

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
STATE OF HAWAII, DEPARTMENT OF)
ACCOUNTING AND GENERAL SERVICES,)
DIVISION OF PUBLIC WORKS)
)
For a Special Permit to Establish)
and Operate a Four-Year High)
School On Approximately 50 Acres)
Of Land Situated Within the State)
Land Use Agricultural District at)
Kula, Makawao, Maui, Tax Map Key)
Number: 2-3-07: Portion of 1)
_____)

DOCKET NO. SP93-385
FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
DECISION AND ORDER

This is to certify that this is a true and correct copy of the Decision and Order on file in the office of the State Land Use Commission, Honolulu Hawaii.

AUG 16 1993 by [Signature]
Date for Executive Officer

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AND DECISION AND ORDER

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STATE OF HAWAII

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The State of Hawaii, Department of Accounting and General Services, Division of Public Works ("Applicant") initiated this proceeding on behalf of the State of Hawaii, Department of Education ("DOE"), pursuant to Section 205-6, Hawaii Revised Statutes ("HRS"), and Sections 15-15-95 and 15-15-96, Hawaii Administrative Rules. The Land Use Commission ("LUC"), having considered the entire record on this matter, hereby makes the following findings of fact, conclusions of law, and decision and order:

FINDINGS OF FACT

A. PROCEDURAL MATTERS

1. On January 29, 1993, a Special Permit Application ("Application") to allow construction and operation of a four-year high school on approximately 50 acres at Pukalani,

Maui, was filed by the Applicant with the County of Maui Planning Department ("Planning Department").

2. On February 8, 1993, the Application was certified as complete and ready for processing by the County of Maui, Department of Public Works.

3. On June 22, 1993, the Maui Planning Commission ("Planning Commission") conducted a public hearing on the Application.

4. On June 22, 1993, the Planning Commission recommended approval of the Application to the LUC, subject to the sixteen conditions recommended to the Planning Commission by the Planning Department.

5. On June 30, 1993, the LUC received and accepted for consideration a copy of the Application and supporting documents from the Planning Department.

6. On July 13, 1993, the LUC received and accepted for consideration a partial record of the Planning Commission's proceedings on the Application and the Planning Commission's decision.

7. On July 15, 1993, the LUC received and accepted for consideration additional copies of the Application's supporting document.

8. On July 20, 1993, the LUC received and accepted for consideration the draft minutes of the Planning Commission's meeting of June 22, 1993. The transmittal letter that

accompanied the draft minutes indicated that the Planning Commission would adopt said draft minutes at its meeting on August 10, 1993.

9. On July 28, 1993, the LUC held a meeting in Waikapu, Maui on the Application. Representing the Applicant were the following:

Mr. Roy Kimura and Mr. Norman Sahara, Department of
Accounting and General Services
Mr. Theron Nichols, Department of Education
Mr. Dennis Saito, Matsushita, Saito and Associates
Mr. Neil Kasamoto, Parsons Brinckerhoff Quade & Douglas, Inc.

Mr. Brian Miskae, County of Maui Planning Director,
represented the County.

B. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

10. The special permit area consists of approximately 50 acres located at Pukalani, Maui, and is identified as Tax Map Key No.: 2-3-07: portion of 1 (hereinafter "Property").

11. The Property is located on the southeasterly corner of the intersection of Kula Highway and Haleakala Highway.

12. The Property is owned in fee by Maui Land & Pineapple Company, Inc. The Property is currently in the process of being subdivided and purchased by the State of Hawaii.

13. Current access to the Property is from Kula Highway or Haleakala Highway. Access to the proposed high school will also be from said highways.

14. The Property is currently being utilized for pineapple cultivation. The Property is bounded on the west by Kula Highway, on the south by the Kula 200 residential

subdivision, on the east by pineapple fields owned by Maui Land and Pineapple Company, and on the north by Haleakala Highway.

15. According to the United States Department of Agriculture, Soil Conservation Service, soils on the Property are of the Haliimaile series. Runoff is medium and the erosion hazard is moderate.

16. Slopes on the Property are generally towards a northwesterly direction with grades ranging from 4.5% to 16%.

17. The Land Study Bureau's Detailed Land Classification System (with "A" being the best and "E" being the worst) classifies the overall productivity rating of agricultural lands in the area as "C", or fair productivity rating.

C. DESCRIPTION OF PROPOSED USES

18. The Applicant is requesting the special permit to construct and operate a four-year high school within the proposed service area of Haiku, Kula, Makawao, Paia, and Pukalani region of the island of Maui.

19. The new high school is proposed to be developed incrementally in five phases and will eventually include buildings for administrative offices, general classrooms, a food service area, a physical education area, library, music building, auto shop, rooms for graphic arts/electronics, an agricultural arts area, green house, auditorium, pool, gymnasium, football and baseball fields, and future expansion areas (hereinafter "Project").

D. NEED FOR PROPOSED USE

20. The Project is intended to serve the proposed service area and to relieve projected overcrowding at Maui High School and Baldwin High School.

21. The proposal to establish a new high school is based on an assessment of existing facilities and projected needs.

22. Maui High School serves approximately 1,600 students and Baldwin High School serves approximately 1,700 students. Both schools are currently operating at capacity and are serving the needs of most of Maui's residential growth areas.

23. The projected enrollment at Maui High School is expected to be 1,900 students in year 1993 and 2,400 students by year 2010. Baldwin High School is projected to have 2,000 students in 1993 and 2,600 students in year 2010.

24. It is projected that enrollment at the two schools will continue to grow beyond the year 2010 projections since most of the residential projects on Maui fall within the Baldwin High and Maui High service area.

25. Seventy-five percent (75%) of Maui High School's student body (approximately 1,200 students) are bussed from the Upcountry Maui region. Pursuant to DOE guidelines, the minimum number of students required to justify consideration of a new high school is 750 students.

26. Baldwin High School is master planned for approximately 1,600 students. Due to limited land space, it is not possible to expand the school to accommodate the projected

2,600 students in year 2010. As an alternative, Maui High School could be expanded to accommodate approximately 3,000 students. However, this would present administrative and educational problems which would be unacceptable by the DOE.

E. STATE AND COUNTY PLANS AND PROGRAMS

27. The Property is situated within the State Land Use Agricultural District, as depicted on the State Land Use District Boundary Map M-11 (Kilohana).

28. The Makawao-Pukalani-Kula Community Plan of the County of Maui designates the area as Agriculture.

29. The Property is not located within the Special Management Area of the County of Maui.

30. A Final Environmental Impact Statement ("FEIS") for the site selection for the Project was accepted by the Governor on February 27, 1992.

F. SUMMARY OF COUNTY, STATE AND FEDERAL AGENCY COMMENTS:

County Agencies

31. The Department of Public Works and Waste Management ("DPWWM") commented that improvements as recommended in the traffic impact assessment report prepared by Parsons Brinckerhoff Quade & Douglas, Inc. should be constructed. In addition, the DPWWM commented that solid waste reduction, re-use and recycling programs should be implemented and that refuse should be collected by a private collector. The DPWWM also stated that the drainage should be revised and submitted for review and

approval. Paved parking spaces and accessibility for persons with disabilities should also be provided.

32. The Department of Water Supply commented that the Applicant should provide system improvements that will be determined during the building permit process. Additionally, the Applicant is encouraged to use water conserving techniques in landscaping of the Project.

33. The Police Department commented that due to the Project and other developments in the area, capabilities and level of service will have to be increased. In addition, the Police Department requested that signalization of intersections, as proposed in the traffic report, be completed in a timely manner and not when accident statistics increase or at completion of the Project.

34. The Planning Department provided comments from the Maui Urban Design Review Board ("Board"). In summary, the Board stated that a hierarchy of space and sub-spaces be provided on the campus; view plane impacts to Haleakala Mountain be minimized; that plant materials be drought resistant and landscaping be integrated with surrounding areas; consistency of architecture throughout the Project be encouraged; and, teachers be allowed to provide input into the design of the interior of classrooms.

35. Maui Electric Company ("MECO") commented that a preliminary service request was received for the Project and that

a customer designer from MECO's engineering department has been assigned to the Project.

36. The Department of Fire Control and Department of Parks and Recreation had no objections to the Project.

State Agencies

37. The State Department of Health ("DOH") commented that wastewater disposal be via a treatment works system because the Project is located in the critical wastewater disposal area. Furthermore, DOH stated that a National Pollutant Discharge Elimination System (NPDES) Permit be obtained prior any discharge into the waters of the State.

38. The Department of Transportation, Highways Division ("DOT-Highways"), commented that the Applicant should clarify certain factors in regards to drainage plans. Additionally, DOT-Highways stated that the intersections for school access should be fully channelized and Levels of Service (LOS) should be improved.

39. The Department of Land and Natural Resources commented that its Division of Land Management fully endorsed the Project and urged expeditious processing of the Application. Its State Historic Preservation Division ("SHPD") commented that the Property has undergone an archaeological survey and no significant historic sites were found. However, petroglyphs were present in a gulch to the south of the Property. Therefore, SHPD has recommended that the Applicant be conditioned to install a

fence along the Property boundary between the Project and the pineapple fields.

40. The Office of State Planning and the Energy Division of the Department of Business, Economic Development & Tourism had no comments. The Department of Accounting and General Services, Survey Division, had no objections to the Project.

Federal Agencies

41. The Soil Conservation Service of the U.S. Department of Agriculture ("SCS") commented that the drainage from the Project would place more burden upon Hawaii Commercial & Sugar Company's ("HC&S") sugar fields below Haliimaile Road and Maui Land & Pineapple Company ("MLPC") Haliimaile Division fields.

SCS stated that retention basins be carefully planned and adequately addressed in engineering plans for the Project and that said plans be approved upon by HC&S and MLPC.

The Applicant's consultant has had discussions with the SCS and have amended its drainage plans to satisfy the comments provided. Based on the amended drainage plans, SCS believes that the burden on the sugar fields will be reduced.

G. SOCIO-ECONOMIC IMPACTS

42. The residential areas near the school may experience increased pedestrian and vehicular traffic in their neighborhood. In addition, increased noise may be generated from the Project, such as air condition units and public address systems. Furthermore, there is the increased potential for

adjacent communities to have interaction with students and faculty.

H. IMPACTS UPON THE RESOURCES OF THE AREA

Agricultural Resources

43. Existing agricultural uses being conducted on the surrounding areas (i.e., pineapple cultivation, farming and cattle ranching) is anticipated to continue during and after construction of the Project.

44. Current pineapple cultivation on the Property will be phased out by MLPC and will make way for the Project.

Scenic Resources

45. The Project appears to have minimal impact upon scenic resources in the area. The Project has been designed to accommodate slopes on the Property. Landscaping will serve to separate the Project from surrounding areas.

The Board has provided comments and recommends that the Project minimize viewing impact from the public right-of-ways to Haleakala Mountain.

Archaeological and Cultural Resources

46. The SHPD of the Department of Land and Natural Resources reviewed the archaeological survey and found that no significant historic sites were identified. Therefore, SHPD determined that the Project would have "no effect" on historic sites.

47. Subsequent to SHPD's determination, reports were made indicating that petroglyphs were present in a gulch area

south of the Project. A field inspection was performed and the petroglyph site was identified.

48. Although during the field inspection it appeared that there was an adequate buffer between the school and the petroglyph site, the SHPD has recommended that a fence, at least a chain-link type, be installed along the Property boundary between the Project and the pineapple fields.

I. ADEQUACY OF PUBLIC FACILITIES AND UTILITIES

Highway and Roadway Facilities

49. Access to the Project will be provided from both Kula Highway and Haleakala Highway.

50. The Department of Transportation (DOT) has not placed any restrictions on access from Haleakala Highway. Entry into the Project will be determined by proper traffic engineering design.

51. The DOT has indicated that only one access point will be allowed from Kula Highway, approximately 1,000 feet from the intersection of Kula Highway and Haleakala Highway.

52. The DOT has also commented that the access intersections for the Project should be fully channelized and that Levels of Service (LOS) be improved. Improvements to the transportation infrastructure is recommended to be performed with no cost to DOT and safety flashers should be installed within one (1) mile from the Project.

53. A significant increase in vehicular traffic is expected from the Project. Traffic impact studies have been

performed and recommendations from said study have been analyzed to provide mitigation measures.

Drainage

54. Two well-defined drainageways currently cross the Property. Both drainageways outlet at culverts that cross Haleakala Highway.

55. The Applicant's drainage consultant has proposed drainage retention ponds, which are proposed to be located in the northwestern portion of the Property and adjacent to the proposed football field, to provide drainage relief. In addition, drainage swales will be provided along the mauka boundary of the Project to collect off-site runoff. The collected runoff will then be conveyed through the Project via a storm drain system.

The collected runoff will then be distributed and released to the multiple culverts along Haleakala Highway. Any remaining runoff will be directed to the on-site retention basin at the makai end of the Property.

Air Quality

56. Air quality will be impacted in the short-term with the construction of the Project. However, the Applicant will be required to comply with regulations governing air quality.

Noise

57. Noise levels are expected to increase during the construction of the Project due to the use of heavy equipment required to haul materials to and within the Property, as well as equipment utilized in excavation and installation of off-site

infrastructure. The Kula 200 subdivision, currently the only populated area near the Property, will be the most affected during the construction period.

58. Noise levels will be kept within acceptable levels, as determined by appropriate regulations, and will be the responsibility of the contractor to minimize noise levels.

59. The Applicant has indicated that landscaping and fencing of school boundaries will assist in minimizing any noise impacts upon surrounding land uses. Traffic noise will be mitigated by locating the school entrance as far from the residential streets as possible.

Water

60. An off-site water system will need to be developed in order to extend an existing 12 inch water main, which is located approximately 1.1 miles from the Property. The existing water main is located on Hanamu Road and is proposed to be extended along Hanamu Road and Haleakala Highway to the Property.

61. The Project's water system is proposed to include separate domestic and fire flow distribution system.

Solid Waste

62. The DPWWM has commented that the Applicant and its contractor implement a solid waste reduction, re-use, and recycling program and that alternative means of disposal of grubbed material and rock be used other than disposal of such items at the County landfill. In addition the DPWWM stated that refuse collection be by a private collector.

Sewage

63. Currently, there are no public sewers in the area. Sewage effluent generated by the Project will be directed toward septic tanks and disposed of on site through leaching fields located on the northern and southwestern portions of the Property.

Police and Fire Protection

64. Police and fire protection will be made available to the Project. Emergency and service vehicles will be able to access the Project from either Kula Highway or Haleakala Highway.

65. Fire lanes are proposed within the Project and have been designed to accommodate the large turning radius of emergency fire vehicles. The proposed fire lanes have also been designed to serve as pedestrian malls to allow students from building to building.

66. The design of the Project will incorporate the public's health, general welfare and safety while on campus.

67. With the increase in malicious damage of school campuses, the DOE will seek to install a minimum security system for the Project.

In addition, security and safety systems will be provided for day, and potential night use, of the Project.

Electricity and Telephone Service

68. The Project's electrical power distribution system is proposed to connect to the existing domestic power electrical system.

69. MECO has an existing substation, Pukalani #17, on Kula Highway. It is proposed that lines from the substation will run overhead to the Property. Upon entrance to the Property, the electrical lines will be routed underground for distribution throughout the Project.

70. Hawaiian Telephone Company ("HTCO") will provide telephone service to the Project. Distribution of service will be via segregated duct lines in accordance with HTCO standards.

Separated duct lines will be provided for data systems and video service will be provided to each building for future connection with local service providers.

J. CONFORMANCE WITH SPECIAL PERMIT CRITERIA

71. The Planning Department, in its report to the Planning Commission on the Application, provided the following findings in response to the Applicant's compliance with the guidelines for "unusual and reasonable use" authorized by a Special Permit under Section 15-15-95(b), Hawaii Administrative Rules:

- (A) The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the commission.

87. The purpose of the rules of the commission is, "to preserve, protect, and encourage the development and preservation of land in the state for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii."

88. The applicant went through a site selection study for location of the proposed high school. In the final EIS for the project, the proposed site was selected as the site for the high school.

89. The Division of Land Management of the Department of Land and Natural Resources comments that they fully endorse the school project and urge expeditious processing of the special use permit. The Office of State Planning had no comments to offer at this time.

90. A policy in the 1990 General Update states:

Support the State and the Maui community in the provision of improvements in the timely development of facilities.

Response: The applicant has shown the need for the proposed high school as currently 1,200 students are bused from the upcountry area to Maui High School with a projection of 1,740 students by the year 2010. The construction of this new high school will help relieve the projected overcrowding at Baldwin High School and Maui High School.

91. A policy in the Makawao-Pukalani-Kula Community Plan states: (Education, a., p.23):

Coordinate with the State Department of Education for the following improvements to education facilities.

Support the development of an up-country high school at a site conveniently located to serve all communities to reduce transportation costs and achieve desired social objectives.

Response: The proposed action is consistent with this policy.

92. The Special Permits policy in the Makawao-Pukalani-Kula Community Plan states (Land Use, i, p. 15.):

Special Permits in the State Agricultural and Rural Districts may be allowed only in: (1) limited public and quasi-public uses serving the community planning district in areas such as Keokea, Waiakoa, and Olinda which are relatively remote from the State Urban District...

Response: The proposed project is a public use serving the community plan district. Urban district lands are located makai of Kula Highway. However, the proposed school site was selected as the preferred high school site through the site selection process.

93. The Upcountry Community Plan is currently being (sic) reviewed as part of the 10-year update process by the Citizens Advisory Committee (CAC). The CAC will have until mid-December 1993 to come up with their recommendations. The Planning Department will review the CAC's recommendations and present their recommendations to the Maui Planning Commission sometime in mid-1994. The Maui Planning Commission's recommendations will then be taken to the Maui County Council for further action. If the community plan designation of the property were to be changed to public/quasi-public, then the applicant would have to petition the Land Use Commission for a change from the Agricultural District to the Urban District. The applicant would then have to apply to the County for rezoning to P-1 Public/Quasi-Public District. Given this scenario, it would be difficult for the first increment of the project to be ready by September 1995.

94. The urbanization of the project site may not be preferable because it could lead to the urbanization of contiguous parcels and the development of these contiguous parcels may not preserve the Upcountry way of life. The applicant should make its plans known to the Upcountry CAC.

(B) The desired use would not adversely affect surrounding property.

95. The surrounding property consists primarily of agricultural uses such as pineapple cultivation, farming, cattle ranching and some residential uses. It is anticipated that these activities will continue uninterrupted during and after construction of the new high school.

96. Residential areas near the school may experience increased pedestrian and vehicular traffic in their neighborhoods. Increased noise in some areas immediately adjacent to the school could result from equipment such as air conditioning units, exhaust fans, and public address systems, as well as, from traffic entering and leaving the school. There may be other

social impacts resulting from the increased potential for interaction with students and faculty.

97. Appropriate mitigative measures such as fencing and landscaping the school boundaries will be taken to minimize any noise impacts of the school on surrounding land uses. In addition, the school shall be designed to minimize impacts to adjacent residences from noise generating sources such as the aforementioned air-conditioning units, exhaust fans, and public address systems. Traffic noise will be minimized by locating the school entrance as far from residential streets as practicable.

(C) The use would not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and school improvements, and police and fire protection.

98. Current traffic impacts in Kahului near the current high school will shift to the Upcountry area, resulting in increased local traffic and associated automobile emissions in the vicinity of the new school. However, traffic in the roads between the Upcountry area and Kahului will be reduced by the omission of commuting student-related traffic. Traffic congestion and associated air quality impacts in the vicinity of the proposed high school will be mitigated by appropriate siting of access roads, as well as by any roadway improvements and traffic signalization deemed necessary pursuant to the traffic study as approved by the Department of Public Works and the Department of Transportation, Highways Division.

99. Sewer generated by the facility will be minimal and will be handled on site by an approved septic tank and leaching field system.

100. The nearest County water system is a 12-inch main on Hanamu Road approximately 1.1 miles from the site. An offsite water system will be developed to extend the 12-inch main along Hanamu Road and Haleakala Road to the school site.

101. The present runoff generated by the undeveloped 50 acre parcel is approximately 190 cfs. The runoff is estimated to increase to 365 cfs as a result of developing and converting portions of the present site to hard surfaces. Drywells and retention basins will be designed to store runoff and increase infiltration to allow the runoff to percolate into the

soils on site. Runoff will be released to each of the highway culverts in an effort to maintain pre-development conditions. The drainage plans will be reviewed by the Department of Public Works and the State Highways Division. The applicant should also consult with HC&S and Maui Land and Pineapple Company on the drainage plan.

- (D) Unusual conditions, trends and needs have arisen since the district boundaries and rules were established.

102. Enrollment at Baldwin High is expected to reach over 2,000 students by 1993 and 2,600 by the year 2010. Maui High anticipates a student body of 1,900 by 1993 and 2,400 by 2010. Of that number, it is projected that the Upcountry area will be busing 1,740 students by 2010.

103. There is a strong indication that, since most of the residential project districts fall in the Maui High/Baldwin High service area, enrollment will continue to grow beyond the year 2010 projections of 5,000 students.

- (E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

104. The proposed site is classified by the Land Study Bureau's Detailed Land Classification with an overall productivity rating "C". The project site has been selected as the high school site through the site selection study.

K. PLANNING COMMISSION RECOMMENDATION

72. At its meeting on June 22, 1993, the Planning Commission recommended approval of the Application to the LUC, subject to the following conditions:

1. That construction shall be in substantial compliance with the Land Use Commission Special Use Permit application prepared by Matsushita Saito and Associates, Inc. as submitted to the Maui Planning Department on January 29, 1993.
2. That the Land Use Commission Special Use Permit shall be limited to a high school and related uses only.

3. That the Petitioner shall submit a solid waste management plan acceptable to the Department of Public Works, Solid Waste Division, and implement said plan. Said plan shall include reduction, re-use, recycling, and alternative means of disposal of grubbed material and rock other than disposal at the County landfill.
4. That a detailed drainage and erosion control plan, to include, but not be limited to, hydrologic and hydraulic calculations, scheme for controlling erosion and disposal of runoff water is required, and an analysis of the soil loss using the HESL erosion formula, must be submitted to the Department of Public Works for their review and approval. The plan should provide verification that the grading and runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties.
5. That paved parking spaces and loading spaces shall be provided with appropriate landscaping and fencing pursuant to the County's Off-street Parking and Loading Ordinance.
6. That the project plans shall be designed in conformance with design requirements of the Uniform Federal Accessibilities Act.
7. That the Petitioner should be encouraged to employ a landscape design with minimal water requirements wherever landscaping is intended.
8. That the Petitioner shall construct drainage improvements to the satisfaction of the Department of Public Works and the Department of Transportation, Highways Division. The Petitioner shall consider the following issues in the drainage design:
 - a. That the allowable headwater for determining existing culvert capacities should be kept below the pavement subgrade or to a H/D ratio of 1.2, whichever is less.
 - b. That the capacity of the highway swale should be verified and improvements provided to the satisfaction of the Department of Transportation, Highways Division.

9. That the Petitioner shall construct traffic improvements to the satisfaction of the Department of Transportation, Highways Division and the Department of Public Works. The Petitioner shall consider the following issues in the design of traffic improvements:
 - a. That flashers should be installed at all intersections within one (1) mile from the school.
 - b. That the school's access intersections should be fully channelized with left turn storage and right turn decelerating lanes. Traffic signal conduits should be provided in anticipation of subsequent signalization when signal warrants are met. DOE should monitor and signalize this intersection when warranted.
 - c. That the Petitioner should propose mitigation measures to improve the LOS "D" that the TIAR anticipates for a signalized Pukalani Bypass/Haleakala highway/Kula Highway intersection in 2010. In addition, DOE should monitor and signalize this intersection and Pukalani Bypass/Makawao Avenue when warranted by the Department of Transportation and the Department of Public Works and Waste Management.
 - d. That roadway intersection improvements recommended in the TIAR must be provided by the Petitioner at no cost to the Department of Transportation or the County of Maui.
 - e. That plans for construction works within the State highway right-of-way must be submitted to the Department of Transportation, Highways Division for their review and approval.
10. That a fence (at least a chain-link one) shall be installed along the property boundary between the school and the pineapple fields.
11. That a National Pollutant Discharge Elimination System (NPDES) permit shall be required from the Department of Health for any discharge to waters of the State.

12. That details of the wastewater systems for the project must be submitted to the Maui District Health Office for review and approval.
13. That final drainage plans shall be submitted to HC&S and Maui Land & Pineapple Company representatives for review and comment.
14. That copies of a notarized letter of authorization from the landowner (whether its Maui land and Pineapple Company or the State of Hawaii) to proceed on the construction beyond the first increment of the project shall be submitted to the State Land Use Commission and the Maui Planning Department before commencing with the construction of the subsequent increments.
15. That architectural plans for future buildings not shown in the Land Use Commission Special Use Permit application submitted in January 1993 shall be submitted to the Maui County Urban Design Review Board for comment.
16. That full compliance with all other applicable governmental requirements shall be rendered.
73. Any findings of fact that may be a conclusion of law shall be deemed a conclusion of law.

CONCLUSIONS OF LAW

The Special Permit Application to construct and operate a four-year high school constitutes an "unusual and reasonable" use as provided in Section 205-6, HRS, and as established in Section 15-15-95(b), Hawaii Administrative Rules, and the proposed use is not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect, and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare. The proposed use is also not contrary to the objectives and policies under Chapter 205A, HRS.

ORDER

IT IS HEREBY ORDERED that the Special Permit Application filed in this docket requesting the construction and operation of a four-year high school on approximately 50 acres of land designated within the State Land Use Agricultural District, and identified as Tax Map Key No.: 2-3-07: portion of 1, situated at Pukalani, Maui, and approximately identified on "Exhibit A", attached hereto and incorporated by reference herein, is hereby approved and subject to the following conditions:

1. That construction shall be in substantial compliance with the Land Use Commission Special Use Permit application prepared by Matsushita Saito and Associates, Inc. as submitted to the Maui Planning Department on January 29, 1993.

2. That the Land Use Commission Special Use Permit shall be limited to a high school and related uses only.

3. That the Applicant shall submit a solid waste management plan acceptable to the Department of Public Works, Solid Waste Division, and implement said plan. Said plan shall include reduction, re-use, recycling, and alternative means of disposal of grubbed material and rock other than disposal at the County landfill.

4. That a detailed drainage and erosion control plan, to include, but not be limited to, hydrologic and hydraulic calculations, scheme for controlling erosion and disposal of runoff water is required, and an analysis of the soil loss using the HESL erosion formula, must be submitted to the Department of

Public Works for their review and approval. The plan should provide verification that the grading and runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties.

5. That paved parking spaces and loading spaces shall be provided with appropriate landscaping and fencing pursuant to the County's Off-street Parking and Loading Ordinance.

6. That the project plans shall be designed in conformance with design requirements of the Uniform Federal Accessibilities Act.

7. That the Applicant should be encouraged to employ a landscape design with minimal water requirements wherever landscaping is intended.

8. That the Applicant shall construct drainage improvements to the satisfaction of the Department of Public Works and the Department of Transportation, Highways Division. The Petitioner shall consider the following issues in the drainage design:

a. That the allowable headwater for determining existing culvert capacities should be kept below the pavement subgrade or to a H/D ratio of 1.2, whichever is less.

b. That the capacity of the highway swale should be verified and improvements provided to the satisfaction of the Department of Transportation, Highways Division.

9. That the Applicant shall construct traffic improvements to the satisfaction of the Department of

Transportation, Highways Division and the Department of Public Works. The Applicant shall consider the following issues in the design of traffic improvements:

a. That flashers should be installed at all intersections within one (1) mile from the school.

b. That the school's access intersections should be fully channelized with left turn storage and right turn decelerating lanes. Traffic signal conduits should be provided in anticipation of subsequent signalization when signal warrants are met. DOE should monitor and signalize this intersection when warranted.

c. That the Applicant should propose mitigation measures to improve the LOS "D" that the TIAR anticipates for a signalized Pukalani Bypass/Haleakala highway/Kula Highway intersection in 2010. In addition, DOE should monitor and signalize this intersection and Pukalani Bypass/Makawao Avenue when warranted by the Department of Transportation and the Department of Public Works and Waste Management.

d. That roadway intersection improvements recommended in the TIAR must be provided by the Applicant at no cost to the Department of Transportation or the County of Maui.

e. That plans for construction works within the State highway right-of-way must be submitted to the Department of Transportation, Highways Division for their review and approval.

10. That a fence (at least a chain-link one) shall be installed along the property boundary between the school and the pineapple fields.

11. That a National Pollutant Discharge Elimination System (NPDES) permit shall be required from the Department of Health for any discharge to waters of the State.

12. That details of the wastewater systems for the project must be submitted to the Maui District Health Office for review and approval.

13. That final drainage plans shall be submitted to Hawaii Commercial & Sugar Company and Maui Land & Pineapple Company representatives for review and comment.

14. That copies of a notarized letter of authorization from the landowner (whether its Maui Land and Pineapple Company or the State of Hawaii) to proceed on the construction beyond the first increment of the project shall be submitted to the State Land Use Commission and the Maui Planning Department before commencing with the construction of the subsequent increments.

15. That architectural plans for future buildings not shown in the Land Use Commission Special Use Permit application submitted in January 1993 shall be submitted to the Maui County Urban Design Review Board for comment.

16. That full compliance with all other applicable governmental requirements shall be rendered.

17. The Applicant shall provide the County of Maui Planning Department and the Land Use Commission copies of the

final approved metes and bounds map and description delineating the Permit Area of approximately 50 acres.


18. The Applicant shall commence construction of the proposed high school no later than six months from the date of filing of this Decision and Order by the Land Use Commission.

19. The Applicant shall promptly provide, without any prior notice, annual reports to the County of Maui Planning Department and the Land Use Commission in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed.

DOCKET NO. SP93-385 - STATE OF HAWAII, DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES, DIVISION OF PUBLIC WORKS

Done at Honolulu, Hawaii, this 16th day of August 1993,
per motions on July 28, 1993 and August 13, 1993.

LAND USE COMMISSION
STATE OF HAWAII

By 
KAREN S. AHN
Vice Chairman and Commissioner

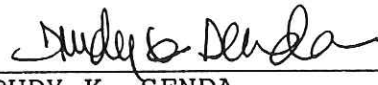
By 
JOANN N. MATTSON
Vice Chairman and Commissioner

By (absent)
ALLEN K. HOE
Commissioner


By 
LLOYD F. KAWAKAMI
Commissioner


By (absent)
EUSEBIO LAPENIA, JR.
Commissioner


By (absent)
RENTON L. K. NIP
Commissioner

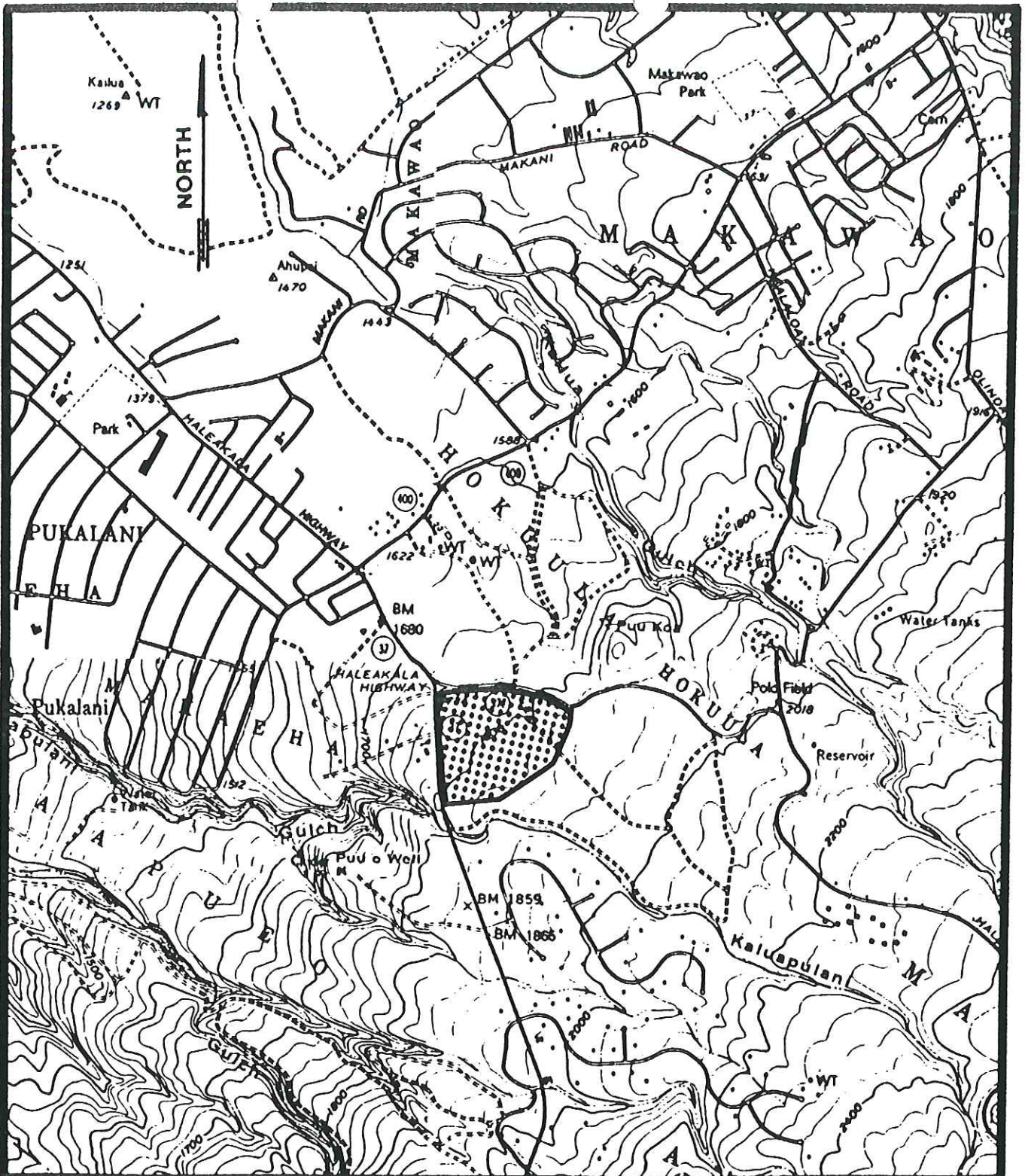
By 
TRUDY K. SENDA
Commissioner

Filed and effective on
August 16, 1993

By 
ELTON WADA
Commissioner

Certified by:

Executive Officer

By 
DELMOND J. H. WON
Commissioner



DOCKET NO. SP93-385 / STATE OF HAWAII,
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES,
 DIVISION OF PUBLIC WORKS

LOCATION MAP

TAX MAP KEY: 2 - 3 - 07: por. 1
 KULA, MAKAWAO, MAUI, HAWAII

SCALE: 1" = 2,000 ft. ±



APPROVED AREA

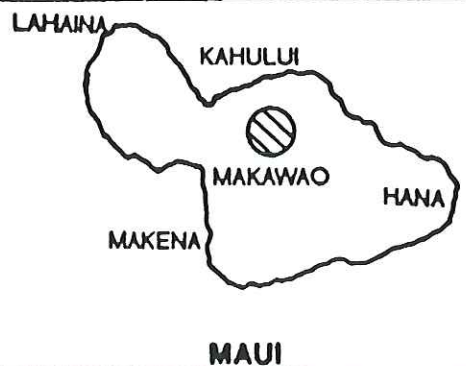


EXHIBIT " A "

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. SP93-385
STATE OF HAWAII, DEPARTMENT OF)	
ACCOUNTING AND GENERAL SERVICES,)	FINDINGS OF FACT,
DIVISION OF PUBLIC WORKS)	CONCLUSIONS OF LAW, AND
	DECISION AND ORDER
For a Special Permit to Establish)	
and Operate a Four-Year High)	
School On Approximately 50 Acres)	
Of Land Situated Within the State)	
Land Use Agricultural District at)	
Kula, Makawao, Maui, Tax Map Key)	
Number: 2-3-07: Portion of 1)	

CERTIFICATE OF SERVICE


I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT. BRIAN MISKAE, Planning Director
Planning Department, County of Maui
250 South High Street
Wailuku, Hawaii 96793

CERT. GUY A. HAYWOOD, ESQ.
Corporation Counsel
Office of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793

CERT. GORDON MATSUOKA, Public Works Engineer
Division of Public Works
P. O. Box 119
Honolulu, Hawaii 96810-0119

DATED: Honolulu, Hawaii, this 16th day of August 1993.


ESTHER UEDA
Executive Officer