDIVISION
LOT 2-A**

Being a portion of Grant 9325, Apana 1 to Haleakala Ranch Co. situated at Waiohuli, Kihei, Island and County of Maui, State of Hawaii.

Beginning at a 1/2-inch pipe on the Northwest corner of this lot on the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,695.40 feet North

21,731.05 feet West

and running by azimuths measured clockwise from True South:

1. 275° 59' 656.11 feet along Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56;
2. 280° 28' 1,517.10 feet along Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole;
3. 00° 00' 975.13 feet along the remainder of Grant 9325, Apana 1 to Haleakala Ranch Co. to a PK nail;
4. 102° 30' 804.53 feet along same to a 1/2-inch pipe;
5. 86° 30' 200.00 feet along same to a 1/2-inch pipe;
6. 70° 42' 02" 739.62 feet along same to a 1/2-inch pipe;
7. 160° 42' 02" 791.42 feet along the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe;
8. 250° 42' 02" 20.00 feet along the Southerly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe;
9. 160° 42' 02" 120.53 feet along the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe;

10. Thence along same on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radius point to the end of the curve being: 72° 05' 01";
the chord azimuth and distance being:
161° 23' 31.5" 167.04 feet to a 1/2-inch pipe;
11. Thence along same on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 72° 05' 01";
the radial azimuth from the radius point to the end of the curve being: 72° 44' 47";
the chord azimuth and distance being:
162° 24' 54" 80.05 feet to a 1/2-inch pipe;
12. Thence along same on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 72° 44' 47";
the radial azimuth from the radius point to the end of the curve being: 72° 49' 28";
the chord azimuth and distance being:
162° 47' 07.5" 9.43 feet to a 1/2-inch pipe;
13. 72° 49' 28" 15.00 feet along the Northerly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe;
14. Thence along the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] on a curve to the right with a radius of 6,935.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 72° 49' 28";
the radial azimuth from the radius point to the end of the curve being: 75° 21' 36.2";
the chord azimuth and distance being:
164° 05' 32.1" 306.89 feet;
to the point of beginning and containing an area of 48.007 Acres.

Access will not be permitted into and from Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] over and across Courses 7 through 10, inclusive and Courses 12 through 14, inclusive of the above described Lot 2-A.

Access will be permitted into and from Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] over and across Course 11 of the above described Lot 2-A.

This work was prepared by me
or under my supervision.



RONALD M. FUKUMOTO ENGINEERING, INC.

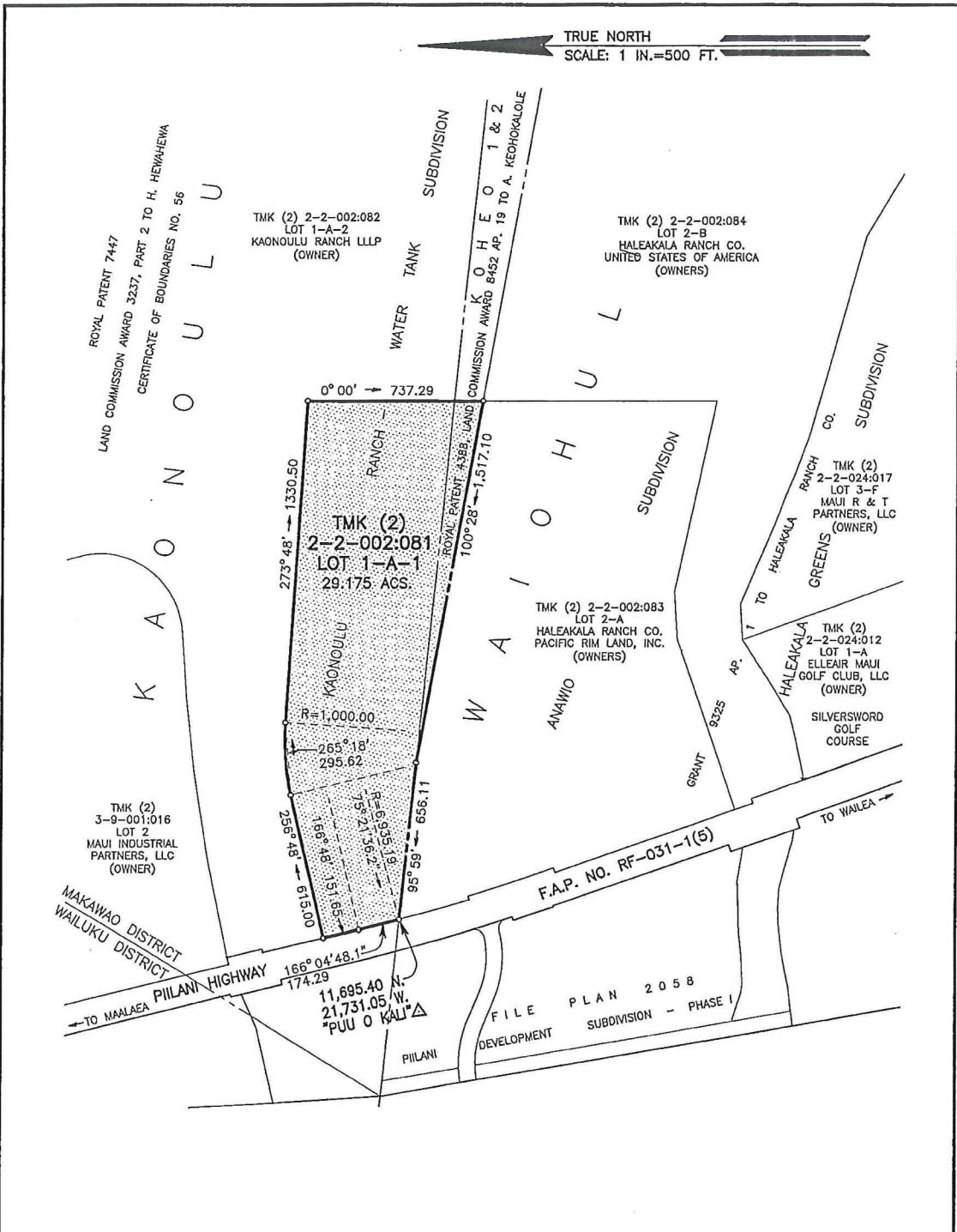
A handwritten signature in black ink that reads "M Silva".

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
January 20, 2011

HRC01

TRUE NORTH
SCALE: 1 IN.=500 FT.



TAX MAP KEY
2ND DIV. 2-2-002:081

AGRICULTURAL (AG) TO P-1 PUBLIC/QUASI-PUBLIC (P) = 29.175 ACS.

LAND ZONING MAP NO.
CHANGE IN ZONING -
KAONOULU, KOHEO 1 & 2, KIHEI, MAUI, HAWAII
FROM: AGRICULTURAL (AG) TO: P-1 PUBLIC/QUASI-PUBLIC (P)

APPROVED: _____
COUNTY CLERK DATE

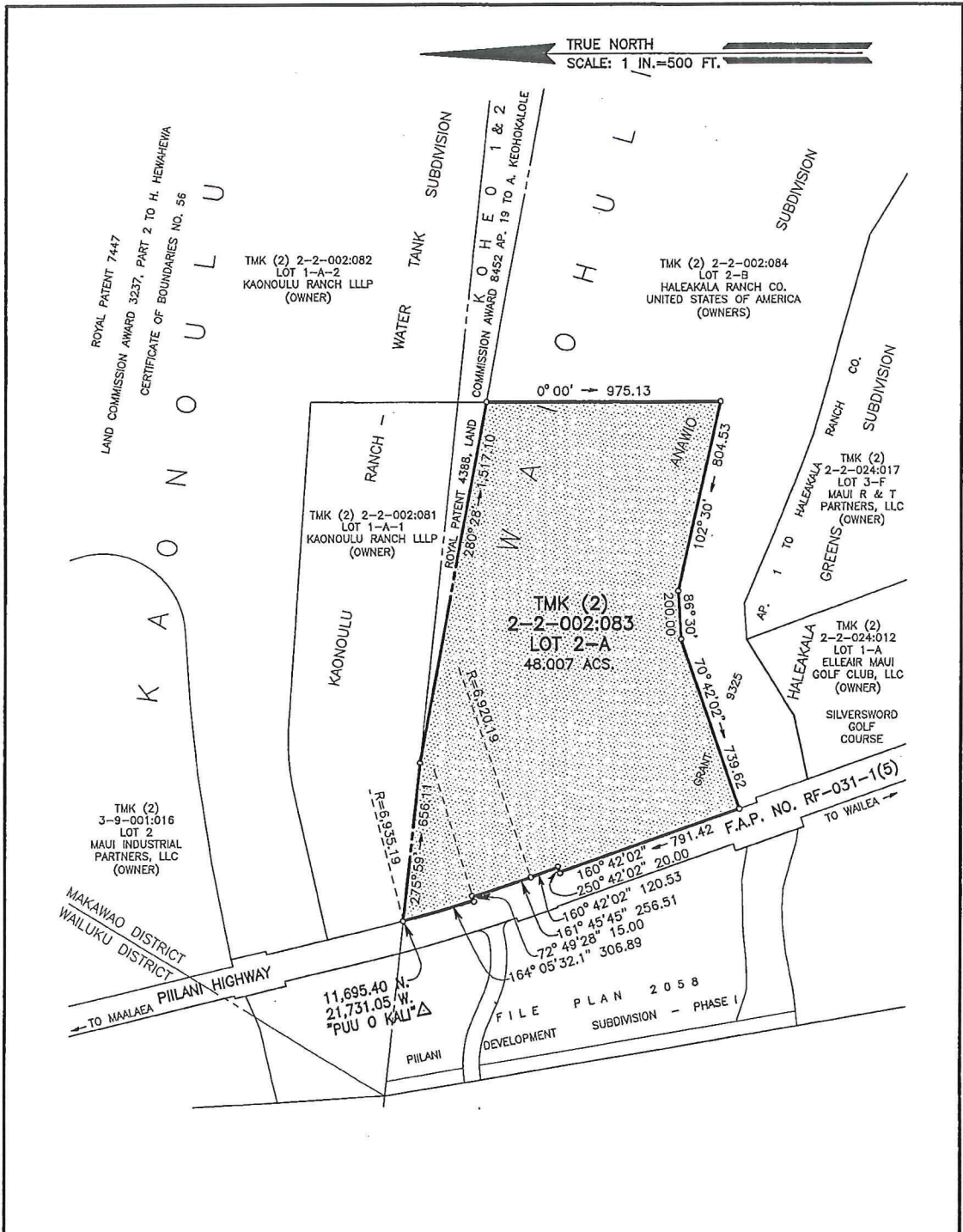
APPROVED: _____
PLANNING DIRECTOR DATE

PUBLIC HEARING: _____
ADOPTED - COUNCIL: _____
ADOPTED - MAYOR: _____
ORDINANCE: NO _____
DATE: _____

SCALE: 1" = 500'

OFFICE OF THE COUNTY CLERK
200 South High Street, Wailuku, Maui, Hawaii 96793

TRUE NORTH
SCALE: 1 IN.=500 FT.



TAX MAP KEY
2ND DIV. 2-2-002:083

AGRICULTURAL (AG) TO P-1 PUBLIC/QUASI-PUBLIC (P) = 48.007 ACS.

LAND ZONING MAP NO.
CHANGE IN ZONING -
WAIHOLI, KIHEI, MAUI, HAWAII
FROM: AGRICULTURAL (AG) TO: P-1 PUBLIC/QUASI-PUBLIC (P)

<p>APPROVED: _____ COUNTY CLERK DATE</p>	<p>PUBLIC HEARING: _____ ADOPTED - COUNCIL: _____ ADOPTED - MAYOR: _____ ORDINANCE: NO _____</p>
<p>APPROVED: _____ PLANNING DIRECTOR DATE</p>	<p>DATE: _____</p>

SCALE: 1" = 500'

OFFICE OF THE COUNTY CLERK
200 South High Street, Wailuku, Maui, Hawaii 96793

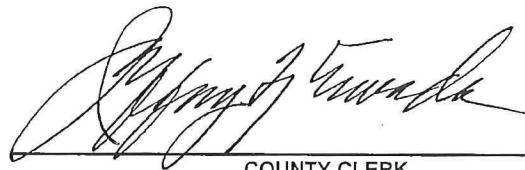
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 13-34 was adopted by the Council of the County of Maui, State of Hawaii, on the 5th day of April, 2013, by the following vote:

MEMBERS	Gladys C. BAISA Chair	Robert CARROLL Vice-Chair	Eleanora COCHRAN	Donald G. COUCH, JR.	S. Stacy CRIVELLO	Donald S. GUZMAN	G. Riki HOKAMA	Michael P. VICTORINO	Michael B. WHITE
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye



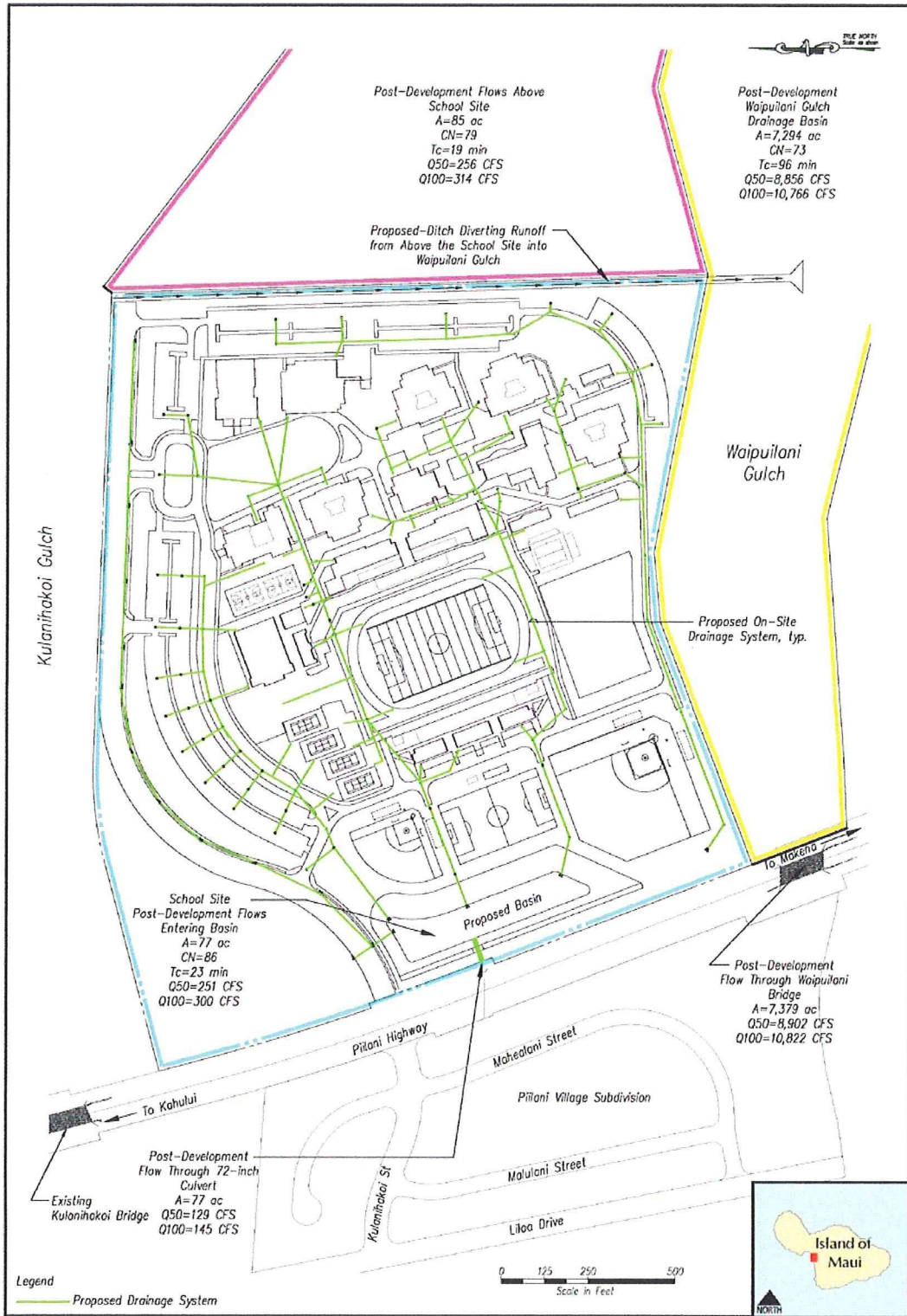
COUNTY CLERK

KĪHEI HIGH SCHOOL
Draft Final Environmental Impact Statement



Figure 4-912
Conceptual Parking Plan

KĪHEI HIGH SCHOOL
 Draft Final Environmental Impact Statement



Source: Gray, Hong, Nojima & Associates, Inc.

Figure 4-1520
Conceptual Drainage Plan

KĪHEI HIGH SCHOOL

Draft Final Environmental Impact Statement

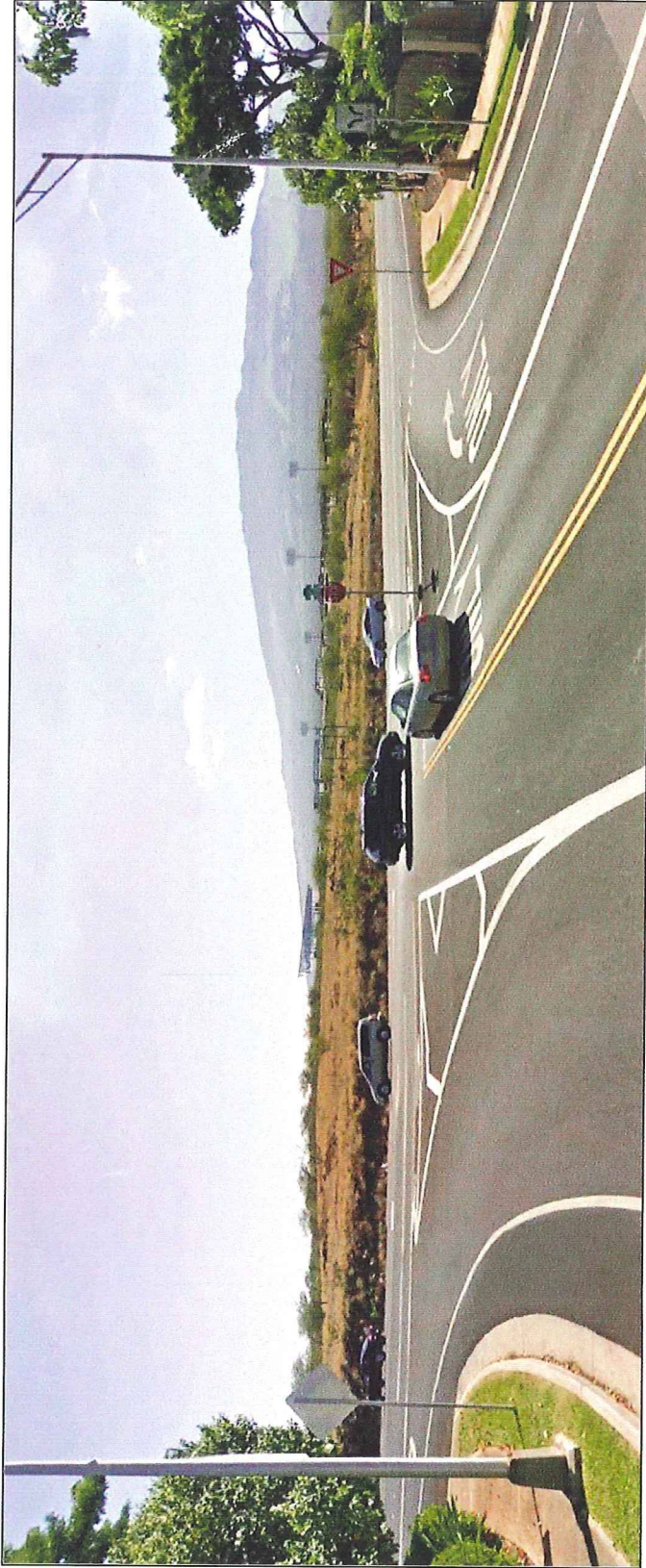


Figure 4-16
Conceptual Plan View Mauka from Kulanihāko'i Street/Pi'ilani Highway

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

May 15, 2013

**KIHEI HIGH SCHOOL DISTRICT BOUNDARY AMENDMENT PETITION,
KIHEI, MAUI, TMK: (2) 2-2-002:081**

**TESTIMONY TO STATE LAND USE COMMISSION FROM
ROWENA M. DAGDAG-ANDAYA**

2013 MAY 17 1:34
LAND USE COMMISSION
STATE OF HAWAII

My name is Rowena M. Dagdag-Andaya. I am the Deputy Director of the Department of Public Works (Department) for the County of Maui, and have served in this capacity since January, 2011. The Department is responsible for the planning, designing, building, and maintenance of the County's highways and drainage and flood-control systems. The Engineering Division of the Department of Public Works reviews and provides comments on subdivision and construction plans, as well as Preliminary Engineering Reports, Drainage Reports, and other studies for proposed projects.

Thank you for this opportunity to share our comments on the proposed Kihei High School relating to potential impacts to storm water management.

The Department previously commented that overflows from Kulanihakoi Gulch have caused flooding and mud flows on to Kaonoulu Street and South Kihei Road. Although the proposed drainage improvements do not call for the diversion of runoff into Kulanihakoi Gulch, any diversion of water into this gulch should be minimized.

We have also previously indicated that Waipuilani Gulch, which abuts the proposed high school site to the south, becomes a narrow drainage channel at South Kihei Road. Flooding of South Kihei Road and adjacent areas has been problematic in the past due to storm water from Waipuilani Gulch.

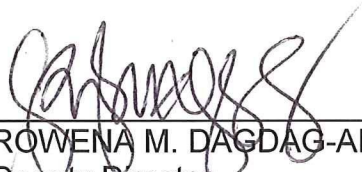
The Department recommends that no additional storm water resulting from the project be added into Waipuilani Gulch. We also recommend that the

EXHIBIT '7'

Testimony of Rowena M. Dagdag-Andaya
May 15, 2013
Page 2

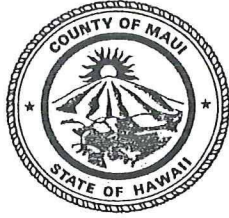
developer coordinate any drainage improvements with the Department of Public Works to avoid any impacts to the Waipuilani Bridge and South Kihei Road.

We defer to the State Department of Transportation as to any impacts or proposed recommendations relating to traffic and pedestrian/bicycle access utilizing Pi'ilani Highway.



ROWENA M. DAGDAG-ANDAYA
Deputy Director
Department of Public Works

ALAN M. ARAKAWA
Mayor
KYLE K. GINOZA, P.E.
Director
MICHAEL M. MIYAMOTO
Deputy Director



TRACY TAKAMINE, P.E.
Solid Waste Division
ERIC NAKAGAWA, P.E.
Wastewater Reclamation Division

**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**
2200 MAIN STREET, SUITE 100
WAILUKU, MAUI, HAWAII 96793

May 8, 2013

2013 MAY 17 P 1:34
LAND USE COMMISSION
STATE OF HAWAII

State Land Use Commission Docket No. A11-794
Kihei High School
TMK (2) 2-2-002:081 and 083, Wailuku
State of Hawaii, Department of Education

To Whom It May Concern:

SUBJECT: TESTIMONY TO THE STATE LAND USE COMMISSION FROM KYLE GINOZA

Thank you for the opportunity to share our comments on the proposed development relative to how it impacts our wastewater infrastructure facilities. The Department of Environmental Management transmitted a response letter dated November 1, 2012 to the project consultant which provided information for connection to our County wastewater system. The information provided in that letter is as follows:

- a. Although wastewater system capacity is currently available as of 11/1/2012, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.
- b. Provide discussion and calculations (sewer impact study) to substantiate that the existing wastewater system is adequate to serve this project.
- c. Wastewater contribution calculations are required before building permit is issued.
- d. Developer is not required to pay assessment fees for this area at the current time since the fees are exempt for public schools.
- e. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.
- f. Show or list minimum slope of new sewer laterals.
- g. Plans should show the installation of a single service lateral and a property sewer manhole near the property line.
- h. Indicate on the plans the ownership of each easement (in favor of which party). Note: County will not accept sewer easements that traverse private property.
- i. Commercial kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens etc.)
- j. Non-contact cooling water and condensate should not drain to the wastewater system.

EXHIBIT 8

- k. The EIS should note that if an R-1 distribution line is constructed to the school site (by the developer, the County or another entity at a later date), the school will be required to use the R-1 water per Maui County Code Chapter 20.30. A retro fit cost should be mentioned in the life cycle cost comparison.
- l. Peak R-1 usage rates are 60% of available water. The possibility of a shortage of water is not realistic at this point in time.

As an update for bullet a. above, as of May 8, 2013, there is County wastewater system capacity, though this capacity cannot be ensured for the project until issuance of the building permit.

Sincerely,

A handwritten signature in black ink, appearing to read 'KYLE K. GINOZA', with a long horizontal flourish extending to the right.

KYLE K. GINOZA, P.E.

Director of Environmental Management

**BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII**

In the Matter of the Petition of:)	Docket No. A11-794
)	
STATE OF HAWAII, DEPARTMENT OF EDUCATION)	CERTIFICATE OF SERVICE
)	
To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for Approximately 77.2 acres of land at Kihei, Maui, Hawaii, Maui Tax Map Key Nos. 2-2-02:81 and 083.)	
)	
)	

2013 MAY 17 P 1:31
LAND USE COMMISSION
STATE OF HAWAII

CERTIFICATE OF SERVICE

I hereby certify that a copy of the List of Exhibits Amendment No. 1, with Exhibits 3, 6, 7, and 8 was served on the following on the date indicated below:

JESSE K. SOUKI Director Office of Planning 235 Beretania Street, 6 th Floor Honolulu, Hawaii 96813	Mail
---------------------------------------------------------------------------------------------------------------------------	------

BRYAN YEE Deputy Attorney General Commerce and Economic Development Department of the Attorney General 425 Queen Street Honolulu, Hawaii 96813	Mail
---------------------------------------------------------------------------------------------------------------------------------------------------------------	------

WILLIAM W. L. YUEN JEAN K. CAMPBELL MELISSA M. UHL ALSTON HUNT FLOYD & ING 1001 Bishop Street, Suite 1800 Honolulu, Hawaii 96813	Mail
-------------------------------------------------------------------------------------------------------------------------------------------------	------

Attorney for Petitioner

JAMES A. GIROUX Deputy Corporation Counsel Department of the Corporation Counsel	Hand delivery
----------------------------------------------------------------------------------------	---------------

County of Maui
200 South High Street
Wailuku, Hawaii 96793

PLANNING COMMISSION
County of Maui
250 South High Street
Wailuku, Maui, Hawaii 96793

Hand Delivery

DATED: Wailuku, Hawaii, May 16, 2013.



WILLIAM SPENCE
Planning Director
Department of Planning