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**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	)	OFFICE OF PLANNING'S TESTIMONY
EDUCATION	)	IN SUPPORT OF PETITION WITH
	)	CONDITIONS; EXHIBIT 5;
To Amend the Land Use District Boundary	)	CERTIFICATE OF SERVICE
of Approximately 77.2 Acres of Land from	)	
the Agricultural District into the Urban	)	
District at Kihei, Maui, Hawaii, Tax Map	)	
Key (2) 2-2-002: 081 and 083.	)	
	)	
	)	

OFFICE OF PLANNING'S TESTIMONY IN SUPPORT OF PETITION  
WITH CONDITIONS, EXHIBIT 5, AND CERTIFICATE OF SERVICE

LAND USE COMMISSION  
STATE OF HAWAII  
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**OFFICE OF PLANNING’S TESTIMONY**  
**IN SUPPORT OF PETITION WITH CONDITIONS**

The Office of Planning (“OP”) recommends approval, subject to conditions, of the State of Hawaii, Department of Education’s (“Petitioner”) Petition to reclassify approximately 77.2 acres of land from the State Agricultural District to the Urban District in Kihei, Island of Maui, for the development of the Kihei High School campus. OP’s recommendation is based on the representations of the Petitioner and documents filed to-date in these proceedings, consultation with affected government agencies, and the statutes and regulations applicable to these proceedings.

## **PETITION OVERVIEW**

### **General Information**

The Petitioner requests that the Land Use Commission (“Commission”) reclassify approximately 77.2 acres of land from the State Agricultural District to the State Urban District at Kihei, Island of Maui.

The State of Hawaii Board of Land and Natural Resources purchased two separate adjoining parcels of land on January 13, 2012, which comprise the Petition Area. The State is the fee owner of: 1) Tax Map Key (“TMK”) (2) 2-2-002:081 comprising 29.175 acres purchased from the Kaonoulu Ranch LLLP., and 2) TMK (2) 2-2-002:083 with 48.007 acres purchased from the Haleakala Ranch Company. (See *Map 1*, OP Exhibit No. 3).

### **Proposed Use of the Petition Area**

The Petitioner proposes to develop the Kihei High School campus on a 77.2-acre site (“Petition Area”). The proposed school will serve grades 9-12 in the south Maui region, and at full build-out accommodate an enrollment capacity of 1,650 students and approximately 206 support staff. Site development includes approximately 209,435 square feet of educational buildings and infrastructure, and approximately 575,660 square feet of athletic facilities.

The high school is proposed to be constructed through a design-build process with detailed project design to be determined by the Petitioner and the design-build developer. The project will be constructed in two phases. Phase One, estimated to begin construction in 2016, will consist of the development of a high school campus large enough to support 800 students, and include construction of essential classrooms and other buildings, athletic fields, and all on-site and off-site infrastructure foundations: campus driveways, fire lanes, parking, walkways, highway improvements, water and wastewater facilities, drainage, and utilities. Phase Two of the project consists of additional classrooms and other amenities to be constructed when increases in enrollment justify the expansion.

The Commission approved Declaratory Order (Docket No. DR12-47) on December 14, 2012, waiving the requirement that the Petitioner submit a schedule and a map for development of the Project in increments if it cannot be substantially completed within ten years from Commission approval, as required by Hawaii Administrative Rule (“HAR”) § 15-15-50(c)(19). Phase I of the project is anticipated to be completed within ten years of Commission approval.

### **Petition Area Description and County Land Use Designations**

The Petition Area is situated in Kihei and located adjacent to and east of Piilani Highway. The existing land use consists of undeveloped lands which have been used as pasture land for domestic cattle. Surrounding the Petition Area is the proposed Kaonoulu Business Park, proposed Kaonoulu Village, Maui Research and Technology Park, and Elleair Maui Golf Club. (See *Map 2*, OP Exhibit No. 4).

The Petition Area is within the County of Maui's *Kihei-Makena Community Plan*, designated as "Agriculture and Public/Quasi-Public" use, and is zoned by the County as "Agricultural." The *Maui Island Plan's Directed Growth Map* indicates the Petition Area is within the urban growth boundary.

An Environmental Impact Statement ("EIS") was prepared pursuant to Hawaii Revised Statute ("HRS") Chapter 343 and HAR Chapter 11-200 due to the use of State lands and funds, and the proposed amendment to the *Kihei-Makena Community Plan*. On November 9, 2012, the *Kihei High School - Final Environmental Impact Statement* was accepted by the Governor.

### **DISCUSSION OF ISSUES OF CONCERN TO THE STATE**

The following discusses Project impacts and recommendations to avoid, minimize, or mitigate adverse impacts caused by the proposed Project with respect to the areas of State concern in HRS §§ 205-16 and 205-17.

#### **Impacts on Areas of State Concern**

##### Natural Systems and Habitats

**Water resources.** The Petition Area does not have an existing water source, and there are no surface water resources in the immediate vicinity. The area is bordered to the south by Waipuilani Gulch and to the north by Kulanihakoi Gulch. Both gulches are generally dry except during significant rainfall events. The project will have a potable water demand of 37,450 gallons per day ("gpd"), and a non-potable demand of approximately 185,000 gpd for landscape irrigation.

According to the EIS - Appendix C, *Groundwater Resources and Supply*, potable water resources do not exist within a two-mile radius of the project area, and the underlying Kamaole

Aquifer produces brackish water that is not suitable for drinking. The Petitioner proposes to use potable water provided by the County of Maui Department of Water Supply through its Central Maui Water System for the 37,450 gpd needed for the school at full build-out. A transmission main for this connection is located directly makai of the project site, across Piilani Highway. The State Commission on Water Resource Management (“CWRM”) indicates the water sources for the Central Maui Service Area supplying the project’s potable requirements (Iao and Waihee Aquifers) are already near the sustainable yield.

To mitigate impacts to the island’s potable water supply, the school’s non-potable requirement of 185,000 gpd is proposed to be met by either effluent re-use or two new on-site brackish wells from the underlying Kamaole Aquifer System. According to the *Groundwater Resources and Supply* study, the proposed project is not expected to have any adverse impacts on either the sustainable yield or quality of the underlying brackish aquifer due to the proposed development of 185,000 gpd of brackish water. CWRM indicates that the non-potable sources being proposed will require CWRM permits including well construction and pump installation permits.

Refer to the attached CWRM letter dated March 7, 2013 (See OP Exhibit 1, Attachment A).

OP will recommend conditions that require the use of non-potable water for irrigation use, and that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the region’s potable and non-potable water resources.

***Flora and Fauna.*** In biological surveys of the Petition Area, no federal or State threatened or endangered species, or species of concern were identified during the course of the field survey. The survey indicated it is possible that small numbers of the endangered endemic Hawaiian Petrel bird and threatened Newell’s Shearwater bird will fly over the project area between the months of May and November. If night time construction activity occurs during these months, or if streetlights or facility lighting is installed in conjunction with the school, the survey recommends that lights be shielded to reduce the potential interaction with the nocturnal birds.

The EIS also recommends that trimming and removal of woody plants greater than 15 feet tall should not occur between June 1 and September 15 in order to minimize the risks to juvenile Hawaiian hoary bats which may be roosting in the trees.

OP will recommend a condition to mitigate nighttime lighting hazards.

#### Archaeological, Historic, and Cultural Resources

A cultural impact assessment was conducted which concluded that no cultural practices are continuing or are currently occurring within the Petition Area.

An archaeological inventory survey ("AIS") was prepared through a pedestrian survey of the entire site, documenting the presence or absence of archaeological deposits in the surface and subsurface. The inventory found eight historic features consisting of rock mounds, and they have been documented with the State Inventory of Historic Properties No. 50-50-10-6393. The features have been given a significance assessment designated as a site that has yielded or has the potential to yield information important to prehistory. The AIS found that the features have been adequately documented and recommended that no further work is required. The Department of Land and Natural Resources ("DLNR"), State Historic Preservation Division ("SHPD"), accepted the AIS on February 12, 2010.

The AIS did not recommend an archaeological monitoring plan. In its February 12, 2010 acceptance letter, the SHPD indicated that, "we are still uncomfortable with the recommendation for no monitoring during any portion of the ground altering disturbance within the 77-acre project area. While continuous monitoring does not appear to be necessary, we believe a program of intermittent monitoring during initial phases of ground preparation and build out should be implemented."

OP recommends a condition be imposed requiring the preparation of and compliance with an archaeological monitoring plan approved by SHPD.

#### Natural Resources Relevant to Hawai'i's Economy

***Agricultural lands.*** The Petition Area consists predominately of rocks, Kiawe trees, grasses, and weeds and receives a relatively low amount of rainfall. Currently, both Haleakala Ranch and Kaonoulu Ranch use the site for cattle grazing. The EIS indicates that development of the high school will remove approximately 44 acres of grazing land from Haleakala Ranch and 32 acres of grazing land from Kaonoulu Ranch. The Petitioner has consulted with the two

ranches regarding location of the proposed high school, and both ranches indicate that this amount of land will not have a significant impact on their cattle operations.

The State Department of Agriculture (“DOA”) indicates that the Land Study Bureau rates 100 percent of the Petition Area with the lowest quality of soil rating “E,” and that the Agricultural Lands of Importance to the State of Hawaii classify 2 percent of the land as Prime, with 98 percent of the land not classified. Currently there is no irrigation infrastructure on the land, and there are no historical agricultural uses besides ranching within the Petition Area. DOA believes the project will not adversely affect the existing agricultural activities or agricultural resources of the area. Refer to the attached Department of Agriculture letter dated March 5, 2013 (See OP Exhibit 1, Attachment B).

OP concurs that the project will not have any significant adverse impacts upon agricultural resources in the area.

***Sustainability, energy and resource.*** Act 181, Session Laws of Hawaii, 2011, established priority guidelines for sustainability in the Hawaii State Plan. Furthermore, the State of Hawaii’s Clean Energy Initiative has adopted a goal of using efficient and renewable energy resources to meet 70 percent of Hawaii’s energy demand by 2030, with 30 percent from efficiency measures and 40 percent from locally-generated renewable sources.

The Petitioner indicated in its Petition and EIS that that the proposed project would be designed to achieve a minimum of Silver Certification under the Leadership in Energy and Environmental Design (LEED) for Schools, or to a comparable rating system. The EIS makes multiple references to mitigation which provide LEED credits for sustainable sites, water efficiency, energy conservation, materials use, and indoor environmental quality, and that an eco-charrette for the plan identified 65 possible points under the LEED system, sufficient to earn a Gold certification.

On April 29, 2013, the Petitioner submitted Exhibit No. 17 regarding sustainable design in accordance with the Hawaii Collaborative for High Performance Schools (“HI-CHPS”) criteria. HI-CHPS provides the design, construction and performance criteria for sustainable sites, water use efficiency, lighting, energy conservation, materials, waste management, and ventilation. The HI-CHPS Criteria have been developed to take advantage of Hawaii climates,

school needs, state codes and regulations, and environmental priorities of the region. The Petitioner will seek HI-CHPS Verified designation for the high school.

OP would welcome additional information regarding the HI-CHIPS Verified designation, and its equivalency to LEED-Silver, but commends the Petitioner for pursuing a comprehensive program of sustainability design.

#### Commitment of State Funds and Resources

**Transportation.** The Petition Area is proposed to be directly accessed via Kulanihakoī Street, which intersects with Piilani Highway. The existing unsignalized three-way intersection will be upgraded to a signalized four-way intersection with operational improvements to both Piilani Highway and Kulanihakoī Street. Relative to the Traffic Impact Assessment Report (“TIAR”), DOT expressed concerns that future committed developments be included in the traffic forecast analysis, that the TIAR assess impacts to the Kaonoulu Street and Piikea Avenue intersections to the south along Piilani Highway, and that mitigation improvements maintain the highway Level of Service to a minimum of “D.”

The EIS indicates several opportunities for improved pedestrian and bicycle facilities from Kihei neighborhoods to the proposed high school. Among these opportunities are needed improvements to existing sidewalks and bicycle facilities along Kulanihakoī Street which is expected to be a common travel route to the school. The DOT has expressed concern for the safety of pedestrians and bicyclists along both sides of Piilani Highway as well as potential conflicts between pedestrians and bicyclists crossing the Highway. (See OP Exhibit 1, Attachment C).

Based on consultation with the DOT, OP recommends that conditions be imposed to address concerns regarding the TIAR, and mitigation of operational and safety impacts to the State highway system.

**Civil defense.** This location currently does not have an outdoor warning system. State Civil Defense recommends that one omni-directional 121 db(c) solar powered siren be installed for coverage of the proposed project and will advise the Petitioner on placement of the siren.

OP will recommend a condition to address the provision of a siren system.



### Other Issues of Concern

*Wastewater.* Petitioner proposes to connect to the County sewer system located across Piilani Highway at the intersection of Kulanihakoi Street and Mahealani Street, which would convey wastewater to the Kihei Wastewater Reclamation Facility. The County system is expected to have adequate capacity for wastewater flows generated by the high school. The Petitioner would be required to provide any off-site improvements to the collection system.

### *Drainage*

An on-site underground drainage system is proposed to accommodate a 50-year 1-hour storm which will be directed to a detention basin located at the western portion of the Petition Area, near Piilani Highway, before entering an existing 72-inch culvert under Piilani Highway. An off-site drainage system is proposed at the eastern portion of the Petition Area to divert runoff generated above the high school into a ditch flowing to the Waipuilani Gulch. The Petitioner will need to ensure that during construction and at build-out, stormwater runoff is properly managed to mitigate any potential impacts to surface or groundwater water resources.

OP recommends a condition be imposed that the Petitioner comply with the County's revised stormwater quality standards and incorporate low impact development techniques and technologies in the design and construction of the Project's drainage or stormwater management system.

### Provision for Employment Opportunities and Economic Development.

The proposed project will provide for the creation of design and construction related employment during the phases of campus construction. The long-term operations of the school will attract faculty, administrators, professional staff, and operational related positions. The proposed school will have a positive economic impact to surrounding Kihei businesses.

## **SUMMARY DISCUSSION OF CONFORMITY WITH DECISION-MAKING CRITERIA FOR BOUNDARY AMENDMENTS**

The following summarizes OP's assessment of the Petition's conformity with applicable district standards, planning statutes, plans and other criteria the Commission must consider in decision-making for a district boundary amendment petition.

### **Conformance with State Urban District Standards**

The Petition meets the standards for determining State Urban District boundaries as set forth in HAR § 15-15-18. The Petition Area is surrounded by existing and proposed urban uses and is adjacent to lands within the Urban District, and lands proposed to be in the Urban District. West of the Petition Area, across Piilani Highway, is the existing Kihei commercial-residential area consistent with “city-like” concentrations of people, structures, streets, and urban levels of service. To the north of the Petition Area is the proposed 88-acre Kaonoulu/Piilani Promenade commercial and light industrial project, and to the South is the Maui Research and Technology Park that is proposed to expand to a 253-acre mixed use community with residential, commercial, civic, and open space components. Minimal impacts are anticipated from natural hazards due to existing topography and the inland location of the Petition Area.

### **Conformance with the Hawaii State Plan, Priority Guidelines, and State Functional Plans**

With appropriate mitigation, the proposed reclassification is generally consistent with one or more objectives, policies, and priority guidelines of HRS Chapter 226, the Hawaii State Plan. In particular, the proposal supports socio-cultural advancements with regard to education, and complements the Administration’s priorities in its *New Day Comprehensive Plan* by supporting education, the economy, and jobs.

### **Conformance with the Coastal Zone Management Objectives and Policies**

The Petition Area lies within the State Coastal Zone Management (“CZM”) Area which includes all lands of the State and the area extending seaward from the shoreline to the territorial limit. The Petition generally conforms to the CZM objectives and policies set forth in HRS § 205A-2. The Petition Area is not located within the County’s Special Management Area.

### **Areas of State Concern**

With respect to areas of State concern, the Project contributes favorably to the enhancement of quality education opportunities, and the creation of jobs and business opportunities. The Petition Area does not meet the criteria for important agricultural lands as specified in HRS § 205-42.

## **County Plans**

The Petition Area is consistent with infill development policies in the County *General Plan: Countywide Policy Plan* adopted by Ordinance No. 3732 on March 24, 2010, and lies within the urban growth boundary of the *Maui Island Plan* adopted by Ordinance 4004 on December 28, 2012. The *Kihei-Makena Community Plan* was adopted by Ordinance No. 3061, Bill No. 29, and became effective on June 5, 2002. The Petition Area will require an amendment to the *Community Plan* from “Agriculture” to “Public/Quasi-Public”, and a change in zoning from “Agricultural” to “P-1 Public/Quasi-Public”.

## **Petitioner Representations and Commitments; Petitioner’s Financial Capability**

In general the Petitioner has represented that Project impacts will be mitigated as requested by impacted State and County agencies. The EIS identifies and discusses a number of mitigation measures to be taken to minimize potential adverse impacts of the Project. Additionally, Petitioner will be held accountable for compliance with representations made in all submittals provided on behalf of this Docket. As a State department, Petitioner is not required by HAR § 15-15-50(c)(8) to provide a financial statement. The State of Hawaii, in the General Appropriations Act 2008, appropriated \$20 million for the planning, land acquisition, design, and construction of Kihei High School. The Legislature recently passed a \$130 million appropriation for design and construction.

## **Public Trust Resources**

HRS § 205-4 and § 225M-2(b)(5) authorizes OP to develop and present the position of the State in all boundary change petitions and proceedings before the Commission. We note that the Hawaii Intermediate Court of Appeals recently decided *Kauai Springs v. Planning Commission of the County of Kauai*, dated April 30, 2013, which required that decision-makers specifically consider the applicant’s use of public trust resources pursuant to Article XI, section 1 of the Hawaii Constitution. Although the appellate process was not yet concluded at the time this testimony was submitted, OP has made “appropriate assessments” and “require(d) reasonable measures” to protect public trust resources. This public trust evaluation has been integrated into the analysis and recommendations provided herein.

## RECOMMENDATION

Based on the foregoing information and analysis, OP recommends the approval of the Petition subject to Petitioner's commitments to avoid, minimize, or mitigate Project impacts as represented herein and in this proceeding, and the imposition of the following conditions of approval in addition to the standard conditions of the Commission.

1. **Highway and Road Improvements.** The Petitioner shall abide by, complete and/or submit the following:
  - A) The TIAR shall be revised and accepted by the DOT prior to a change of zone approval by the County of Maui, provided that an updated TIAR may be required for Phase II.
  - B) Petitioner shall make transportation improvements relating to the intersection of Kulanihako'i Street and Piilani Highway acceptable to the DOT and as set forth in the current and revised TIAR, including funding of improvements and dedication of land. The access road to the high school shall be perpendicular to Piilani Highway for a minimum distance of 200 feet.
  - C) Petitioner shall plan, design, and construct all other improvements required to mitigate project generated or related transportation impacts, in accordance with the revised TIAR and as approved by the DOT.
  - D) Petitioner shall install sidewalks and paved shoulders along Piilani Highway fronting the high school, and provide accommodations for bicycles.
  - E) To further remove conflicts between vehicles and pedestrians, Petitioner shall construct a pedestrian overpass or underpass across Piilani Highway. The crossing shall be designed in accordance with federal and state guidelines and requirements, and shall be approved by the DOT. Petitioner shall provide any needed right-of-way and pedestrian landing areas for safety and efficiency.
  - F) Petitioner shall provide all required transportation improvements to support the planned enrollment of the school, and complete all associated transportation improvements prior to the issuance of a certificate of occupancy. For future school expansion, the TIAR shall be updated and accepted by the DOT prior to the issuance of a building permit.

- G) Petitioner shall address traffic noise levels along Piilani Highway with noise compatible sound abatement measures to comply with DOT's noise policy.
2. **Water Conservation.** Petitioner shall implement water conservation measures including water efficient plumbing fixtures, high efficiency or drip irrigation systems, and drought tolerant landscaping.
  3. **Stormwater Management and Drainage.** Petitioner shall design, construct and maintain stormwater and drainage system improvements in compliance with applicable federal, State, and County laws and rules. To the extent feasible, Petitioner shall implement Best Management Practices and incorporate Low Impact Development ("LID") practices for onsite stormwater capture and reuse into Petition Area's site design and landscaping to control water quality and mitigate nonpoint sources of pollution.
  4. **Civil Defense.** Petitioner shall reserve within the Petition Area a location identified by the State Civil Defense agency for the State Civil Defense agency to install one (1) civil defense warning siren.
  5. **Archaeological and Historic Preservation.** The Petitioner shall prepare and implement an archaeological monitoring plan approved by SHPD. A report of monitoring activities shall be submitted to SHPD upon completion of fieldwork.
  6. **Flora and Fauna.** Petitioner shall ensure that exterior lighting is down-shielded to minimize the harmful effects of lighting on endangered avifauna.
  7. **Previously Unidentified Burials and Archaeological/Historic Sites.** In the event that historic resources, including human skeletal remains, are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the SHPD, Maui Island Section, shall be contacted immediately. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigation measures have been implemented to its satisfaction.

8. **Infrastructure Deadline.** The Petitioner shall complete construction of the proposed backbone infrastructure, which consists of the primary roadways and access points, internal roadways, on- and offsite water and electrical system improvements, and stormwater/drainage and other utility system improvements, within ten (10) years from the date of the Decision and Order approving the Petition.
9. **Compliance with Representations.** The Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission as reflected in the Findings of Fact, Conclusions of Law, and Decision and Order. Failure to so develop the Petition Area may result in reversion of the Petition Area to its former classification, or change to a more appropriate classification.

DATED: Honolulu, Hawaii, this 23<sup>rd</sup> day of May 2013.

OFFICE OF PLANNING  
STATE OF HAWAII



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JESSE K. SOUKI  
Director

Kihei High School

Petition for Land Use District Boundary Amendment  
By State of Hawaii, Department of Education  
Docket No. A11-794

State of Hawaii, Department of Transportation Testimony  
Alvin Takeshita, Highways Division Administrator  
Date: May 23, 2013

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The State Department of Transportation (DOT) recognizes the need for a State transportation system that supports the planned growth which is consistent with and will accommodate the objectives of the State and the County of Maui. The Directed Growth Map in the *Maui Island Plan* indicates the Petition Area is within the urban growth boundary.

The proposed Kihei High School will be located adjacent and to the east of Piilani Highway, State Route No. 31, a four lane divided highway in this area, which is functionally classified as a principal arterial. DOT has concerns on the impacts that the proposed Kihei High School will have on Piilani Highway.

The Petitioner proposes to provide access to the Kihei High School from Piilani Highway at the existing three-way intersection with Kulanihako Street by extending Kulanihako Street to create a four-way intersection. A traffic signal system is warranted for the four-way intersection.

**DOT Concerns**

1. The 1% annual growth rate used by the Petitioner was based on historical data and does not account for large committed future developments in the area. A 2% annual growth rate plus the trip generation from other future committed developments in the Kihei area should be considered in the traffic forecast analysis.

2. The study area proposed by Petitioner is Piilani Highway, from its intersection with Kaonoulu Street to Piikea Avenue. Based upon the data, it is reasonable to use this study area along Piilani Highway and the change in the traffic level of service (LOS) and change in capacity due to the development does not appear to be significant enough to study beyond these limits.
3. The LOS for the project with mitigation improvements in the Revised TIAR should reflect the DOT's guideline that the applicant shall mitigate all transportation impacts due to the project in order to maintain the without project scenario operating LOS and delay level conditions for the horizon years.
4. With projected enrollments of 800 students when Kihei High School opens and 1,650 students at buildout year 2025, DOT is concerned about the conflicts between vehicles and pedestrians, and the overall safety of pedestrians crossing Piilani Highway, with a posted speed limit of 40 mph. A grade separated pedestrian crossing should be provided from Kihei High School across Piilani Highway based on Federal Highway Administration Report No. FHWA/RD-84/082 "Warrants for Pedestrian Over and Underpasses" dated July 1984, and on the American Association of State Highway and Transportation Officials publication "Guide for the Planning, Design and Operation of Pedestrian Facilities" dated 2004. According to Report No. FHWA/RD-84/082, a pedestrian overpass or underpass is warranted when the average daily traffic (ADT) is over 35,000 if vehicle speed is over 40 mph and the site is in an urban area. Another warrant is when the pedestrian volume is over 300 in the 4 highest continuous hour period if vehicle speed is over 40 mph and the site is in an urban area. With reference to the Regional Travel Demand Model for the Long Range Land Transportation Plan for Maui, at buildout year 2025, the average ADT of Piilani Highway in the vicinity of Kihei High School is projected to be 46,000, which exceeds the vehicular warrant of 35,000 ADT. The Petitioner has not provided pedestrian data/counts, therefore, DOT estimated if 20 percent of the 1,650 students walk to school, 330 students will be crossing Piilani Highway.



5. The petitioner should set-a-side sufficient right-of-way for the proposed access road to Kihei High School and intersections that may be developed into a collector or local road due to the possible future development to the east 'mauka' side of Kihei High School.

### **Recommended DOT Conditions of District Boundary Amendment Approval**

1. The Petitioner shall revise the Traffic Impact Analysis Report (TIAR) dated September 2011, revised April 2012 and submit such Revised TIAR for DOT review and obtain acceptance from DOT prior to approval of a change of zone from the County of Maui. The Revised TIAR shall address the conditions expressed in this testimony and shall identify the transportation impacts of the development on the State Highway System, including vehicles, mass transit, bicycles and pedestrians, and recommend mitigation measures for the identified transportation impacts.
2. The proposed access to Kihei High School from Piilani Highway, which will create the fourth leg of an existing T-intersection with Kulanihakoi Street, is acceptable to DOT. The access to Kihei High School should be perpendicular to Piilani Highway for a minimum distance of 200 feet. At this time, DOT is agreeable to the recommended transportation mitigation improvements at the Piilani Highway intersection with Kulanihakoi Street and access to Kihei High School in the current TIAR, revised April 2012. Any additional transportation mitigation improvements that are recommended in the Revised TIAR to ensure the safe and efficient operation of this intersection shall also be provided by the Petitioner, at no cost to the DOT.
3. Petitioner shall provide sidewalks and paved shoulders along Piilani Highway fronting Kihei High School and provide accommodations for bicycles. To further remove conflicts between vehicles and pedestrians, Petitioner shall provide a pedestrian overpass or underpass structure from Kihei High School crossing

Piilani Highway, including any right-of-way necessary for the improvement. The pedestrian structure shall provide for a pedestrian landing (pad) at the entrance/exit of the structure to provide for efficiency and safety for the pedestrians using the structure. As part of the pedestrian structure the petitioner shall provide all improvements necessary to ensure the safety of pedestrians crossing Piilani Highway to and from the development. The work shall be designed using applicable federal and state requirements and guidelines; and approved by the DOT. The Petitioner shall be responsible for the maintenance of the pedestrian overpass or underpass structure.

4. The Petitioner shall provide all required transportation improvements to support the planned initial enrollment (Phase I) and expanded buildout enrollment (Phase II) of the school, as recommended by the Revised TIAR and/or the updated Revised TIAR and complete said transportation improvements recommended for each phase prior to the issuance of a certificate of occupancy for the first building in that phase. The Revised TIAR shall be updated and submitted to DOT for review and acceptance one year following the opening of Phase I or as required by DOT, and also prior to the issuance of a building permit for Phase II.
  
5. Petitioner shall fund and provide for the planning, design and construction of all recommended transportation improvements, including improvements to the Piilani Highway intersection with Kulanihakoi Street/Kihei High School access road, and the pedestrian overpass or underpass structure, as required to mitigate local and direct project generated and related transportation impacts, in accordance with the Revised TIAR, as approved by DOT. Petitioner shall also dedicate sufficient land for right-of-way necessary for these recommended transportation improvements. The work shall be designed using applicable federal and state requirements and guidelines, and approved by DOT. Although improvements for local and direct transportation impacts are required, regional

improvements will not be required for this project since the regional impacts are minimal, as indicated in the TIAR.

6. The Petitioner should determine the traffic noise impacts to the improvements proposed for the proposed Kihei High School and address the impacts by noise compatible planning and abatement measures to comply with the noise level requirements in the current DOT Highway Noise Policy and Abatement Guidelines. The Petitioner shall provide noise abatement measures, at no cost to the DOT.

Docket No. A11-794

**CERTIFICATE OF SERVICE**


I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

WILLIAM W.L. YUEN  
JEAN K. CAMPBELL  
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WILLIAM SPENCE, DIRECTOR  
Department of Planning  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96813

PATRICK WONG, ESQ.  
JAMES GIROUX, ESQ.  
Department of the Corporation Counsel  
County of Maui  
200 High Street  
Wailuku, Hawaii 96793

DATED: Honolulu, Hawaii, this 23<sup>rd</sup> day of May 2013.

  
\_\_\_\_\_  
for JESSE K. SOUKI  
Director  
Office of Planning