CLARE E. CONNORS 7936
Attorney General
State of Hawai‘i

STUART N. FUJIOKA 4223
RYAN W. ROYLO 6329
MELISSA J. KOLONIE 10209
HOLLY T. SHIKADA 4017
Deputy Attorneys General
235 S. Beretania Street, Room 304
Honolulu, Hawai‘i 96813
Telephone: (808) 586-1255
Facsimile: (808) 586-1488

Email: Stuart.N.Fujioka@hawaii.gov
Ryan.W.Roylo@hawaii.gov
Melissa.J.Kolonie@hawaii.gov
Holly.T.Shikada@hawaii.gov

Attorneys for Petitioner
DEPARTMENT OF EDUCATION,
STATE OF HAWAI‘I

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI‘I

In the Matter of the Petition of DEPARTMENT OF EDUCATION, STATE OF HAWAII, To Amend the Agricultural Land Use District Boundaries into the Urban Land Use District for Approximately 77.2 acres of land at Kihei, Maui, Hawai‘i, Maui Tax Map Key Nos. 2-2-02: 81 and 83.	DOCKET NO. A11-794 PETITIONER DEPARTMENT OF EDUCATION, STATE OF HAWAII’S RESPONSE TO LAND USE COMMISSION’S LETTER DATED NOVEMBER 10, 2020, WITH RESPECT TO PETITIONER’S MOTION TO AMEND THE LAND USE COMMISSION’S FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER FILED JULY 29, 2013; EXHIBITS “19”-“30”; CERTIFICATE OF SERVICE

PETITIONER DEPARTMENT OF EDUCATION, STATE OF HAWAII'S RESPONSE TO LAND USE COMMISSION'S LETTER DATED NOVEMBER 10, 2020, WITH RESPECT TO PETITIONER'S MOTION TO AMEND THE LAND USE COMMISSION'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER FILED JULY 29, 2013

Petitioner/Movant State of Hawai'i Department of Education (HIDOE) responds herein to the questions which were posed by the Land Use Commission (Commission) at the November 4, 2020 meeting and then reduced to writing in its letter dated November 10, 2020, which is attached hereto as **Exh. 19**. HIDOE's Motion to Amend the Land Use Commission's Findings of Fact, Conclusions of Law and Decision and Order Filed July 29, 2013 is referred to herein as "Motion." The Commission's Findings of Fact, Conclusions of Law and Decision and Order Filed July 29, 2013 is referred to herein as "FOF/COL."

Exh. 19 contains 8 questions, some of which include subparts, which state:

1. Did the DOE object to or otherwise comment on the form of the order (specifically this condition) when the order was originally passed?

2. Why did the DOE seek an LUC site visit in June 2018 on this matter? Was it not the intent at that time to seek a changed condition? Why was that matter not pursued then?

3. The LUC order of July 29, 2013 included condition 1.b. that required what is now referred to as a Grade Separated Pedestrian Crossing (GSPC) prior to the opening of Phase I. Subsequently, the DOE developed a preliminary design, and budget, and requested funding for detailed design and construction of the school.
   a. Did the preliminary design and budget include any consideration or funding for the GSPC?
   b. Did the original budget request for the Kihei HS to the legislature, by the DOE, specify whether or not the funds for the GSPC were requested?
   c. If the answer to either 3a or 3b is yes, how was the amount determined?
   d. If the answer to either 3a or 3b is no, how did this oversight or DOE decision making to explicitly not include the GSPC in the design and budget request occur? What was DOE's rationale to proceed with the budget request that did not include any funds for the GSPC?

4. Please provide the scope of contract for all of the studies that concluded that there was no warrant for the crossing.

5. Should the LUC issue one or more subpoenas for documents related to #s 2, 3, and 4?

6. Will the new school facilities organization be in charge of the construction? If so, can Mr. Tanaka bind them? Will Mr. Fujioka continue represent on this issue?

7. Please specify who will be in charge of community outreach, and how such outreach will be conducted; and an agenda for the first meeting to be conducted; and,

8. Please provide a copy of this year's budget requests from DOE or DOT, if any, related to funding for a roundabout.

The above-referenced questions are addressed under separate headings below.

1. Did the HIDOE object to or otherwise comment on the form of the order (specifically this condition) when the order was originally passed?

On June 25, 2013, HIDOE drafted a set of Findings of Fact, Conclusions of Law and Order for signature by the Commission. A copy of the "Stipulated Findings of Fact, Conclusions of Law and Decision and Order" (SFOF) is attached as **Exh. 20**. On the same date, the State Office of Planning filed a Statement of No Opposition. See **Exh. 21**.

On June 26, 2013, the County of Maui's Department of Planning (County of Maui) filed a Statement of No Opposition. See **Exh. 22**.

The SFOF read, in pertinent part:

> b. Petitioner shall complete the pedestrian route study for Phase I of the Project which includes ingress and egress of pedestrians through defined location(s) approved by DOT and shall analyze compliance with the proposed warrants in FHWA/RD-84/082 (July 1984) to the satisfaction of DOT. The pedestrian route study and analysis shall be completed and approved prior to Petitioner executing a contract for the design of Phase I

> of the Project. Petitioner shall[1] implement such mitigation or improvements as may be required or recommended by the study and analysis to the satisfaction of DOT prior to opening Phase I of the Project. Petitioner shall submit three updated pedestrian route studies....
>
> (**Exh. 20**, pp. 1.b. at pg. 51-52)

Since HIDOE was the drafter of the SFOF, there was no need for HIDOE to comment on the form of the order. The SFOF, as drafted by HIDOE and approved by the State Office of Planning (**Exh. 21**) as well as the County of Maui (**Exh. 22**), did not contain a requirement for a Grade Separated Pedestrian Crossing (GSPC).

At its meeting on June 27, 2013, the Commission confirmed that it had received the SFOF and the statements of no opposition from the Office of Planning and the County of Maui. See **Exh. 23**, Meeting Transcript, pg. 7.

Later, in the Commission's deliberations, during which comment by the parties are not allowed, a Commissioner made a motion to add the requirement of a GSPC.

> COMMISSIONER BIGA: Mr. Chair, I move to grant A11-794 State of Hawai`i, DOE-Kihei High School Maui the Petition with the conditions and in the general format of the agreed-to Decision and Order submitted by Petitioner with the added condition that an above- or below-ground pedestrian crossing be constructed prior to opening of Phase I.
>
> And that Petitioner's proposed Decision and Order be further modified by staff to be consistent with the motion and with the procedural findings reflected in all filings in this docket.
>
> (**Exh. 23**, pg. 23)

After some discussion, the motion passed, with six votes in support and one vote in opposition. See **Exh. 23**, pg. 27.

As a result, the language in the SFOF was changed to read:

[1] This language, which was submitted by HIDOE and approved by the other parties, is identical to the wording of the final FOF/COL, except that it does not contain any reference to a Grade Separated Pedestrian Crossing. As set forth elsewhere in this submittal, the GSPC requirement was added *sua sponte* by the Commission.

> The pedestrian route study and analysis shall be completed and approved prior to Petitioner executing a contract for the design of Phase I of the Project. Petitioner shall **cause to be constructed, or ensure that there is an available above or below ground pedestrian crossing and** implement such mitigation or improvements as may be required or recommended by the study and analysis to the satisfaction of DOT prior to opening Phase I of the Project.

This language was included in the final FOF/COL. Problems and confusion arose because HIDOE could not reconcile the new Commission imposed requirement with the recommendations of the study and analysis and/or to the satisfaction of the Department of Transportation (DOT). Immediately after the requirement was inserted and for several years after, HIDOE was focused on securing traffic and pedestrian studies which would be to the satisfaction of the DOT. Initially, HIDOE did not know whether the studies would indicate or warrant a GSPC. As early as the Stantec report in 2012, and then per WALC in 2014, and F&P in late 2016, the GSPC appeared to be unwarranted. Accordingly, HIDOE anticipated that the DOT would not approve, require, or recommend the GSPC when DOT approved the pedestrian and traffic studies in 2017. The matter remained ambiguous to HIDOE until the County of Maui obtained its Declaratory Order.

2. Why did the HIDOE seek a Commission site visit in June 2018 on this matter? Was it not the intent at that time to seek a changed condition? Why was that matter not pursued then?

HIDOE did not seek the subject Commission site visit. According to an email dated May 31, 2018, a representative of G70, the design and construction consultant engaged by HIDOE for the planning and construction of Kihei High School (School), advised HIDOE that a site visit was being planned for June 14 while the Commission was on Maui for meetings. (See **Exh. 24**) Earlier that day, attorney William Yuen, the attorney representing G70, had confirmed to the

Commission that "June 14 will be OK for a site visit." The nature of Mr. Yuen's communication suggests that it was a response to an inquiry about his availability.

The Commission minutes of the June 14, 2018 meeting do not mention traffic and/or pedestrian safety as the focus of the site visit.

> The members of the site visit group departed the rendezvous area and met at the Petition Area to ask questions of Mr. Bill Yuen, attorney for the Petitioner and Gaylyn Nakatsuka, Department of Education Facility Development Branch Planning Section about the geographic and environmental characteristics of the Petition Area.
>
> There being no further questions or comments to address, Chair Wong adjourned the meeting at 1:36 p.m.
>
> (See **Exh. 25**, pg. 3)

Unfortunately, HIDOE does not have a record of what transpired at the site visit. However, based on the Commission's minutes, it appears that geography and environment, and not necessarily vehicular and pedestrian traffic, were the matters of concern at the time of the site visit.

Shortly after the site visit there may have been some discussion among Mr. Yuen, HIDOE, and G70 about seeking a change to the FOF/COL. It is HIDOE's recollection that Mr. Yuen had intended to file a motion in July of 2018. However, it is HIDOE's understanding that before Mr. Yuen could file the motion, he withdrew from his representation of G70 due to a conflict of interest. The record does not contain any documentation of his withdrawal from representation.

As set forth elsewhere in this response, it should also be noted that at that stage of development, there still remained some ambiguity resulting from discrepancies in the language of the FOF/COL. A few months later the County of Maui filed a Request for Declaratory Order (Request) regarding the GSPC requirement. The Request was granted, clarifying the

requirement of a GSPC prior to opening of the School. Despite the granting of the Request, the GSPC continued to be contraindicated by the pedestrian studies and did not have the support or approval of the DOT. HIDOE therefore initiated the Motion for relief from the GSPC requirement.

3. The FOF/COL included condition 1.b. that required what is now referred to as a GSPC prior to the opening of Phase I. Subsequently, the HIDOE developed a preliminary design and budget, and requested funding for detailed design and construction of the school.

a. Did the preliminary design and budget include any consideration or funding for the GSPC?

b. Did the original budget request for the School to the legislature, by the HIDOE, specify whether or not the funds for the GSPC were requested?

c. If the answer to either 3a or 3b is yes, how was the amount determined?

d. If the answer to either 3a or 3b is no, how did this oversight or HIDOE decision making to explicitly not include the GSPC in the design and budget request occur? What was HIDOE's rationale to proceed with the budget request that did not include any funds for the GSPC?

a. Did the preliminary design and budget include any consideration or funding for the GSPC?

Since the preliminary design and budget preceded the GSPC requirement, the GSPC was not included in the initial design or funding request. Initially, the School was to be developed on a "design/build" basis. The initial budget for the project was based on a schematic design including a signalized intersection and at-grade pedestrian crossing as indicated by the initial traffic study.

b., d. Did the original budget request for the School to the legislature, by the DOE, specify whether or not the funds for the GSPC were requested?

The initial budget was based on a request for the estimated total design and construction funds via a design-build contract. Consistent with the nature of design-build contracting, the request did not specifically identify GSPC or any other construction feature. $130M was appropriated by the legislature, but only $30M was actually allotted to the School, so the project

was changed to a design-bid-build procurement. The initial funding efforts under the current design-bid-build plan did not specifically identify the GSPC as an item of necessity since HIDOE was still trying to present a pedestrian study which would satisfy the requirement that it "shall cause to be constructed, or ensure that there is an available above or below ground pedestrian crossing and implement such mitigation or improvements as may be required or recommended by the study and analysis to the satisfaction of DOT prior to opening Phase I of the Project." While the requirement of a GSPC is stated in the FOF/COL, in the same sentence, the FOF/COL also required consistency with the study and analysis to the satisfaction of the DOT. Approval of the DOT, as to the pedestrian study, was finally obtained on July 18, 2017 (see Exh. 5 to the original Motion), and a GSPC was not warranted or indicated by the pedestrian study.

4. Please provide the scope of contract for all of the studies that concluded that there was no warrant for the crossing.

Based on the evidence and testimony presented in proceedings to date, HIDOE interprets "concluded that there was no warrant for the crossing" as a finding that a GSPC in the area of School is not warranted prior to its opening. That conclusion was reached by three studies: 1) Stantec Consulting Services, Inc. (Stantec) report dated August 10, 2012 (**Exh. 26**); 2) Walkable and Liveable Communities Institute (WALC) 2014 report from which language was excerpted and attached to the Motion as Exh. 2; and 3) Fehr & Peers (F&P) report dated October 25, 2016 and attached to the Motion as Exh. 4.

August 10, 2012 Stantec Consulting Report

The initial traffic studies conducted by the engineering firm Wilson Okamoto Corporation (WOC) addressed mainly vehicular traffic. Stantec's report addressed pedestrian concerns, and

it was included in the Final Environmental Impact Statement (FEIS). Stantec was engaged by WOC, with approval of G70 and HIDOE. Stantec concludes:

> 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. Grade separation via tunnels or overpasses has 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 handicapped accessible, requiring very long ramps or elevators to serve wheelchair users. Use of such a facility is virtually always disappointing. Tunnels have fewer construction issues, but they can result in security issues related to darkness and require maintenance to prevent the 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 the greenbelt bikeway and recreational trail that would follow the watercourse that passes under the Piilani Highway south of the intersection. This would be a facility appropriate for consideration in communitywide planning.
>
> (See **Exh. 26**, August 10, 2012 Stantec Report, pg. 21)

Stantec was engaged by WOC, and its scope of work can be found at pp. 13-23 of **Exh. 27**. Its proposal, with which HIDOE and G70 agreed, was to "analyze existing conditions for vehicles, bicycles and pedestrians and identify features that may be appropriate for change based upon the construction of the proposed high school." See Id. at item 1.1, p. 13.

2014 WALC Report

Subsequent to and in response to the FOF/COL, WALC was engaged to conduct a Pedestrian Route Study. The 2014 report, entitled "Safe Routes to Kihei High School: Pedestrian Route Study", was quoted in the original Motion and excerpts were attached as Exh. 2 thereto.

> The report recommends that the Department of Transportation approve an at-grade crossing that includes all roadway users at Pi'ilani Highway and Kulanihako'i Street, a location where pedestrians need to be included first

> and foremost at-grade. **Pedestrian overpasses and underpasses allow for pedestrian movement separate from vehicle traffic. However, they are usually considered as a last resort measure.** It is more appropriate to install safe crossings that are accessible to all pedestrians and bicyclists at-grade. Due to the local topography and community input this report also recommends an underpass, although this will take partnership with state and county government agencies, private landowners and the community of Kihei to complete the pedestrian network so that the underpass is used. (Emphasis added).
>
> (See 2014 WALC Report, Exh. 2 to the Motion, pg. 7-8)

WALC's scope of work approved by HIDOE and G70 included:

> Through the Pedestrian Route Study, the WALC Institute team . . . will lead two-day site assessment and capacity-building effort to engage leaders, stakeholders and the public in assessing conditions affecting pedestrian safety, street connectivity and complete streets at the new Kihei High School site along Piʻilani Highway and Kulanihakoʻi Street.
>
> (See **Exh. 28**, 2014 WALC Report, pg. 1)

In its report, WALC also proposes to provide "Up to three conceptual drawings that illustrate the pros and cons of at-grade, overpass and underpass pedestrian crossings at Piʻilani Highway and Kulanihakoʻi Street." Id. at p. 3.

October 25, 2016 Fehr & Peers Report

To further complete and clarify the 2014 WALC Report, F&P was engaged to work with the DOT through a contract with G70. The F&P Report states, in pertinent part:

> In 2018, when the proposed high school is projected to open, no GSPC warrants are definitively met. Warrant #3, the warrant regarding safe crossing distances, is met only if planned improvements are not made. Warrants # 5 and 8, regarding lighting and funding, are not currently met but may be met by 2018 depending on future planning. In 2028, however, primary warrants regarding pedestrian and vehicle volumes at the proposed high school access driveway either are met or may be met depending on student pedestrian mode split. Therefore, ***the need for a GSPC should be viewed as long-term***. (Emphasis added).
>
> (See October 25, 2016 F&P Report, Exh. 4 to the Motion, pg. 7)

F&P's scope of work, as set forth in its transmittal letter of October 25, 2016, that accompanied the Motion's Exh. 4 and another report concerning roundabouts, states that it was engaged to perform two studies:

> 1. An evaluation of grade-separated pedestrian crossing warrants and other considerations to determine the appropriate pedestrian facilities at the intersection of Pi'ilani Highway and Kulanihakoi Street.
>
> 2. An operations analysis and feasibility assessment of a proposed roundabout at the same intersection, where the roundabout was originally proposed.
>
> (See **Exh. 29**, October 25, 2016 F&P Transmittal Letter, pg. 1)

5. Should the Commission issue one or more subpoenas for documents related to #s 2, 3, and 4?

The Commission should consult its attorney regarding this matter.

6. Will the new school facilities organization be in charge of the construction? If so, can Assistant Superintendent (AS) Randall Tanaka bind them? Will Deputy Attorney General Stuart Fujioka continue represent on this issue?

The funding, leadership, and structure of the School Facilities Agency (SFA) have yet to be established. Accordingly, HIDOE cannot make representations about what projects the SFA will oversee, AS Tanaka's authority to bind the SFA, or who will be providing the SFA with legal representation.

7. Please specify who will be in charge of community outreach, and how such outreach will be conducted, and an agenda for the first meeting to be conducted;

HIDOE's Facilities Planner, Brenda Lowrey, will be in charge of community outreach for HIDOE. A meeting with the Kihei Community was scheduled for and held on January 12, 2021 at 5:00 p.m. The invitation for this meeting is attached as **Exh. 30**. The agenda was as stated below.

Date and time:	Tuesday, January 12, 2021 5:00 pm Hawaii Time (Honolulu, GMT-10:00)
Duration:	2 hours
Description:	Agenda I. Panelist / Team Introductions II. New Kihei High School project update III. Traffic Design A. Traffic Studies / Pedestrian Route Study B. DOT presentation by Highways Division Deputy Director Ed Sniffen IV. Conclusion of Presentation V. Questions & Answers VI. Wrap Up

A previous meeting between HIDOE, DOT, KCA and others was also held by videoconference on October 27, 2020.

8. Please provide a copy of this year's budget requests from HIDOE or DOT, if any, related to funding for a roundabout.

The biennium budget for fiscal year 2022 that was sent up to the Governor after being approved by the Board of Education (BOE) in December of 2020, did not include funds for the School. Funding for the School was not included in the budget which was submitted for BOE approval because, after reprioritizing in accordance with BOE criteria and in light of the limits announced by the Governor's office, the new School was not in a position to receive funding. The budget barely included any Capital Improvement funding due to the Governor's restriction

/ / / /

/ / / /

/ / / /

of the HIDOE budget to $300M for the upcoming biennium, $150M per fiscal year. The FY20/21 biennium budget request and last year's requests similarly did not get additional design and construction funding for the School, except for $750k for due diligence for a roundabout.

Dated: Honolulu, Hawai‘i, February 2, 2021.

/s/ Stuart N. Fujioka
STUART N. FUJIOKA
RYAN W. ROYLO
MELISSA J. KOLONIE
HOLLY T. SHIKADA
Deputy Attorneys General

Attorneys for Petitioner
DEPARTMENT OF EDUCATION,
STATE OF HAWAI‘I

LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai`i

November 10, 2020

Stuart N. Fujioka, Esq.
Deputy Attorney General (for Petitioner)
235 South Beretania Street, Room 304
Honolulu, Hawai'i 96813

Subject: A11-794 State Department of Education (Kihei High School)
Kihei, Maui, Hawai'i
TMK Nos. (4) 2-2-002:081 and 083

Dear Mr. Fujioka:

In furtherance of resolution of this matter the Commission, at the hearing on November 4, 2020 requested answers to the following:

1. Did the DOE object to or otherwise comment on the form of the order (specifically this condition) when the order was originally passed?;

2. Why did the DOE seek an LUC site visit in June 2018 on this matter? Was it not the intent at that time to seek a changed condition? Why was that matter not pursued then?;

3. The LUC order of July 29, 2013 included condition 1.b. that required what is now referred to as a Grade Separated Pedestrian Crossing (GSPC) prior to the opening of Phase I. Subsequently, the DOE developed a preliminary design and budget, and requested funding for detailed design and construction of the school.
    a. Did the preliminary design and budget include any consideration or funding for the GSPC?
    b. Did the original budget request for the Kihei HS to the Legislature, by the DOE, specify whether or not the funds for the GSPC were requested?
    c. If the answer to either 3a or 3 b is yes, how was the amount determined?
    d. If the answer to either 3a or 3 b is no, how did this oversight or DOE decision making to explicitly not include the GSPC in the design and budget request occur? What was DOE's rationale to proceed with the budget request that did not include any funds for the GSPC?;

4. Please provide the scope of contract for all of the studies that concluded that there was no warrant for the crossing.

5. Should the LUC issue one or more subpoenas for documents related to #s 2, 3, and 4?;

6. Will the new school facilities organization be in charge of the construction? If so, can Mr. Tanaka bind them? Will Mr. Fujioka continue represent on this issue?;

7. Please specify who will be in charge of community outreach, and how such outreach will be conducted, and an agenda for the first meeting to be conducted; and,

8. Please provide a copy of this year's budget requests from DOE or DOT, if any, related to funding for a roundabout.

Answers to the above should be transmitted to the LUC directly and copies served on all the parties and various interested parties.

If you have any questions or concern please feel free to contact Scott Derrickson, AICP of my office at 587-3822, should you require further clarification or assistance.

Sincerely,

Daniel Orodenker
Executive Officer

Cc: Randy Tanaka, State Departmen of Education
Ed Sniffen, State Department of Transportation
Mary Alice Evans, State Office of Planning
Dawn Apuna, Esq., Deputy Attorney General
Michele McLean, Maui County Planning
Michael Hopper, County Deputy Corporation Counsel
LUC Commissioners

ALSTON HUNT FLOYD & ING
WILLIAM W. L. YUEN 1359
JEAN K. CAMPBELL 7424
MELISSA M. UHL 9809
1001 Bishop Street, Suite 1800
Honolulu, Hawai`i 96813
Telephone: (808) 524-1800

Attorneys for Petitioner

BEFORE THE LAND USE COMMMISSION
OF THE STATE OF HAWAI`I

In the Matter of the Petition of: STATE OF HAWAI`I, 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, Hawai`i, Maui Tax Map Key Nos. 2-2-02: 81 and 83.	DOCKET NO. A11-794 STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER; CERTIFICATE OF SERVICE

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER

STATE OF HAWAI`I, DEPARTMENT OF EDUCATION ("Petitioner"), submits the following proposed findings of fact, conclusions of law and decision and order to the Land Use Commission of the State of Hawai`i (the "Commission") in the above-entitled matter.

Petitioner filed a petition for land use district boundary amendment on December 20, 2011, and an amended petition for land use district boundary amendment on February 7, 2013, pursuant to Chapter 205, Hawai`i Revised Statutes ("HRS"), and Chapter 15-15, Hawai`i Administrative Rules ("HAR"), to amend the State Land Use District boundary to reclassify approximately 77.2 acres of land at Kihei, Maui, Hawai`i, identified as Maui Tax Map Key Nos. 2-2-02: 81 and 83 (the "Petition Area"), from the State Land Use Agricultural

EXHIBIT 20

District to the State Land Use Urban District for the development and construction of Kihei High School, a public high school (the "Project").

The Land Use Commission of the State of Hawai`i (the "Commission"), having heard and examined the testimony, evidence and arguments of counsel presented during the hearings and the proposed findings of fact, conclusions of law and decision and order filed by Petitioner, the Department of Planning, County of Maui ("County") and the Office of Planning of the State of Hawai`i ("OP"), hereby makes the following findings of fact, conclusions of law and decision and order:

FINDINGS OF FACT

PROCEDURAL MATTERS

1. On December 20, 2011, Petitioner filed a petition for Land Use District Boundary Amendment (the "Petition") in this Docket. On February 5, 2013, Petitioner filed an amended Petition for Land Use District Boundary Amendment.

2. Petitioner State of Hawai`i, Department of Education, is a state government agency.

3. On November 9, 2012, Governor Neil Abercrombie accepted Petitioner's Final Environmental Impact Statement ("FEIS") (Petitioner's Exhibit ("Pet. Ex.") No. 9), and found that Petitioner's FEIS adequately disclosed the economic, social and environmental impacts of development of Kihei High School. (Pet. Ex. No. 10).

4. On December 14, 2012, the Commission issued a Declaratory Order in Docket No. DR 12-47, that waived the requirement that Petitioner submit a schedule and a map for development of Kihei High School in increments, under Section 15-15-50(c)(19), HAR.

5. By letter dated February 19, 2013, the Executive Officer of the Commission deemed the Petition a proper filing as of February 20, 2013.

6. On April 24, 2013, the Commission held a pre-hearing conference on the Petition, which was attended by all parties, and also issued a pre-hearing order.

7. On June 13 and 14, 2013, the Commission conducted hearings on the Petition pursuant to a public notice published on February 27, 2013, in the Honolulu Star Advertiser, Hawai`i Tribune Herald, West Hawai`i Today, The Maui News and Kauai Publishing Company dba The Garden Island.

8. James Beer and Laura Marzke testified as public witnesses on June 13, 2013. (Beer, Tr. June 13, 2013, 10:16-11:17; Marzke, Tr. June 13, 2013, 11:23-12:14).

9. On June 27, 2013, the Commission acted to adopt findings of fact, conclusions of law, and decision and order.

DESCRIPTION OF PETITION AREA

10. The Petition Area is located at Kihei, Maui, Hawai`i, and consists of two separate parcels of land owned by the State of Hawai`i: Maui Tax Map Key No. 2-2-02:81 containing approximately 29.175 acres, and Maui Tax Map Key No. 2-2-02:83 containing approximately 48.007 acres. Both parcels are located east of Pi`ilani Highway and bounded on all remaining sides by ranch land.

11. State of Hawai`i Board of Land and Natural Resources ("BLNR") is the fee simple owner of the two lots comprising the Petition Area. Kaonoulu Ranch LLLP conveyed Lot 1-A-1 of the Kaonoulu Ranch-Water Tank Subdivision (Maui Tax Map Key No. 2-2-02:81) to BLNR by deed dated January 13, 2012, recorded in the Bureau of Conveyances of the State of Hawai`i ("Bureau") as Document No. A-43950673. Haleakala Ranch Company conveyed Lot 2-A of the Anawio Subdivision (Maui Tax Map Key No. 2-2-02:83) to BLNR by deed dated January 13, 2012, recorded in the Bureau as Document No. A-43950672. (Pet. Ex. Nos. 13 and 14). BLNR authorized filing of the Petition on February 5, 2013. (Pet. Ex. No. 15).

12. The Petition Area is gently sloping with Kulanihako`i Gulch along its northern boundary and Waipu`ilani Gulch along its southern boundary. The Petition Area generally slopes downward to the west and southwest with onsite ground elevations ranging from approximately 40 feet above mean sea level ("MSL") in the southwest to an elevation of approximately 110 feet MSL in the northeast boundary with an average slope of approximately 11%. (Pet. Ex. No. 9).

13. The climate of the Petition Area is generally mild and semi-arid. Temperatures in the Kihei Area average in the mid to high 70 degrees Fahrenheit. Average annual rainfall in the Kihei Area is the lowest on Maui and ranges between 8.6 and 13 inches per year with the most precipitation occurring between November and March. Prevailing winds are northeast trade winds. (Pet. Ex. No. 9).

14. The U.S. Department of Agriculture Natural Resources Conservation Service classifies the soils of the Petition Area as Waiakoa extremely stony silty clay loam (WID2), and Alae sandy loam (AaB). (Pet. Ex. No. 9). The USDA Natural Resources Conservation Service's Land Capability Grouping rates these soil types according to eight levels, ranging from the highest classification level I, to the lowest level VIII. A description of each soil type follows:

a. The Waiakoa extremely stony silty clay loam (WID2), 7-15% slopes Series, consists of soils whose permeability is moderate, runoff is medium, and erosion hazard is severe. The surface layer is neutral and the subsoil is slightly acid to neutral. In most areas, about 50% of the surface layer has been removed by erosion with stones covering 3-15% of the surface. This soil type is used for pasture and wildlife habitat.

Approximately 76.2 acres (98%) of the Petition Area contain WID2 soils rated VIIs. Class VII soils have severe limitations that make them unsuitable for cultivation and

restrict their use to pasture or range, woodland, or wildlife habitat. Subclass VIIs soils have an unfavorable texture, or are extremely rocky or stony.

b. Alae sandy loam (AaB), 3-5% slopes Series, consists of soils whose permeability is rapid, runoff slow, and erosion hazard slight. The surface layer of the soil is neutral or mildly alkaline and the substratum is mildly to moderately alkaline. This soil type is mostly used for sugarcane and pasture, but at times for truck crops as well.

Approximately 1.1 acres (2%) of the Petition Area contains AaB soils rated IVs, if irrigated. Class IV soils have severe limitations that reduce the choice of plants, require careful management, or both. Sub-class IVs soils are stony, shallow, have unfavorable texture, or have low water holding capacity. (Pet. Ex. No. 9, App. B).

15. The University of Hawai`i Land Study Bureau's *Detailed Land Classification for the Island of Maui* classifies the lands of the Petition Area as "E" in productivity rating. Class "E" soils are considered as having little or no suitability for soil based agricultural production. (Pet. Ex. No. 9, App. B).

16. Under the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawai`i ("ALISH") classification system, the vast majority (75.6 acres) of the Petition Area was not classified for its agricultural importance. The remaining portion (1.7 acres) is rated as "Prime." According to the ALISH system, when treated and managed, including using water management and modern farming methods, Prime agricultural land has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically. (Pet. Ex. No. 9, App. B).

17. The U.S. Federal Emergency Management Agency's flood insurance rate maps designate the entire Petition Area in Zone X, which indicates an area outside the 100-year flood plain. (Pet. Ex. No. 9).

PROPOSAL FOR RECLASSIFICATION

18. Petitioner proposes to develop Kihei High School as a new public high school to serve the South Maui region. Kihei High School will relieve overcrowding in Central Maui's Maui High School. Petitioner proposes to construct approximately 209,435 square feet of educational buildings in the mauka portion of the Petition Area. The Kihei High School campus will also include approximately 575,660 square feet of associated athletic facilities, *i.e.*, football stadium, tennis courts, a track, and soccer, baseball, and softball fields in the middle and makai portions of the Petition Area, and necessary infrastructure improvements, *i.e.*, new roadways, utilities, drainage, wastewater, and potable and irrigation water systems. Petitioner proposes to construct a roadway to the mauka side of Pi`ilani Highway at its intersection with Kulanihako`i Street to serve as the main campus access road. (Pet. Ex. Nos. 9 and 16; Nichols, Tr. June 13, 2013, 22:2-24:22).

19. Petitioner intends to develop and construct the Project in two phases. Phase I will entail construction of all essential classroom and other buildings for a student population of 800 on the entire Petition Area. Phase II will involve campus expansion to accommodate a student population of 1,650. A proposed Conceptual Phasing Plan for the Project is shown as Figure 2-2 in Pet. Ex. No. 9. The major design and programmatic elements in Phase I will be two classroom houses, an administrative and student center, library, cafeteria, selected elective buildings and selected athletic facilities. (Pet. Ex. No. 16; Nichols, Tr. June 13, 2013, 25:2-11).

20. Petitioner intends to commence construction of Phase I of the Kihei High School immediately following approval of necessary land use permits, appropriation by the Legislature, and release of adequate funding and selection of a project designer-builder through an RFP process. (Pet. Ex. No. 16; Nichols, Tr. June 13, 2013, 26:8-18).

21. As enrollment increases justify the expansion, and funding becomes available, Phase II will consist of additional classroom houses and other amenities to increase the school's capacity to a maximum student population of 1,650. Phase II facilities could include construction of two additional classroom houses, additional electives buildings, an auditorium and a swimming pool and additional athletic facilities. The buildings and other facilities comprising Phase II will be integrated in the campus master plan, and will not be located in a single contiguous area. (Pet. Ex. No. 16; Nichols, Tr. June 13, 2013, 26:19-27:3).

22. During Phase I, Petitioner will develop the backbone infrastructure and facilities for the entire campus site, including mass grading and site preparation of almost the entire Petition Area. Therefore, it is appropriate to reclassify the entire Petition Area to the Urban District. (Pet. Ex. No. 16; Nichols, Tr. June 13, 2013, 25:2-11).

23. Petitioner estimated that Phase I would be completed in 2018, subject to the release of funding. (Nichols, Tr. June 13, 2013, 43:16-44:8). Considering potential delays, the backbone infrastructure should be completed within at least ten years. (Nichols, Tr. June 13, 2013, 46:11-16).

24. The design and construction schedule for Phase II has not been predetermined, but will be based on availability of State funding. Subject to approval by the Legislature and release of funds by the Governor, as well as the demands of population growth in South Maui, individual elements of Phase II could be constructed separately, with projected completion of Phase II construction scheduled to be 10 years after the completion of Phase I. (Pet. Ex. No. 16; Nichols, Tr. June 13, 2013, 26:19-27:3).

25. Petitioner will implement either the mitigation proposed by its consultants in the final Environmental Impact Statement, or equivalent mitigation during construction. (Nichols, Tr. June 13, 2013, 41:18-22).

PETITIONER'S FINANCIAL CAPABILITY TO UNDERTAKE THE PROPOSED DEVELOPMENT

26. As a State agency, Petitioner is not required by Section 15-15-50(c)(8), HAR to provide a financial statement. The State of Hawai`i, in the General Appropriations Act of 2008, SLH 2008, C 158, had appropriated $20 million for the planning, land acquisition, design and construction of Kihei High School. BLNR has expended a portion of these funds to complete land acquisition. Petitioner has expended funds for preparation of the environmental impact statement and permitting. (Pet. Ex. No. 16; Nichols, Tr. June 13, 2013, 28:4-7).

27. The traditional method of school financing involves the State appropriating capital improvement funds and issuing general obligation bonds to provide funds sufficient to complete design and construction of the Project. Petitioner is pursuing a design-build procurement for design and construction of Kihei High School. (Pet. Ex. No. 16; Nichols, Tr. June 13, 2013, 28:1-12).

28. The preliminary project budget for Phase I improvements is approximately $130 million. The preliminary development and construction cost estimate for Phase II is $30 million. The 2013 Legislature has approved Petitioner's request for $130 million for design and construction of Phase I of Kihei High School in the State's capital budget for fiscal year 2014-2015. (Pet. Ex. Nos. 9 and 16; Nichols, Tr. June 13, 2013, 26:9-11, 28:7-9).

STATE AND COUNTY LAND USE PLANS AND PROGRAMS

29. The Petition Area is currently designated in the State Land Use Agricultural District, as reflected on the Commission's official maps. (Pet. Ex. No. 9).

30. The Maui County General Plan consists of three components: the Countywide Policy Plan, adopted by the Maui County Council with an effective date of March 24, 2010, the Maui Island Plan, adopted by the Maui County Council in December 2012, and nine Community Plans. (Pet. Ex. Nos. 28 and 29).

31. The Kihei-Makena Community Plan Land Use Map currently designates approximately 29.17 acres of the Petition Area for Agriculture and the remaining 48 acres of the Petition Area Public/Quasi Public. The Petition Area is also within the Proposed Urban Growth Boundary of the Maui Island Plan, and within the proposed Kihei-Makena Planned Growth Area as shown in the Planning Department's Directed Growth Map S-1 in Chapter 8 of the Maui Island Plan. (Pet. Ex. No. 23; Ruotola, Tr. June 13, 2013, 138:21-139:12).

32. The Petition Area is not within the County of Maui's special management area. (Pet. Ex. No. 9).

NEED FOR THE PROPOSED DEVELOPMENT

33. Significant population growth in the Kihei-Makena region, coupled with the geographical separation from existing crowded Central Maui high schools, has created the need for Kihei High School. (Pet. Ex. No. 16).

34. According to the 2011 Maui County Data Book, the resident population of the County of Maui grew from 128,899 in 2000 to 154,834 in 2010, a 20% change over the span of a decade. The resident population of the Kihei-Makena region experienced a 24.7% increase in the same decade from 16,749 to 20,881. The 2025 population estimate for the Kihei-Makena region is 35,962 persons, more than doubling the population from 2000. (Pet. Ex. No. 9; Nichols, Tr. June 13, 2013, 22:2-7).

35. Central Maui high schools currently serve students from the South Maui region. In 2011-2012 approximately 704 students from Kihei attended high school in Central Maui. Maui High School in Kahului serves South Maui communities including Kihei, Makena, and Wailea, and Baldwin High School in Wailuku serves Wailuku, Waiehu, Waikapu, Waihe`e, and Ma`alaea communities. (Nichols, Tr. June 13, 2013, 22:13-17).

36. In 2011-12, Maui High School had a student population of 1,826, exceeding its design capacity of 1,580 by 246 students. Baldwin High School, with a design capacity of 1,669 and a student population of 1,612, had capacity for an additional 50 students. South Maui students may apply for a geographic exemption to attend Baldwin High School. (Nichols, Tr. June 13, 2013, 22:15-19).

37. The only high school in South Maui is Kihei Charter School. In the 2011-2012 school year, Kihei Charter School enrolled 248 students in grades 9 through 12. Kihei Charter School does not meet regional needs for a high school complex. (Nichols, Tr. June 13, 2013, 22:20-22).

SOCIO-ECONOMIC IMPACTS

38. In July 2011, Plasch Econ Pacific, LLC, prepared an Economic and Fiscal Impacts assessment for the Kihei High School project. (Pet. Ex. No. 9, App. L).

39. Kihei High School will complement the pattern of development in the Kihei-Makena region as envisioned in the Kihei-Makena Community Plan. The Project will support the existing and future residential developments in South Maui by providing a new public educational facility. The Project will reduce lengthy travel time and long commutes for Kihei Area high school students, and will help relieve the over-crowding of Central Maui high schools. (Pet. Ex. No. 24).

40. Development and construction of Kihei High School will have a positive impact on the economies of the State and the County on a direct and indirect basis. Phase I construction will provide an average of approximately 340 construction jobs over the 2.25-year construction period, in addition to approximately 320 indirect jobs on Maui and 160 indirect jobs on Oahu. Total average Phase I construction period employment will be approximately 820 jobs. Phase II construction will provide an average of approximately 82 construction jobs during the

2-year construction period, in addition to approximately 80 indirect jobs on Maui and 40 indirect jobs on Oahu. Total average Phase II construction period employment will be approximately 200 jobs. (Pet. Ex. No. 24).

41. Over the development period, total construction expenditures for the Kihei High School are estimated to be nearly $170 million, including approximately $140 million for Phase I and approximately $30 million for Phase II. This translates into average construction expenditures of about $62.2 million per year during the 2.25-year construction period of Phase I, and about $15 million per year during the 2-year construction period Phase II. Indirect expenditures are expected to average approximately $61 million per year during Phase I and approximately $14.7 million per year during Phase II. Phase I construction activity is expected to generate a total payroll of approximately $41.7 million per year, of which approximately $22.4 million will be for construction workers, approximately $12.5 million for indirect employment on Maui and $6.8 million for indirect employment on Oahu. Phase II construction activity is expected to generate payroll of approximately $10.1 million, of which approximately $5.4 million will be for construction workers, approximately $3 million for indirect employment on Maui and $1.7 million for indirect employment on Oahu. Individual annual wages will range from approximately $25,000 to over $100,000 per year. During the Phase I construction period, direct and indirect jobs will support approximately 1,680 residents housed in approximately 570 homes. Phase II construction activity will support approximately 400 residents and approximately 140 homes. (Pet. Ex. No. 24).

42. After Phase I, Kihei High School will provide approximately 120 on-campus jobs, 47 indirect Maui jobs, and 23 indirect Oahu jobs. Annual payroll for these jobs will total about $8.4 million. After Phase II, Kihei High School will provide approximately 206

on-campus jobs, 81 indirect Maui jobs, and 40 indirect Oahu jobs. Annual payroll for these jobs will total about $14.7 million. (Pet. Ex. No. 24).

43. The opening of Kihei High School will reduce transportation time and costs for student families and DOE employees resulting in a total annual savings of approximately $1.01 million. In addition, students will save an estimated 108,000 hours per year in time commuting to high school in Kihei rather than to a high school in Central Maui. Following full build-out of Phase II of the campus, further reduction in transportation time and costs will result in a total annual savings of approximately $2.08 million for student families and DOE employees. In addition, students will save an estimated 223,000 hours per year in commute time. (Pet. Ex. No. 24).

IMPACT ON RESOURCES OF THE AREA

Agricultural Resources

44. The Petition Area is unsuitable for cultivation of most commercial field crops grown in Hawai`i. The Petition Area has high solar radiation but consists of poor soils having low productivity ratings and lacks irrigation water. Kihei has a large supply of low-quality agricultural land similar to that of the Petition Area. Over 19,000 additional acres of higher-quality farmland are also available in Central and West Maui due to past closures of sugarcane and pineapple plantations, and 170,000 acres of high quality farmland are available Statewide. (Pet. Ex. No. 9).

Ranching Resources

45. Haleakala Ranch Company was incorporated in 1888 and has 23,000 acres of ranch land, making it the oldest and largest cattle ranch on Maui. BLNR's acquisition of 44 acres from Haleakala Ranch for this Project has removed approximately 0.2% of Haleakala Ranch's total grazing acreage. Loss of the Petition Area has had a negligible impact on ranching

operations because the Petition Area is located on the lower, less productive arid slopes of Haleakala. (Pet. Ex. No. 24).

46. Kaonoulu Ranch LLLP has been a family-owned and operated cattle ranch since 1916 and comprises approximately 10,000 acres of the Kaonoulu Ahupuaa. BLNR's acquisition of 32 acres from Kaonoulu Ranch for this Project has removed approximately 0.3% of Kaonoulu Ranch total grazing acreage. This acquisition has had a negligible impact on ranching operations due to the Petition Area's location and Kaonoulu Ranch's ability to move its cattle to other pastures. (Pet. Ex. No. 24).

Flora and Fauna

47. Rana Biological Consultants, Inc. conducted flora, fauna, and avian surveys on the Petition Area. There are no naturally growing endangered or threatened species of flora nor any species proposed as a candidate for listing as an endangered or threatened species on the Petition Area. There is no critical habitat of any endangered or threatened species of bird, mammal or insect nor any critical habitat of any species of fauna proposed as a candidate for listing as an endangered or threatened species on the Petition Area.

48. The vegetation on the site is best described as savanna: grassland with scattered trees. There are ample signs of past wildfires. Rana recorded six plant species on the Petition Area (excluding a fungal fruiting body), which is a low number of species compared to the area of land. The only native species observed was the *`uhaloa* (*Waltheria indicia*). Rana also surveyed the land between the Petition Area and Pi`ilani Highway. An additional six species of plants were observed, which were, with one exception, ruderal weeds typical of a highway verge. The exception was the endemic Hawaiian cotton or *ma`o* (*Gossypium tomentosum*), which is not an endangered or threatened species. Combined, the survey yielded a total of 12 recorded flowering plants, no ferns, and included one each of indigenous and endemic

Hawaiian plant species. There is no plant species classified as an endangered or threatened species by the US Fish and Wildlife Service or the State of Hawai`i on or in the vicinity of the Petition Area, nor any plant species proposed as a candidate for listing as an endangered or threatened species on the Petition Area. (Pet. Ex. Nos. 9, App. D and 28).

49. Rana also recorded 11 avian species, one species being the native Pacific Golden-Plover (*Pluvialis fulva*). The Pacific Golden-Plover is an indigenous migratory shorebird species that nests in the high Arctic during the late spring and summer months, and returns to Hawai`i to spend the fall and winter months. The remaining species detected are considered to be alien to the Hawaiian Islands. (Pet. Ex. Nos. 9, App. D and 28).

50. There is no avian species or species of fauna classified as endangered or threatened by US Fish and Wildlife Service or the State of Hawai`i, nor any species proposed as a candidate for listing as an endangered or threatened species, nor any critical habitat for any such species on the Petition Area. Development of Kihei High School is not expected to have an adverse impact on the botanical resources or biological resources of the Petition Area. (Pet. Ex. Nos. 9, App. D and 28).

51. Rana indicated the possibility 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 nighttime construction activity occurs during these months, or if street lights or facility lights are installed at the school, Rana recommended that lights be shielded to reduce the potential interaction with the nocturnal birds. (Pet. Ex. No. 9, page 4-20).

Archeological, Historical, and Cultural Resources

52. Section 6E-8(a), HRS requires Petitioner to afford the Department of Land and Natural Resources, State Historic Preservation Division ("SHPD"), an opportunity to review

the effect of the Project on known or potential historic properties because the Project is considered a "State project."

53. In Ka Pa'akai O Ka'Aina v. Land Use Commission, 95 Hawai`i 31, 46, 7 P. 3d 1068 (2000) the Hawai`i Supreme Court held that Article XII, Section 7 of the Hawai`i Constitution obligates the Land Use Commission to protect the reasonable exercise of Native Hawaiian customary and traditional practices *to the extent feasible* when granting a petition for State Land Use Commission district boundary amendment application. The Court established the following three prong test:

> In order to fulfill its duty to preserve and protect customary and traditional Native Hawaiian rights to the extent feasible, the LUC, in its review of a petition for reclassification of district boundaries, must--*at a minimum*-make specific findings and conclusions as to following: (1) the identity and scope of "valued cultural, historical, or natural resources" in the petition area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the petition area; (2) the extent to which those resources-including traditional and customary Native Hawaiian rights-will be affected or impaired by the proposed action; and (3) the feasible action, if any, to be taken by the LUC to reasonably protect Native Hawaiian rights if they are found to exist.

54. In 2009, Scientific Consultant Services, Inc. ("SCS") conducted an archeological inventory survey ("AIS") of the Petition Area. SCS completed a 100% pedestrian survey and a limited subsurface testing of the 77 acre Petition Area. SCS re-documented one known site located in the northeastern portion of the Petition Area – State Inventory of Historic Properties ("SIHP") No. 50-50-10-6393. This site consists of eight features (seven mounds and one alignment). The site has already been evaluated for significance and is designated under Criterion D, which means that it has yielded or has the potential to yield information important in prehistory or history. The eight features have been thoroughly documented with photographs, scale plan view maps and written descriptions, and three of the features have been manually tested to gather additional information. SHPD concurred with SCS's finding that further

mitigation for the site is unnecessary. The features have been adequately documented and additional research on the site would not contribute to the interpretation of the area or Hawaiian prehistory or history. (Pet. Ex. No. 9, App. E).

55. SCS completed a Cultural Impact Assessment ("CIA") in April 2010. SCS contacted numerous organizations and individuals with knowledge of the area. No kama`aina was aware of use of the Petition Area for gathering or other cultural purposes or for access to other areas for cultural purposes. Haleakala Ranch and Kaonoulu Ranch had owned the Petition Area for almost 100 years prior to selling the Petition Area to BLNR. Henry Rice, owner of Kaonoulu Ranch, did not know of any old trails, traditional properties, or cultural activities occurring on the Petition Area. The CIA concluded that no notable cultural activities took place on the Petition Area. There is no evidence that Native Hawaiians utilized the Petition Area for gathering or any cultural or religious purposes. There were no commoner land claims within the Petition Area. It is reasonable to conclude that there will be no adverse impact to any exercise of native Hawaiian rights or cultural resources within the Petition Area by the construction of Kihei High School. (Pet. Ex. Nos. 9, App. F and 28).

56. SHPD recommended that Petitioner prepare an archaeological monitoring plan to be approved by SHPD and implemented during the initial phases of ground preparation and planned accordingly. (OP Ex. No. 10). Petitioner agreed to submit an archaeological monitoring plan to SHPD for approval, and to implement that approved archaeological monitoring plan. (Nichols, Tr. June 13, 2013, 41:8-14). However, the archaeological or cultural sites that were encountered during the archaeological inventory surveys and the cultural impact study of the Petition Area have been fully and adequately documented so that there is no need for mitigation.

Water Resources

57. Water Resources Associates conducted an assessment of existing surface and groundwater resources in the Petition Area. The Petition Area is located in the northern part of the Kama`ole Aquifer System, which covers an area of approximately 90 square miles. It is bounded on the south by the Haleakala Southwest Rift Zone, which extends from the coast near La Perouse Bay to the top of Haleakala summit and back to the coast just north of Kihei. The State Commission on Water Resource Management ("CWRM") has estimated the groundwater recharge from rainfall in the Kama`ole Aquifer System to be 25 million gallons per day ("MGD") or between 10-40 inches per year. Existing water use is approximately 1.859 MGD, primarily for golf course and landscape irrigation purposes. CWRM estimated that 11 MGD can be developed from the Kama`ole Aquifer System on a sustainable basis. There are a number of existing wells in the Kihei Area, most drilled makai of Pi`ilani Highway. (Pet. Ex. Nos. 9, App. C and 25).

58. Kihei High School is expected to require 185,000 gallons of water per day ("GPD") for irrigation. To meet this need Petitioner plans to drill two wells to draw brackish water from the underlying Kamaole Aquifer. Each well is projected to have a pump capacity of 250 to 350 gallons per minute ("GPM") while producing a suitable brackish water supply in the salinity range of 400 to 500 mg/L chlorides. Kihei High School's use of 185,000 GPD represents only 1.7% of the Kamaole Aquifer's 11 MGD sustainable yield. This use will have no adverse impact on the Aquifer or on other existing wells. (Pet. Ex. Nos. 9, App. C and 25).

Visual Resources

59. The development will alter the existing mauka views from lands makai of the Petition Area. However, most distant views of the Petition Area and of Haleakala as well as makai views of the ocean from the Petition Area will not be impeded. The Project will replace

vegetated land with a high school campus, including buildings, playing fields, and landscaping. To mitigate potential visual impacts, the campus will include open space and landscaped areas. To maintain a setback for reduction of visual and noise impacts and to maintain a park-like open visual corridor landscaping, overflow parking, a storm water detention basin, and playing fields are planned along Pi`ilani Highway. The Project is not anticipated to adversely impact mauka views of Haleakala or coastal views. (Pet. Ex. No. 9).

60. Petitioner will landscape the area fronting Pi`ilani Highway to achieve a park-like character, except to the extent that landscaping may conflict with the County's other conditions that Petitioner provide adequate overflow parking, provide a stormwater drainage detention basin, and implement the Police Department's Crime Prevention Through Sustainable Design. Petitioner will work with the County to landscape to the extent practicable. (Nichols, Tr. June 13, 2013, 24:9-22; Spence, Tr. June 14, 2013, 148:5-23, 155:14-156:19).

ENVIRONMENTAL QUALITY

Noise

61. Y. Ebisu and Associates conducted an Acoustic Study for the proposed Kihei High School in September 2011. The EPA's Day-Night Average Sound Level ("DNL") is the most widely used method to describe environmental noise. The State of Hawai`i Department of Health ("DOH") regulates noise from fixed mechanical equipment and construction activities (expressed in maximum allowable noise limits instead of DNL). DOH noise limits for single family residential lands equate to approximately 55 DNL. For multifamily residential, commercial, and resort lands, DOH noise limits equate to approximately 60 DNL. The existing background noise levels at the Petition Area are estimated to range from approximately 63 DNL near the makai boundary closest to Pi`ilani Highway to approximately 45 DNL at the mauka boundary of the Petition Area. (Pet. Ex. No. 9, App. I).

62. The Kihei High School campus is planned such that the noise sensitive buildings and classrooms are set back at least 650 feet from Pi`ilani Highway, where future traffic noise levels are predicted to be "acceptable" at less than 55 DNL. The Acoustic Study predicts that there will not be any significant increase in traffic noise levels along Pi`ilani Highway in the Project environs from 2013 to 2025 as a result of Project traffic. The growth in non-Project related traffic by 2025 is also predicted to result in an insignificant increase in the traffic noise level. (Pet. Ex. No. 9, App. I).

63. The potential noise from playground, practice field, pool, and athletic stadium activities could possibly disturb neighboring residences. The neighboring properties to the south and across Pi`ilani Highway to the west are the areas most likely to experience an increase in intermittent noise levels from Kihei High School outdoor activities. (Pet. Ex. No. 28).

Air Quality

64. B.D. Neal and Associates prepared an Air Quality Study for the Petition Area in September 2011. The ambient air quality of the Petition Area, and the surrounding communities are anticipated to be adversely impacted from fugitive dust during the construction phase of the development. Short-term impacts from fugitive dust will likely occur during the Project construction phases. Fugitive dust emissions can be controlled by a dust control plan that includes watering active work areas, using wind screens, keeping adjacent paved roads clean, and by covering open-bodied trucks. Following completion of construction, motor vehicle emissions from vehicles entering and leaving the Kihei High School campus, during worst-case scenario conditions, will be well within both state and national ambient air quality standards. With or without the Project, carbon monoxide concentrations in the vicinity of the Petition Area during the next 15 years will likely decrease (improve) somewhat compared to existing

concentrations. Based on the relatively small increases in predicted concentrations from Kihei High School's traffic and continued compliance with national standards, air quality mitigation measures for long-term traffic related impacts from the development are unnecessary. (Pet. Ex. Nos. 9, App. H and 28).

ADEQUACY OF PUBLIC SERVICES AND FACILITIES

Transportation and Traffic

65. Wilson Okamoto Corporation prepared a Traffic Impact Analysis Report ("TIAR") and Traffic Signal Warrant Study to identify and assess potential impacts of the Project on existing roadways and traffic conditions, and to determine whether installation of a traffic signal is warranted at the intersection of Pi`ilani Highway and Kulanihako`i Street. (Pet. Ex. No. 9, App. G).

66. Pi`ilani Highway is a four-lane, two-way limited access roadway oriented in the north-south direction that provides the principal arterial through Kihei and from Kihei to the rest of Maui. The access roadway for Kihei High School will be located on the east side of the "T" intersection of Kulanihako`i Street and Pi`ilani Highway to create a four way intersection. (Pascua, Tr. June 13, 2013, 93:9-25, 95:10-20).

67. The northbound approach of Pi`ilani Highway at this intersection has an exclusive left-turn lane and two through lanes, while the southbound approach has two through lanes and an exclusive right-turn lane. The Kulanihako`i Street approach has two stop controlled lanes that serve left-turn and right-turn movements. (Pet. Ex. No. 9, App. G).

68. The westbound approach of the access road connecting the campus to the intersection is expected to have two westbound lanes: a shared left turn and through lane, and a right turn only lane. Petitioner proposes to construct northbound deceleration and acceleration

lanes along Pi`ilani Highway to facilitate traffic movements entering and exiting the campus. (Pascua, Tr. June 13, 2013, 95:21-23).

69. The TIAR examined traffic conditions at five key intersections in Kihei: Pi`ilani Highway and Ka`ono`ulu Street, Pi`ilani Highway and Kulanihako`i Street, Pi`ilani Highway and East Waipu`ilani Road, Pi`ilani Highway and Pi`ikea Avenue, and Kulanihako`i Street and South Kihei Road, and concluded that traffic conditions will likely remain similar in the future whether or not Kihei High School is built. Projected traffic operations at many of these intersections are expected to deteriorate slightly in 2025 from 2015 primarily as a result of ambient growth in traffic along surrounding roadways and other projects. (Pascua, Tr. June 13, 2013, 94:1-95:4).

70. The State of Hawai`i Department of Transportation ("DOT") recommends that Petitioner submit a revised TIAR to DOT for acceptance, including a revised traffic signal warrant study and pedestrian route study. (Takeshita, Tr. June 14, 2013, 12:4-11, 9:9-17, 13:17-21, 17:1-6). DOT requires that the revised TIAR assume at least a two percent growth rate, rather than the one percent growth rate used by Wilson Okamoto, plus the projected traffic generated from other proposed developments in the area, regardless of whether any proposed development has received any governmental approvals. (Takeshita, Tr. June 14, 2013, 6:24-7:9, 22:25-23:2). DOT also recommends that Petitioner submit an updated TIAR one year after the completion of Phase I when the school is in full operations, and also prior to the application for a building permit for Phase II, or at a later time as required by DOT. (Takeshita, Tr. June 14, 2013, 14:2-3, 17:7-16, OP Ex. No. 5A).

71. The DOT-recommended Pedestrian Route Study should include a multi-modal analysis and provide for the ingress and egress of pedestrians through defined locations(s) that are not along Pi`ilani Highway. (OP Ex. No. 5A).

72. DOT recommends that Petitioner resubmit to DOT a revised traffic signal warrant study for the intersection of Kulanihako`i Street and Pi`ilani Highway without considering pedestrian movements and right-turn volumes from Kulanihako`i`i Stree to Pi`ilani Highway in the traffic signal warrant analysis. (Office of Planning ("OP") Ex. No. 31, Takeshita, Tr. June 14, 2013, 8:8-23).

73. DOT recommends that Petitioner provide sufficient right-of-way at the intersection of Kulanihako`i Street and Pi`ilani Highway for intersection improvements and install paved shoulders on the area fronting the Petition Area. (Takeshita, Tr. June 14, 2013, 11:8-14, 12:23-13:6, 14:4-6).

74. DOT recommends that Petitioner set aside sufficient right-of-way for the proposed access road to Kihei High School and intersections that may be developed into a collector road due to future developments mauka of the high school. The Kulanihako`i road segment east of Pi`ilani Highway should be perpendicular to the highway for a minimum distance of 200 feet. (OP Ex. No. 5A).

75. Petitioner believes a traffic signal will be the most cost effective means to assure pedestrian safety. (Nichols, Tr. June 13, 2013, 29:25-30:2).

76. DOT is concerned about the conflicts between vehicles and pedestrians, and the overall safety of pedestrians crossing Pi`ilani Highway. Vehicles on Pi`ilani Highway often exceed the posted speed limit of 40 miles per hour (mph). Based on the American Association of State Highway and Transportation Officials' *Policy of Geometric Design of Highways and Streets*, and a Federal Highway Administration (FHWA) study on *Warrants for Pedestrian Over and Underpasses* (FHWA/RD-84/082), a pedestrian overpass or underpass is justified 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. Alternatively, a pedestrian overpass or underpass is justified 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. Petitioner has not provided pedestrian data/counts and has not analyzed ADT to assess whether these proposed warrants would be met.

77. Neither publication imposes a requirement for grade separated pedestrian crossings. (Pet. Ex. Nos. 30 and 31; OP Ex. No. 5A; Pascua, Tr. June 13, 2013 110:16-22, 117:2-20). Although there is no Federal Highway Administration requirement for the construction of grade separated crossings, the FHWA report is the best available guidance on the issue of overpasses and underpasses. (Pascua, Tr. June 13, 2013 115:10-14).

78. DOT agreed with the TIAR's conclusion that Kihei High School will not have significant regional impacts on traffic such that Petitioner is not required to pay regional impact fees. (Takeshita, Tr. June 14, 2013, 7:14-19, 14:11-17).

79. DOT recommends that the Petitioner determine the traffic noise impacts to the 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. (OP Ex. No. 5A).

80. The County of Maui currently operates a public bus system that provides service in and between various Central, South, West, Haiku, and Upcountry Maui communities. All buses run seven days a week. Two routes serve the Petition Area: Kihei Villager #15 and Kihei Islander #10. The County also funds a commuter bus service. One commuter route, the Kihei-Kapalua Commuter, serves Kihei. The bus stop closest to the Petition Area is located at Kulanihako`i Street and South Kihei Road. Kihei High School may increase the number of daily passengers in the Kihei area, but this increase is not anticipated to have significant impacts on the public transit system. (Pet. Ex. No. 9).

Pedestrian and Bicycle Facilities

81. Stantec Consulting Services Inc. prepared a Pedestrian and Bicycle Analysis to evaluate access, community connectivity and safety for bicycles and pedestrians. Kulanihako`i Street is anticipated to be a common travel route to the new high school. Currently, there are nearly continuous sidewalks on Kulanihako`i Street from Pi`ilani Highway to South Kihei Road. There are bicycle lanes on Kulanihako`i Street from Pi`ilani Highway to Mahealani Street but there are no bicycle lanes makai of Malulani Street to South Kihei Road. The bicycle lanes along Pi`ilani Highway are not expected to serve much school traffic, but Kulanihako`i Street may become a desirable route for pedestrians and bicycles. (Pet. Ex. No. 9, App. N).

82. South Kihei Road is a two-lane arterial regional thoroughfare located along the Kihei coastline. Bicycle lanes are provided on approximately 90% of the length of South Kihei Road. The Kihei Greenway is a partially constructed bicycle path that is located on a State right-of-way between approximately 600 to 1,000 feet west of Pi`ilani Highway from Waipu`ilani Road south to Lipoa Street. The Kihei Greenway does not extend north from Waipu`ilani Road to Kulanihako`i Street. (Pet. Ex. No. 9, App. N).

83. Petitioner plans to construct bicycle and pedestrian paths and bicycle racks on campus, and is willing to allow connection to future nearby pedestrian and bicycle networks when they become available.

Potable Water Service

84. Water Resource Associates concluded that there are no potable water resources, either surface or ground water, available within a two-mile radius of the Petition Area that could be economically or feasibly developed. (Pet. Ex. Nos. 9, App. C and 26). Petitioner proposes to obtain potable water from the County of Maui Department of Water Supply's

("DWS") Central Maui Water System. The Project qualifies for an exemption from DWS' Water Availability Policy under §14.12.030, Maui County Code. Currently, there is no moratorium on issuance of water meters on the Central Maui System. (Maui County Department of Planning ("County") Ex. No. 9).

85. In recognition of Maui's potable water shortage, Petitioner will use non-potable water for irrigation. Petitioner plans to install a dual water system for Kihei High School. Petitioner proposes to obtain potable water from DWS, but will drill two brackish water wells on the Petition Area to serve as the source of non-potable irrigation water. (Nichols, Tr. June 13, 2013, 38:3-12). These brackish wells are not anticipated to negatively impact fresh or brackish water supply. (Pet. Ex. No. 26).

86. Petitioner plans to connect to DWS's existing 18-inch water main on Liloa Drive and upgrade the existing 8-inch main in the Pi`ilani Village Subdivision. The Project will also utilize the DWS system for fire protection purposes. (Pet. Ex. No. 26).

87. Kihei High School will initially require an estimated average of 4,900 gallons per day ("GPD") of potable water in 2015, 9,000 GPD in 2016, 14,300 GPD in 2017, and 18,800 GPD in 2018. By 2025 at full build out, Kihei High School will require an estimated 37,450 GPD. The estimated demand for potable water is far less than demand if calculated using Maui DWS standards because the estimate reflects proposed implementation of low flow fixtures and water conservation measures. The Project's potable water requirement represents less than one percent of the DWS' Central Maui Water System sources of supply. No adverse impact to DWS' existing potable water supplies is anticipated. (Pet. Ex. No. 25).

Wastewater

88. Kihei High School's wastewater collection system will be designed in accordance with applicable Maui Department of Environmental Management standards. (Pet. Ex. No. 26).

89. Because there is no existing wastewater facility or sewer connection on-site, Kihei High School will require construction of on-site wastewater collection facilities and extension of on- and off-site sewer connections. Kihei High School will connect to the County system preferably at the intersection of Kulanihako`i Street and Mahealani Street, or as approved by the County. (Pet. Ex. No. 26).

90. The existing wastewater collection system (including Kihei Wastewater Pump Stations Nos. 3, 4, 5 and 6) should have adequate capacity for flows generated by Kihei High School. Maui County Department of Environmental Management will confirm wastewater system capacity at the issuance of the building permit. The proposed on-site system will consist of gravity sewer mains to be located within roadways and sidewalks. (Pet. Ex. Nos. 9, App. K and 26).

Drainage

91. The Petition Area is currently undeveloped and consists of dry rolling foothills on west-facing lowland slopes of Haleakala. There is no existing drainage system serving the site except for drainage infrastructure in Pi`ilani Highway, which is maintained by DOT. The majority of existing runoff drains towards a 72-inch diameter culvert under Pi`ilani Highway, with the remainder draining into either Kulanihako`i Gulch or Waipu`ilani Gulch. Both gulches cross Pi`ilani Highway under bridges spanning the gulches. Kihei High School is expected to increase storm water runoff from a 50-year, 24-hour storm event from 8,881 to 8,902

CFS or by 21 CFS; and from a 100-year, 24-hour storm event from 10,796 to 10,822 CFS or by 26 CFS. (Pet. Ex. No. 26).

92. Petitioner plans to construct an on-site drainage detention basin at the makai boundary of the Petition Area to regulate the increase in runoff to the existing 72-inch culvert and to prevent runoff on to Pi`ilani Highway. The basin will be approximately 480 feet long by 90 feet wide and have a depth of 10 feet. The basin is expected to be able to hold 145,314 CF at a 3 feet depth which is above the estimated 112,807 CF needed based on a 50-year 1-hour storm event. (Pet. Ex. No. 26).

93. In addition, Petitioner also plans to construct a ditch along Kihei High School's mauka boundary that will divert runoff from mauka lands into Waipu`ilani Gulch. (Pet. Ex. Nos. 9, App. K and 26).

94. Petitioner will comply with Maui County's stormwater quality ordinances. (Nichols, Tr. June 13, 2013, 37:23-38:1).

Solid Waste

95. Petitioner anticipates that Kihei High School will be served by County of Maui solid waste collection and disposal services. Petitioner will emphasize waste diversion and recycling. During construction, waste will be hauled to the DeCoite Landfill for disposal. (Pet. Ex. No. 28).

Education

96. Kihei High School will serve the secondary school education needs of the residents of South Maui from Ma`alaea to Makena.

Police and Fire Protection

97. The Petition Area is in Maui Police Department District VI: Kihei. The Maui Police Department station that serves the Petition Area is located approximately 2.5 miles

away at 1881 South Kihei Road. The Maui Police Department will be able to meet the need for additional police protection. (Pet. Ex. No. 9).

98. Maui Department of Fire and Public Safety will provide fire protection service from the Kihei Fire Station located at 11 Waimaha`iha`i Street in Kihei, also approximately 2.5 miles to the center of the Petition Area. (Pet. Ex. No. 9).

Emergency Medical Services

99. Emergency medical services to the Petition Area are presently provided from Maui County Paramedic Station in Kihei and Maui Memorial Medical Center in Wailuku. (Pet. Ex. No. 9).

Electrical Power and Telecommunications Services

100. Maui Electric Company, Inc. provides electrical power to the Petition Area. Hawaiian Telephone Company and Oceanic Time Warner Cable will provide telecommunications services to the Project. Electric and telecommunications transmission lines will be installed underground on site and will connect to existing systems. Petitioner will incorporate energy efficient technology and design to reduce the Project's overall energy consumption.

Civil Defense

101. Petitioner will provide an adequate space for a civil defense siren in the Petition Area in a location mutually agreeable to both the Department of Education and State Civil Defense. (Nichols, Tr. June 13, 2013, 40:21-41:1).

COMMITMENT OF STATE FUNDS AND RESOURCES

102. Kihei High School is not expected to require major additional support improvements from the County or State since neither construction nor operation of the School will add significantly to the County's population growth. State and County services for

construction workers and their families are, for the most part, already provided since many of the needed construction workers are current residents of Maui. (Pet. Ex. No. 24).

103. Phase I construction activity will generate approximately $12.9 million in tax revenues for the State, from general excise tax and corporate and personal income taxes. Phase II construction will bring total State tax revenues to approximately $15.7 million. These tax revenues will offset approximately 9% of the cost of constructing the Project. (Pet. Ex. No. 24).

104. Following completion of Phase I of Kihei High School, families of Kihei High School faculty and staff and families of employees and owners of businesses who provide direct and indirect services to Kihei High School will pay approximately $590,000 per year in general excise tax and income taxes to the State, and $67,000 per year to the County. Following completion of Phase II, families of Kihei High School faculty and staff and families of employees and owners of businesses who provide direct and indirect services to Kihei High School will pay approximately $1 million per year in taxes to the State, and approximately $116,000 per year to the County. These revenues will pay much of the cost of providing State and County services to these families and businesses. (Pet. Ex. No. 24).

105. The County of Maui will incur expenditures to provide municipal services to Kihei High School, including water and waste water service, solid waste disposal, public safety and fire protection. Petitioner will pay service charges for water, waste water service, and solid waste disposal. Police and fire services are paid from the County General Fund. (Pet. Ex. No. 24).

ENERGY CONSERVATION AND SUSTAINABLE DEVELOPMENT

106. Section 196-9(b), HRS requires new State buildings to be designed and constructed to achieve the U.S. Green Building Council's Leadership in Energy Efficiency and

Design ("LEED") Silver certification or equivalent. Petitioner, together with a Hawai`i Advisory Committee and the Collaborative for High Performance Schools ("CHPS") have worked to adapt a nationally recognized consensus-based energy efficiency and performance rating system for sustainable schools comparable to LEED for Schools Rating System to address Hawai`i climates, school needs, regulations and environmental priorities. The CHPS program's goal is to ensure that the school project is designed and constructed to incorporate the required high performance features to improve health, productivity and student performance, decrease operating costs and increase energy savings. (Nichols, Tr. June 13, 2013, 27:4-22).

107. In 2012, Petitioner and CHPS promulgated Hawai`i – CHPS ("HI-CHPS") Criteria for new construction and major modernization of Hawai`i schools. HI-CHPS Criteria provides design, construction, and performance criteria for sustainable sites, water use efficiency, lighting, energy conservation, materials, waste management and ventilation (natural and mechanical). (Pet. Ex. No. 17; Nichols, Tr. June 13, 2013, 27:14-22).

108. Petitioner will design and construct Kihei High School to achieve the HI-CHPS Verified designation, which the CHPS Board opined was equivalent to or greater than LEED Silver. In order to achieve the HI-CHPS Verified designation, an assigned third party assessor will commence outside project oversight and plan review during the design and documentation process. (Nichols, Tr. June 13, 2013, 27:23-25).

CONFORMANCE TO URBAN DISTRICT STANDARDS

109. Kihei High School satisfies the standards applicable to establishing the boundaries of the State Land Use Urban District set forth in section 15-15-18, HAR, in the following respects:

a. The Petition Area is directly adjacent to Pi`ilani Highway, the eastern boundary of lands classified in the Urban District comprising the Kihei community.

These lands are either being used or are planned for residential and other urban development, and are characterized by "city-like" concentrations of people, structures, streets, urban level services and other related land uses.

b. The location of Kihei High School is an appropriate location for the new school facility and is in accord with widely accepted planning principles of placing new urban uses contiguous to existing urban uses.

c. Kihei High School is located adjacent to Kihei and in close proximity to Wailea, South Maui's primary centers of trading and employment.

d. Basic services such as commercial centers, parks, wastewater systems, drainage, potable water, transportation systems, public utilities, and police and fire protection are either already available to the Petition Area or can readily be provided to the Petition Area.

e. Reclassification of Kihei High School is reasonably necessary for urban growth.

f. The Petition Area has satisfactory topography and drainage, and is free from danger of flood, tsunami, unstable soil conditions and other adverse environmental effects. The Petition Area does not include land with a general slope of 20% or more. Design and construction controls to be imposed on portions of Kihei High School will be adequate to protect the public health, welfare, and safety and the public's interests in the aesthetic quality of the landscape.

g. The Petition Area is in an appropriate location for new urban concentrations. A major portion of the Petition Area is designated for Public/Quasi-Public Facilities in the Kihei-Makena Community Plan Land Use Map, and the entire Petition Area is also within the Proposed Urban Growth Boundary of the Maui Island Plan, and within the

proposed Kihei-Makena Planned Growth Area as shown in the Planning Department's Directed Growth Map S-1 in Chapter 8 of the Maui General Plan 2030 Maui Island Plan. (Pet. Ex. Nos. 9, 28, and 29).

CONFORMANCE WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE HAWAI`I STATE PLAN; RELATIONSHIP WITH APPLICABLE PRIORITY GUIDELINES AND FUNCTIONAL PLANS

Hawai`i State Plan

110. Reclassification of the Petition Area generally conforms to the following applicable goals, objectives, policies and guidelines of the Hawai`i State Plan (Pet. Ex. No. 28):

Chapter 226-4, HRS, State Goals.

226-4, HRS: In order to guarantee, for the present and future generations, those elements of choice and mobility that insure that individuals and groups may approach their desired levels of self-reliance and self-determination, it shall be the goal of the State to achieve:

(1) A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii's present and future generations.

(3) Physical, social and economic well-being, for individuals and families in Hawai`i, that nourishes a sense of community responsibility, of caring, and of participation in community life.

Educational institutions build strong communities by enhancing the mental and physical well-being of youth and providing opportunities for employment. Kihei High School will allow Kihei-Makena youth to attend school in their home community.

Chapter 226-5, HRS, Objective and Policies for Population.

226-5(b)(2), HRS: Encourage an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs and desires.

Chapter 226-6, HRS, Objectives and Policies for the Economy – In General

226-6(b)(6), HRS: Strive to achieve a level of construction activity responsive to, and consistent with, State growth objectives.

The construction of Kihei High School is consistent with the State's goals to develop land resources to meet the level of growth in the Kihei region.

Chapter 226-11, HRS: Objectives and Policies for the Physical Environment – Land Based, Shoreline, and Marine Resources.

226-11 HRS: (B) To achieve the land-based, shoreline and marine resources objectives, it shall be the policy of this State to:

(3)Take into account the physical attributes of areas when planning and designing activities and facilities.

(4) Manage natural resources and environs to encourage their beneficial and multiple uses without generating costly or irreparable environmental damage.

(8) Pursue compatible relationships among activities, facilities and natural resources.

(9) Promote increased accessibility and prudent use of inland and shoreline areas for public recreational, educational and scientific purposes.

The Petition Area is almost one mile inland. Development of Kihei High School will not directly impact shoreline or marine resources and constitutes a prudent use of inland resources. Development of Kihei High School will not have a deleterious impact on any known species of flora and fauna classified as an endangered or threatened species by the U.S. Fish and Wildlife Service or the State of Hawai`i or any species of flora or fauna proposed as a candidate for listing as an endangered or threatened species.

Chapter 226-13, HRS, Objectives and Policies for the Physical Environment – Land, Air, and Water Quality.

226-13 HRS: (B) To achieve the land, air and water quality objectives, it shall be the policy of this State to:

(6) Encourage design and construction practices that enhance the physical qualities of Hawaii's communities.

(7) Encourage urban developments in close proximity to existing services and facilities.

Kihei High School will be located in close proximity to available services and facilities in Kihei and will provide a high school for Kihei students who currently commute to Central Maui. Kihei High School's design will incorporate open spaces and landscaping throughout the campus to foster an appreciation of Hawaii's environmental resources.

Chapter 226-14, HRS, Objectives and Policies for Facility Systems – In General.

226-14) HRS: (A) Planning for the State's facility systems in general shall be directed towards achievement of the objectives of water, transportation, waste disposal and energy and telecommunications systems that support statewide social, economic and physical objectives.

(B) To achieve the general facility systems objective, it shall be the policy of this State to:

(1) Accommodate the needs of Hawaii's people through coordination of facility systems and capital improvement priorities in consonance with State and county plans.

(2) Encourage flexibility in the design and development of facility systems to promote prudent use of resources and accommodate changing public demands and priorities.

(3) Ensure the required facility systems can be supported within resources capacities and at reasonable cost to the user.

Petitioner will coordinate development of off-site and on-site improvements to surrounding facility systems with the appropriate State and County agencies and/or private utility companies. Kihei High School will achieve a Verified designation under the HI-CHPS Criteria. Sustainable design strategies will include features to conserve energy and water.

Chapter 226-16 HRS, Objective and Policies for Facility Systems – Water.

226-16 HRS: (A) Planning for the State's facility systems with regard to water shall be directed towards achievement of the objective of the provision of water to adequately accommodate domestic, agricultural, commercial, industrial, recreational and other needs within resource capacities.

(B) To achieve the facility systems water objective, it shall be the policy of this State to:

(1) Coordinate development of land use activities with existing and potential water supply.

(3) Reclaim and encourage the productive use of runoff water and wastewater discharges.

(6) Promote water conservation programs and practices in government, private industry, and the general public to help ensure adequate water to meet long-term needs.

Kihei High School's domestic and fire protection water will be supplied through the Central Maui Water System. On-site brackish wells will provide irrigation water.

Chapter 226-18 HRS, Objective and Policies for Facility Systems – Energy.

226-18 HRS: (C) To further achieve the energy objectives, it shall be the policy of this State to:

(4) Promote all cost-effective conservation of power and fuel supplies through measures including: (A) Development of cost-effective demand-side management programs; (B) Education; (C) Adoption of energy-efficient practices and technologies;

Kihei High School will contribute to energy efficiency by incorporating green building standards and sustainable features to conserve energy and water usage, and principles of waste minimization and pollution prevention. Kihei High School will be designed and constructed in accordance with HI-CHPS Criteria and verified designation requirements. A new

high school facility in South Maui will reduce lengthy commutes and travel times for students who must otherwise attend high school in Central Maui. The Petition Area is within walking distance to existing and future residential areas thereby encouraging walking, biking and other alternative means of transportation to commute to school.

Chapter 226-21 HRS, Objective and Policies for Socio-Cultural Advancement – Education.

226-21 HRS: (A) Planning for the State's socio-cultural advancement with regard to education shall be directed towards achievement of the objective of the provision of a variety of educational opportunities to enable individuals to fulfill their needs, responsibilities and aspirations.

(B) To achieve the education objective, it shall be the policy of this State to:

(1) Support educational programs and activities that enhance personal development, physical fitness, recreation and cultural pursuits of all groups.

(2) Ensure the provision of adequate and accessible educational services and facilities that are designed to meet individual and community needs.

(3) Provide appropriate educational opportunities for groups with special needs.

(4) Promote educational programs which enhance understanding of Hawaii's cultural heritage.

(7) Promote programs and activities that facilitate the acquisition of basic skills, such as reading, writing, computing, listening, speaking and reasoning.

(8) Emphasize quality educational programs in Hawaii's institutions to promote academic excellence.

(9) Support research programs and activities that enhance the education programs of the State.

The development of Kihei High School will directly support the State's policies to encourage socio-cultural advancement in education. Kihei High School is planned for an enrollment of up to approximately 1,650 Kihei-Makena students in grades 9-12. The core curriculum will include various educational and research programs relating to personal development, physical fitness, recreation and culture. Kihei High School will also provide appropriate educational opportunities and facilities to individuals with special needs.

Chapter 226-104, HRS, Population Growth and Land Resources Priority Guidelines

226-104 HRS: (A)(1) Encourage planning and resource management to insure that population growth rates throughout the State are consistent with available planned resource capacities and reflect the needs and desires of Hawaii's people.

(3) Ensure that adequate support services and facilities are provided to accommodate the desired distribution of future growth throughout the State.

(B)(1) Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of lifestyles.

(2) Make available marginal or non-essential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district.

(9) Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized.

(12) Utilize Hawaii's limited land resources wisely, providing adequate land to accommodate projected population and economic growth needs while ensuring the protection of the environment and the availability of the shoreline conservation lands, and other limited resources for future generations.

The development of Kihei High School is consistent with the State's goals to develop land resources to meet the level of population growth in the Kihei region. Development of Kihei High School will provide a new educational facility in South Maui to reduce lengthy commutes and travel times for students who must otherwise attend high school in Central Maui. Kihei High School will be designed, constructed and operated sustainably pursuant to the HI-CHPS Criteria. Mauka and coastal views will not be adversely impacted.

Chapter 226-107, HRS, Quality Education Priority Guidelines

226-197 HRS: (A) Priority guidelines to promote quality education:

(1) Pursue effective programs which reflect the varied district, school and student needs to strengthen basic skills achievement.

(2) Continue emphasis on general education "core" requirements to provide common background to students and essential support to other university programs.

(5) Increase and improve the use of information technology in education by the availability of telecommunications equipment for:

(a) The electronic exchange of information.

(b) Statewide electronic mail.

(c) Access to the Internet.

Kihei High School will provide accessible educational facilities and services to students living in the Kihei-Makena region. (Pet. Ex. No. 9).

Functional Plans

111. Reclassification of the Petition Area generally conforms to the functional plans in the following program areas: education, employment, energy and recreation.

Education. The proposed Kihei High School is consistent with the goals and policies of the Education Functional Plan. Significant population growth in the Kihei-Makena region, coupled with the geographical separation from crowded Central Maui schools has created the need for Kihei High School. The agricultural productivity of the Petition Area is considered to be low. Kihei High School will provide jobs, easier access to education and new opportunities within the Kihei-Makena region. The Kihei-Makena Community Plan (1998) and the Maui Island Plan General Plan 2030 both contemplate development of Kihei High School.

Employment. Kihei High School will provide students access to quality education for improving employment qualifications. Kihei High School will also contribute to overall employment by creating construction-related jobs and long-term employment opportunities to support school operations. (Pet. Ex. No. 9).

Energy. Kihei High School will include energy conservation measures, including energy efficiency, in accordance with the HI-CHPS Criteria and Verified designation requirements. Kihei High School will reduce lengthy commutes and travel distances for students in South Maui who currently drive to Central Maui high schools. (Pet. Ex. No. 9).

Recreation. Kihei High School will provide indoor and outdoor athletics facilities, including a gymnasium, sports stadium, grassed playfield, outdoor basketball courts and tennis courts. Athletic courts on the lower campus may be accessible for public use during non-school hours. (Pet. Ex. No. 9).

CONFORMANCE WITH COASTAL ZONE MANAGEMENT OBJECTIVES AND POLICIES

112. Reclassification of the Petition Area generally conforms to the policies and objectives of the Coastal Zone Management Program as defined in Chapter 205A, HRS, as follows:

(1) Recreational Resources

(A) Provide coastal recreational opportunities to the public.

The Kihei High School Petition Area is not near the shoreline and its development will not impact coastal recreational opportunities or affect existing public access to the shoreline.

(2) Historic Resources

(A) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Kihei High School is not expected to impact cultural resources as no archaeological or cultural resources have been identified on the Petition Area. There is no evidence of past or present use of the Petition Area for gathering or Hawaiian cultural practices, or access to other areas for cultural purposes. Petitioner and its contractors will comply with all laws and rules regarding the preservation of archaeological, cultural, and historic sites should any such sites be found during construction.

(3) Scenic and Open Space Resources

(A) Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

The Petition Area is not near the shoreline. Development of the Petition Area will not impact coastal scenic and open space resources. The campus setting will preserve and maintain a considerable amount of scenic open space.

(4) Coastal Ecosystems

(A) Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.

The Project will have no direct impact on the coastal or marine environment. Best management practices and other measures such as ground stabilization with landscape and hardscape will prevent non-point source pollution and other impacts to coastal resources.

(5) Economic Uses

(A) Provide public or private facilities and improvements important to the State's economy in suitable locations.

The proposed development is not a coastal dependant development. As represented by the "Public Facilities" designation on Kihei-Makena Community Plan, school uses on the site are appropriate and represent the carefully planned out expansion of Kihei.

(6) Coastal Hazards

(A) Reduce hazard to life and Petition Area from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.

The Petition Area is designated Zone X, outside the 100-year flood plain and is not in the tsunami inundation zone. The Petition Area is secure from tsunami, storm waves, subsidence or stream flooding. Kihei High School will comply with applicable building codes and DOE standards in preparation for natural hazards. Kihei High School may be used as a shelter for the Kihei community in the event of emergencies.

(7) Managing Development

(A) Improve the development review process, communication and public participation in the management of coastal resources and hazards.

Kihei High School will be developed in conformance with all applicable, laws, regulations and requirements. Assessment and evaluation of the Project has entailed and will entail the following processes:

X Environmental Impact Review (Chapter 343 HRS)

X State Land Use District Boundary Amendment

X County Change in Zoning

(8) Public Participation

(A) Stimulate public awareness, education and participation in coastal management.

The Environmental Assessment, State Land Use District Boundary Amendment, and County Change in Zoning processes all provide for both agency and public review and comment, as well as opportunities for the public and decision-makers to request for more information.

(9) Beach Protection

(A) Protect beaches for public use and recreation.

The Petition Area is located a significant distance from the shoreline and will not adversely affect the use of marine and coastal resources. Development of the Project is not expected to have any adverse impact on beaches, shorelines, or existing shoreline recreational activities. (Pet. Ex. Nos. 9 and 28).

CONFORMANCE WITH THE COUNTY'S GENERAL PLAN

113. Development of Kihei High School is consistent with the following objectives and policies of the Maui County General Plan 2030. The Maui County Planning Department supports approval of the district boundary amendment for Kihei High School. The following Countywide Policy Plan objectives and policies are applicable to Kihei High School:

Protect the Natural Environment

Objective 3: Improve the stewardship of the natural environment.

No species of flora or fauna classified as endangered, or threatened by the U.S. Fish and Wildlife Service or the State of Hawai`i, nor any species proposed as a candidate for listing as an endangered species was detected on or in the immediate vicinity of the Petition Area. The development of Kihei High School will not involve alteration of the shoreline or offshore environments, as the Petition Area is located upslope and away from the shoreline. Kihei High School will not affect natural resources with significant scenic, economic, cultural,

environmental, or recreational value. Kihei High School students can reduce their overall travel time and distance by attending school in their own community.

Improve Education

Objective 1: Encourage the State to attract and retain school administrators and educators of the highest quality.

Objective 2: Provide nurturing learning environments that build skills for the 21st century.

Objective 3: Provide all residents with educational opportunities that can help them better understand themselves and their surroundings and allow them to realize their ambitions.

Objective 4: Maximize community-based educational opportunities.

Kihei High School will provide a new school facility to support the Kihei-Makena community. Petitioner will hire teachers and administrators to provide a nurturing environment for learning and building skills for future development of students and the community. Kihei High School will decrease overcrowding occurring at Central Maui high schools.

Strengthen the Local Economy

Objective 1: Maui County's economy will be diverse, sustainable and supportive of community values.

Kihei High School is an important investment for the successful and directed growth of the region. Kihei High School will create jobs through both its construction and operations that will have a positive impact on the economies of the State and County on a direct and indirect basis.

Improve Parks and Public Facilities

Objective 1: 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 2: Improve the quality and adequacy of community facilities.

Objective 3: Enhance the funding, management and planning of public facilities and park lands.

Athletic fields and large open spaces on the makai campus area will be safe and accessible for people of all ages and physical abilities. Kihei High School will provide a range of recreational opportunities, many of which may be carried out in coordination with other groups and organizations. The campus will be a place for the community to gather for sports and recreational activities to build community pride.

Diversify Transportation Options

Objective 2: Reduce the reliance on the automobile and fossil fuels by encouraging walking, bicycling and other energy-efficient and save alternative modes of transportation.

Kihei High School will serve students who currently attend high schools in Kahului and Wailuku, thus alleviating lengthy commutes and travel times for students who must otherwise attend school in Central Maui. On-campus safe walking and bicycling opportunities will be integrated into the overall Project design.

Improve Physical Infrastructure

Objective 1: Improve water systems to assure access to sustainable, clean, reliable and affordable sources of water.

Objective 2: Improve waste-disposable practices and systems to be efficient, safe and as environmentally sound as possible.

Objective 3: Significantly increase the use of renewable and green technologies to promote energy efficiency and energy self-sufficiency.

Objective 4: Direct growth in a way that makes efficient use of existing infrastructure and to areas where there is available infrastructure capacity.

The Central Maui Water System will provide domestic and fire water supply in accordance with the County's water system standards. On-site brackish wells will provide irrigation water. Kihei High School will be designed and constructed to achieve the HI-CHPS Verified designation, incorporating sustainable design principles. The Kihei-Makena region has a demonstrated need for an educational facility that will serve students currently attending

schools elsewhere. Kihei High School will also be used as a shelter for the community in the event of a natural disaster. (Pet. Ex. No. 9).

MAUI ISLAND PLAN

114. The second part of the Maui County General Plan 2030 is the Maui Island Plan. The purpose of the Maui Island Plan is to implement the Directed Growth Strategy which identifies areas appropriate for future urbanization and revitalization. The corresponding Directed Growth Maps specify "urban growth boundaries" for the Island of Maui. The Petition Area is within the Proposed Urban Growth Boundary of the Maui Island Plan, and within the proposed Kihei-Makena Planned Growth Area as shown in the Planning Department's Directed Growth Map S-1 in Chapter 8 of the Maui Island Plan. The population growth forecasts in the Maui Island Plan indicate that Kihei-Makena is the fastest growing community plan region, with population projected to increase from 22,870 in 2000 to 46,896 by 2030. The Maui Island Plan's Public Facility/Infrastructure Improvements Map designates the Petition Area for the development of a future high school. (Pet. Ex. Nos. 9 and 28; County Ex. No. 5; Ruotola, Tr. June 13, 2013, 138:1-20).

KIHEI-MAKENA COMMUNITY PLAN

115. The Kihei-Makena Community Plan, one of nine community plans comprising the third part of the Maui General Plan 2030, designates a 48 acre portion of the Petition Area for Public/Quasi-public facilities. The Kihei-Makena Community Plan designates balance of the Petition Area for Agriculture. (Ruotola, Tr. June 13, 2013, 138:21-139:12).

116. The proposed project supports the following goals, objectives, policies, and implementing actions set forth in the Kihei-Makena Community Plan:

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 Ma`alaea, Kihei, Wailea and Mäkena as well as the region's natural environment, marine resources and traditional shoreline uses.

Objective (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.

Objective (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.

Kihei High School will add to the County's design of a well-planned community to support existing and future growth of the Kihei-Makena region. The Petition Area is identified as the site for a proposed high school in the Maui Island Plan's Public Facility/Infrastructure Improvements Map and for a Public/Quasi Public Facility on the Kihei-Makena Community Plan. Development of Kihei High School fits with existing land use and development patterns to achieve efficient provision of infrastructure while preserving and enhancing the unique character of the region's natural environment, marine resources and traditional shoreline uses.

Implementing Action (f): Establish and enforce building height limits and densities mauka of Pi`ilani Highway which preserve significant mauka views and vistas.

Kihei High School will not have significant adverse impacts on mauka views and vistas.

Economic Activity

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

Objective (b): Expand educational opportunities and encourage research and technological activities.

Development of Kihei High School will satisfy a need for an educational facility to serve the Kihei-Makena region as described in the Kihei-Makena Community Plan. Expenditures for the development of Kihei High School will have a positive impact on the

economies of the State and the County, including increased long-term employment and tax revenues in the Kihei-Makena region.

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.

Transportation

Objective (c): Strengthen the coordination of land use planning and transportation planning to promote sustainable development and to reduce dependence on automobiles. New residential communities should provide convenient pedestrian and bicycle access between residences and neighborhood commercial areas, parks and public facilities.

Objective (d): Support ridesharing, bicycle and pedestrian use, alternative work schedules, traffic signal synchronization, and/or other transportation demand management strategies.

Implementing Action (g): Provide left turn storage lanes and acceleration/deceleration lanes on Pi`ilani Highway, and traffic signals at important intersections along South Kihei Road.

The development of Kihei High School will include acceleration and deceleration lanes on Pi`ilani Highway and a traffic signal system at the intersection of Pi`ilani Highway with Kulanihako`i Street and the access road for Kihei High School. This intersection will integrate safe walking and bicycling opportunities. Kihei High School will serve students who currently attend high schools in Kahului and Wailuku, thus alleviating lengthy commute and travel time for students who must now attend high school in Central Maui. The Petition Area is within walking distance to existing and future residential areas, thereby encouraging students to walk and bicycle to and from school.

Water Distribution

Objective (c): Develop water conservation, reuse and educational programs.

Objective (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.

Objective (e): Encourage the use of plants which have a relatively low need for water.

The Central Maui Water System will provide domestic water to Kihei High School. On-site brackish wells will provide irrigation water. Kihei High School will be designed and constructed to achieve the HI-CHPS Verified designation. Sustainable design strategies will include water conservation measures, such as xeriscape landscaping principles, and best management practices for water use.

Energy and Public Utilities

Objective (a): Promote energy efficiency as the energy resource of first choice, and increase energy efficiency in all sectors of the community.

Objective (b): Locate goods, services, and employment in close proximity to residential centers to minimize energy expenditures for transportation.

Kihei High School will be designed and constructed to achieve the HI-CHPS Verified designation. Kihei High School will contribute to energy efficiency through incorporating sustainable building features to conserve energy and water usage, and principles of waste minimization and pollution prevention. Kihei High School will be located in close proximity to existing and future residential neighborhoods thereby encourage walking, biking and other alternative means of transportation.

Recreation

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

Implementing Action (d): Provide adequate maintenance programs and enforce existing regulations regarding littering and defacement of public property at all public facilities.

Kihei High School will provide a range of recreational opportunities, many of which may be carried out in coordination with other groups and organizations. Athletic fields and large open spaces will be provided on the makai campus area of the proposed high school.

Public parking would be provided after school hours. The campus is envisioned as a place for the community to gather for sports and recreational activities.

Education

Objective (c): 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.

Objective (d): Enhance the classroom learning environment through measures which would reduce excessive temperature and background noise problems.

Objective (f): Build a high school to serve the Kihei region when required to accommodate growth.

Implementing Action (a): Enhance the classroom learning environment through such measures as the installation of air-conditioning and ceiling fans.

Implementing Action (d): Plan and locate a site for a high school to serve the Kihei region.

Significant population growth in the Kihei-Makena region, coupled with the geographical separation from existing crowded Central Maui high schools has created the need for Kihei High School. (Nichols, Tr. June 13, 2013, 22:2-12). Kihei High School is included in County's Maui Island Plan General Plan 2030. Kihei community residents have desired this educational resource for a number of years.

PROJECT PHASING

117. Petitioner intends to develop and construct the Project in two phases. Petitioner intends to commence design and construction of Phase I of Kihei High School immediately following approval of necessary land use permits, appropriation by the Legislature and release of adequate funding and selection of a project designer-builder through an RFQ and RFP process. Phase I will entail mass grading and development of backbone infrastructure and related facilities on the entire Petition Area, as well as construction of two classroom houses, an

administrative and student center, library, cafeteria, selected elective buildings and selected athletic facilities for a student population of 800. (Nichols, Tr. June 13, 2013, 24:23-27:3).

118. Phase II facilities could include construction of two additional classroom houses, additional electives buildings, an auditorium and a swimming pool and additional athletic facilities and other amenities to increase the school's capacity to a maximum student population of 1,650. The buildings and other facilities comprising Phase II will not be located in a single contiguous area, but will be integrated in the campus master plan initiated during Phase I. Individual elements of Phase II could be constructed separately, with projected completion of Phase II construction scheduled to be approximately 10 years after the completion of Phase I. Therefore, incremental redistricting would be inappropriate for Kihei High School. (Nichols, Tr. June 13, 2013, 24:23-27:3).

119. Petitioner has agreed to carry out the conditions of approval recommended by the County of Maui Department of Planning, (County Ex. No. 6, Pet. Ex. No. 9 and App. N), with the understanding that the County will no longer recommend that the project be submitted to the Maui County Urban Design Review Board for its recommendations.

RULING ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by Petitioner or any other party not already ruled upon by the Commission by adoption, or rejected by clearly contrary findings of fact, are hereby denied and rejected.

Any conclusion of law improperly designated as a finding of fact should be deemed or construed as a conclusion of law; any finding of fact improperly designated as a conclusion of law should be deemed or construed as a finding of fact.

CONCLUSIONS OF LAW

1. Pursuant to Chapter 205, HRS, and the Hawai`i Land Use Commission

Rules under Chapter 15-15, HAR, and upon consideration of the Land Use Commission decision-making criteria under Section 205-17, HRS, this Commission finds upon a clear preponderance of the evidence that the reclassification of the Petition Area, consisting of approximately 77.2 acres of land at Kihei, Maui, Hawai`i, and identified as Maui Tax Map Key Nos.: 2-2-02: 81 and 83, from the State Land Use Agricultural District to the State Land Use Urban District for development of Kihei High School, subject to the conditions in the Order below, conforms to the standards for establishing the Urban District boundaries, is reasonable, is not violative of Section 205-2, HRS, and is consistent with the Hawai`i State Plan as set forth in chapter 226, HRS, and with the policies and criteria established pursuant to Sections 205-17 and 205A-2, HRS.

2. Article XII, Section 7, of the Hawai`i Constitution requires the Commission to protect native Hawaiian traditional and customary rights: The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua`a tenants who are descendants of native Hawaiians who inhabited the Hawai`i an Islands prior to 1778, subject to the right of the State to regulate such rights.

3. Article XI, Section 1, of the Hawai`i Constitution requires the State to conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and to promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.

4. Article XI, Section 3, of the Hawai`i Constitution requires the State to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands.

5. Article XI, Section 7, of the Hawai`i Constitution states that the State has an obligation to protect the use of Hawaii's water resources for the benefit of its people. Kihei High School will not adversely affect the Kama`ole Aquifer System.

6. As set forth in the Findings of Fact, the Project is fully consistent with Article XII, Section 7, Article XI, Section 1, and Article XI, Section 7 of the Hawai`i State Constitution.

PROPOSED DECISION AND ORDER

IT IS HEREBY FURTHER ORDERED that the Petition Area being the subject of Docket A11-794 filed by Petitioner, consisting of approximately 77.2 acres of land in the State Land Use Agricultural District located at Kihei, Maui, Hawai`i, identified as Maui Tax Map Key Nos: 2-2-02: 81 and 83 and approximately shown on Exhibit A attached and incorporated by reference shall be and hereby is reclassified to the Urban District and the State Land Use District Boundaries shall be amended accordingly.

Conditions

IT IS FURTHER ORDERED that reclassification of the Petition Area from the State Land Use Agricultural District to the State Land Use Urban District shall be subject to the following conditions:

1. **Highway and Road Improvements.** Petitioner will work cooperatively with DOT to reach mutually agreeable solutions. Petitioner shall abide by, complete and/or submit the following:

a. The TIAR shall be revised and accepted by DOT prior to Petitioner executing a contract for the design of Phase I of the Project. The TIAR shall be structured to show assumptions about, traffic impacts of, and mitigations for both Phase I of the Project only and also the full build out of the Project. Petitioner shall submit three updated TIARs for the

Project: the first one full year after opening of Phase I of the Project, the second with DOT approval prior to the issuance of any certificate of occupancy for Phase II of the Project, and the third with DOT approval one full year after full build out of Phase II of the Project. Should there be delays over three years between preparation of the updated TIAR one full year after opening of Phase I and the scheduled issuance of the certificate of occupancy for Phase II or any potential later Phasing, Petitioner shall submit an additional updated TIAR at DOT's request. All requirements and criteria for the TIAR and updated TIARs shall be agreed and approved by DOT. All project generated traffic shall be mitigated at Petitioner's expense as recommended or required in any of the TIARs approved by DOT. Petitioner shall submit copies of all TIARs and TIAR updates to the State of Hawai`i DOT for review and approval, and to the County of Maui Department of Public Works for review and comment.

b. Petitioner shall complete a pedestrian route study for Phase I of the Project which includes ingress and egress of pedestrians through defined location(s) approved by DOT and shall analyze compliance with the proposed warrants in FHWA/RD-84/082 (July 1984) to the satisfaction of DOT. The pedestrian route study and analysis shall be completed and approved prior to Petitioner executing a contract for the design of Phase I of the Project. Petitioner shall implement such mitigation or improvements as may be required or recommended by the study and analysis to the satisfaction of DOT prior to opening Phase I of the Project. Petitioner shall submit three updated pedestrian route studies and analyses for the Project: the first one full year after opening of Phase I of the Project, the second with DOT approval prior to the issuance of any certificate of occupancy for Phase II of the Project, and the third with DOT approval one full year after full build out of Phase II of the Project. Should there be delays over three years between preparation of the updated pedestrian route study one full year after opening Phase I and the scheduled issuance of the certificate of occupancy for Phase II or any potential

later Phasing, Petitioner shall submit an additional updated pedestrian route study at DOT's request. Petitioner shall implement such mitigation or improvements as may be required or recommended by the updated studies and analyses to the satisfaction of DOT. Petitioner shall submit copies of the studies and analyses to the State of Hawai`i DOT for review and approval, and to the County of Maui Department of Public Works for review and comment.

c. Petitioner shall make transportation improvements relating to the direct impacts at the intersection of Kulanihako`i Street and Pi`ilani Highway acceptable to DOT and as set forth in the current and revised TIAR for Phase I of the Project, including full funding of improvements and dedication of land prior to the issuance of a certificate of occupancy for Phase I of the Project. The access road to the high school shall be perpendicular to Pi`ilani Highway for a minimum distance of 200 feet. For improvements as required or recommended in an updated TIARs for any other Phase of the Project, 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.

d. Petitioner shall install paved shoulders along Pi`ilani Highway fronting the high school, and provide accommodations for bicycles to the mutual agreement of Petitioner and DOT.

e. Petitioner shall plan, design, and construct all other improvements required to mitigate project generated or related transportation impacts, in accordance with the revised TIAR for Phase I of the Project, or any of the updated TIARs, and as approved by the DOT.

f. Petitioner shall address traffic noise levels along Pi`ilani Highway with noise compatible sound abatement measures to comply with DOT's noise policy.

2. **Civil Defense.** Petitioner shall permit the State of Hawai`i Department of Defense, Office of Civil Defense or County of Maui Civil Defense Agency to construct and maintain a solar-powered civil defense warning siren at a mutually agreeable location on the Petition Area.

3. **Archaeological Inventory Survey and Historic Preservation Mitigation Plan.** Petitioner shall prepare, submit to, and obtain approval from the State of Hawai`i Department of Land and Natural Resources, Historic Preservation Division ("SHPD") of an archaeological monitoring plan to protect historic sites in the general vicinity of the Petition Area prior to commencement of any ground altering activities. The plan shall be implemented, with a report of monitoring activities submitted to the SHPD upon completion of work.

4. **Unidentified Finds.** In the event any previously unidentified human skeletal remains or archaeological or historic sites such as artifacts, marine shell concentrations, charcoal deposits, stone platforms, pavings, or lo`i walls are identified during construction activities, Petitioner shall cease work in the immediate vicinity of the find. Petitioner shall immediately notify SHPD, and comply with requirements of Chapter 6E, HRS, and applicable regulations. All construction activity in the vicinity of the find shall cease until SHPD has determined the significance of the find, and has issued an archaeological clearance that appropriate mitigative measures have been implemented in order for subsequent work to proceed.

5. **Established Access Rights Protected.** Petitioner shall observe any legal access rights of native Hawaiians for legally recognized purposes.

6. **Flora and Fauna.** Petitioner shall ensure that all exterior lighting fixtures are down-shielded to minimize the harmful effects of lighting on endangered avifauna.

7. **Air Quality Monitoring.** Petitioner shall participate in an air quality-monitoring program if required by the State of Hawai`i Department of Health.

8. **Notification of Potential Nuisances.** Petitioner shall disclose to all students and parents of the school to be developed on the Petition Area that potential odor, noise and dust pollution may result from agricultural uses on adjacent lands.

9. **No Restraint on Farming Operations.** Petitioner shall not take any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the Agricultural District.

10. **Provisions of the Hawai`i Right to Farm Act.** Petitioner shall notify all students and parents of the school to be developed on the Petition Area that the Hawai`i Right to Farm Act, Chapter 165, HRS, limits the circumstances under which pre-existing farm activities may be deemed a nuisance if there are any lands in the Agricultural District adjacent to the Petition Area.

11. **Drainage Improvements.** Petitioner shall fund the design, construction and maintenance of storm water and drainage system improvements to prevent increased storm water runoff resulting from the development of the Petition Area from entering Waipuilani Gulch or adversely affecting State highway facilities in compliance with appropriate federal, State, and County laws and rules, based on 24 hour of runoff from a 100 year storm event. To the extent economically and physically feasible, Petitioner shall implement Best Management Practices and incorporate low impact development practices for onsite storm water capture and reuse into site planning and landscape planning for the Petition Area to control water quality and mitigate nonpoint sources of pollution.

12. **Integrated Solid Waste Management Plan.** Petitioner shall cooperate with the State of Hawai`i Department of Health and County of Maui Department of Environmental Management to conform to the program goals and objectives of Chapter 342G, HRS, and the County of Maui's approved integrated solid waste management plan in accordance with a schedule and timeframe satisfactory to the State of Hawai`i Department of Health. Petitioner shall, in coordination with appropriate State and County government agencies, assist in the planning and promotion of solid waste recycling facilities within the proposed development.

13. **Water Resources Allocation.** Petitioner shall provide adequate potable water storage and transmission facilities and improvements to accommodate the proposed development of the Petition Area to the satisfaction of the County of Maui Department of Water Supply and other appropriate State and County government agencies.

14. **Best Management Practices.** Petitioner shall implement best management practices applicable to the proposed land use in order to minimize infiltration and runoff from construction and vehicle operations to reduce or eliminate soil erosion and ground water pollution, and effect dust control measures during and after the development process in accordance with the State Department of Health guidelines.

15. **Water Conservation Measures.** Petitioner, where feasible, shall implement water conservation measures and best management practices, such as use of water efficient plumbing fixtures and planting of endemic, indigenous, and drought tolerant plants and turf.

16. **County Conditions.** Petitioner shall work with the County of Maui to the satisfaction of the County of Maui Planning Department during the permitting process, to implement the following improvements to the Kihei High School campus:

a. pedestrian and bicycle access to and from the school campus to connect to current and future pedestrian and bicycle networks in the vicinity of the campus;

b. bicycle friendly improvements on the school campus, and if requested by the Maui County Department of Transportation, an area for public transit access to the school campus;

c. overflow parking and lighting to accommodate special events to be held on the school campus;

d. consideration of best practices in Crime Prevention through Environmental Design (CPTED) elements in campus design; and

e. to the extent not inconsistent with the provision of a drainage detention basin, overflow parking and CPTED design elements, a landscaped buffer on the campus fronting Pi`ilani Highway.

17. **Energy Conservation.** Petitioner shall incorporate and implement energy conservation, sustainable design, and environmental stewardship measures in the design and construction of Kihei High School pursuant to the Hawai`i – Collaborative for High Performance Schools (HI-CHPS) Criteria in order to qualify for the HI-CHPS Verified designation.

18. **Infrastructure Deadline.** Petitioner shall complete construction of the proposed backbone infrastructure, including the primary roadways and access points, internal roadways, and water supply, sewage, electrical infrastructure and buildings for Phase I of Kihei High School within ten (10) years from the date of filing of the Commission's decision and order.

19. **Order to Show Cause.** If Petitioner fails to complete construction of the proposed backbone infrastructure as described above on the Petition Area then the Commission may, on its own motion or at the request of any party or other interested person, issue an Order to Show Cause requiring Petitioner to appear before the Commission to explain why the Petition

Area should not revert to its previous Agricultural District classification or be changed to a more appropriate classification.

20. **Compliance with Representations to the Commission.** Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission. 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.

21. **Notice of Change to Ownership Interests.** Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Area, prior to development of the Petition Area. This condition shall not require notice of mortgage financing, and shall be satisfied by the giving of notice only, and shall not require approval by the Commission.

22. **Annual Reports.** Petitioner shall provide timely and without any prior notice, annual reports to the Commission, the Office of Planning and the Maui County Planning Department in connection with the status of the development proposed for the Petition Area, and Petitioner's progress in complying with the conditions imposed. The annual report shall be submitted in a form prescribed by the executive officer of the Commission. The annual report shall be due prior to or on the anniversary date of the Commission's approval of the Petition.

23. **Release of Conditions Imposed by the Commission.** Petitioner shall seek from the Commission full or partial release of these conditions as to all or any portion of the Petition Area upon assurance acceptable to the Commission of satisfaction of these conditions.

24. **Statement of Imposition of Conditions.** Within seven (7) days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall: (a) record with the Bureau of Conveyances a statement that the Petition Area is subject to

conditions imposed by the Commission in the reclassification of the Petition Area, and (b) file a copy of such recorded statement with the Commission.

25. **Recording of Conditions.** Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to Section 15-15-92, Hawai`i Administrative Rules.

DATED: Honolulu, Hawai`i, June 25, 2013.

OF COUNSEL:
ALSTON HUNT FLOYD & ING

William W.L. Yuen
Jean K. Campbell
Melissa M. Uhl
Attorneys for Petitioner

STIPULATED AND AGREED

James Giroux
Attorney for County of Maui
Planning Department

Office of Planning
State of Hawai`i

By:
Its:

ALSTON HUNT FLOYD & ING
WILLIAM W. L. YUEN 1359
JEAN K. CAMPBELL 7424
MELISSA M. UHL 9809
1001 Bishop Street, Suite 1800
Honolulu, Hawai`i 96813
Telephone: (808) 524-1800

BEFORE THE LAND USE COMMMISSION
OF THE STATE OF HAWAI`I

In the Matter of the Petition of: STATE OF HAWAI`I, 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, Hawai`i, Maui Tax Map Key Nos. 2-2-02: 81 and 83.	DOCKET NO. A11-794 CERTIFICATE OF SERVICE STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER; CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the following document:

Stipulated Findings of Fact, Conclusions of Law, and Decision and Order

has been duly served on the following parties at their last known addresses by hand delivery, electronic mail or depositing in the U.S. mail, postage prepaid on June 25, 2013.

Copies mailed or delivered to:
(At last known address)

Jesse Souki, Director
Office of Planning
State of Hawai`i
235 Beretania Street, 6th Floor
Honolulu, HI 96813

William Spence, Director
Department of Planning
County of Maui
250 South High Street
Wailuku, HI 96793

Bryan Yee, Esq.
Deputy Attorney General
Commerce and Economic Development
Department of Attorney General
425 Queen Street
Honolulu, HI 96813

James Giroux, Esq.
Deputy Corporation Counsel
County of Maui
200 S. High Street
Wailuku, HI 96793

DATED: Honolulu, Hawai`i, June 25, 2013.

William W.L. Yuen
Jean K. Campbell
Melissa M. Uhl

OFFICE OF PLANNING
Leiopapa a Kamehameha, Room 600
235 South Beretania Street
Honolulu, Hawaii 96813
Telephone: (808) 587-2846
Facsimile: (808) 587-2824

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 Land Use District Boundary of Approximately 77.2 acres of land from the Agricultural District to the Urban District at Kihei, Maui, Hawaii, Tax Map Key (2) 2-2-002: 081 and 083.	)	DOCKET NO. A11-794 OFFICE OF PLANNING'S STATEMENT OF NO OBJECTIONS TO PETITIONER'S STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER; CERTIFICATE OF SERVICE

OFFICE OF PLANNING'S STATEMENT OF NO OBJECTION TO PETITIONER'S STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER

On June 25, 2013, the State of Hawaii, Department of Education ("Petitioner") filed Petitioner's Stipulated Findings of Fact, Conclusions of Law and Decision and Order.

The Office of Planning has no objections to the Petitioner's Stipulated Findings of Fact, Conclusions of Law and Decision and Order.

DATED: Honolulu, Hawaii this 25th day of June 2013.

OFFICE OF PLANNING
STATE OF HAWAII

JESSE K. SOUKI
Director

EXHIBIT 21

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
MELISSA M. UHL
Alston Hunt Floyd & Ing.
1001 Bishop Street, Suite 1800
Honolulu, Hawaii 96813

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 25th day of June 2013.

JESSE K. SOUKI
Director
Office of Planning

DEPARTMENT OF PLANNING
COUNTY OF MAUI
One Main Plaza
2200 Main Street, Suite 315
Wailuku, Hawaii 96793
Telephone: (808) 270-7735
Facsimile: (808) 270-7634

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. 2-2-02: 81 and 083.	Docket No. A11-794 DEPARTMENT OF PLANNING, COUNTY OF MAUI'S STATEMENT OF NO OBJECTIONS TO PETITIONER'S STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER; CERTIFICATE OF SERVICE

DEPARTMENT OF PLANNING, COUNTY OF MAUI'S STATEMENT OF NO OBJECTIONS TO PETITIONER'S STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER

The Department of Planning, County of Maui has no objections to the State of Hawaii, Department of Education ("Petitioner") Petitioner's Stipulated Findings of Fact, Conclusions of Law and Decision and Order, filed on June 25, 2013.

DATED: Wailuku, Hawaii, June 26, 2013.

WILLIAM R. SPENCE
Planning Director
Department of Planning

EXHIBIT 22

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 Boundaries into the Urban Land Use District for Approximately 77.2 acres of land at Kihei, Maui, Hawaii, Maui Tax Map Key Nos. 2-2-02: 81 and 083.	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following on the date indicated below:

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

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

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

Attorney for Petitioner

JAMES A. GIROUX
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793

Hand delivery

PLANNING COMMISSION
County of Maui
One Main Plaza
2200 Main Street, Suite 315
Wailuku, Maui, Hawaii 96793

Hand Delivery

DATED: Wailuku, Hawaii, June 25, 2013.

WILLIAM R. SPENCE
Planning Director
Department of Planning

S:\ALL\LITIGATION CASES\Kihei School LUC A11-794\Statement No OBJ to Pet Stip FOF.doc

LAND USE COMMISSION

STATE OF HAWAI'I

TRANSCRIPT OF PROCEEDINGS

The above-entitled matters came on for a Public Hearing at Maui Arts & Cultural Center, Alexa Higashi Meeting Room, One Cannon Way, Kahului, Maui, Hawai'i commencing at 9:40 a.m. on June 27, 2013, pursuant to Notice.

REPORTED BY: HOLLY M. HACKETT, CSR #130, RPR
Certified Shorthand Reporter

EXHIBIT "6"

A P P E A R A N C E S

COMMISSIONERS:
KYLE J.K. CHOCK, CHAIRPERSON
RONALD HELLER, VICE CHAIR
CHAD McDONALD, VICE CHAIR
SHELDON R. BIGA
THOMAS CONTRADES
LANCE M. INOUYE
ERNEST MATSUMURA

EXECUTIVE OFFICER: DAN ORODENKER
CHIEF CLERK: RILEY HAKODA
STAFF PLANNER: SCOTT DERRICKSON

DEPUTY ATTORNEY GENERAL: SARAH HIRAKAMI, ESQ.

AUDIO TECHNICIAN: WALTER MENCHING

Docket No. A11-794 State of Hawaii-DOE, Kihei HS-Decision Making

For the Petitioner:	WILLIAM YUEN, ESQ. ROBERT PURDIE - DOE
For the County:	JAMES GIROUX, ESQ. Deputy Corporation Counsel WILLIAM SPENCE, Director
For the State:	JESSE SOUKI Director Office of Planning RODNEY FUNAKOSHI, OP

A P P E A R A N C E S (cont'd)

Docket No. A9 4-706 Ka'ono'ulu Ranch

Motion to Stay

For the Petitioner:	JONATHAN STEINER, ESQ.
For the County Dept. of Planning	MICHAEL HOPPER Deputy Corporation Counsel WILLIAM SPENCE, Director
For the State:	JESSE SOUKI, Director Office of Planning RODNEY FUNAKOSHI, OP
For the Intervenors Maui Tomorrow:	TOM PIERCE, ES1. IRENE BOWIE DANIEL KANAHELE
For the Intervenor South Maui Citizens For Responsible Growth:	MARK HYDE

I N D E X

Docket No. A11-794 State of Hawai'i-DOE

Docket No A94-706 Ka'ono'ulu Ranch

PUBLIC TESTIMONY

CHAIRMAN CHOCK: (gavel) I'd like to call the meeting to order. This is a meeting of the State Land Use Commission. Our first item of business is the adoption of the minutes. Is there a motion to adopt?

COMMISSIONER CONTRADES: So moved.

COMMISSIONER McDONALD: Second.

CHAIRMAN CHOCK: Moved and seconded. Any discussion? Any objections to the minutes? If not the minutes have been approved. I'd like to ask our executive officer to briefly cover our tentative meeting schedule.

MR. ORODENKER: Thank you, Mr. Chair. July 11th and 12th our next scheduled meeting remains open. We have nothing on the agenda for those 2 days.

July 25th and 26th we are back here on Maui for Maui R&T at the Makena Beach and Golf Resort for a site visit and commencement of hearing.

On August 8th and 9th continued hearing for Maui R&T. On August 22nd and 23rd Halekua Development Corporation on O'ahu mostly to bifurcate and amend.

September 5th and 6th CMBY Investment, LLC on Maui until 2:00 p.m. Then at 2:00 p.m. we will be having our first public hearing on the Governor's recently-approved Administrative Rules. We also have

Maui R&T continued hearing oral argument on the following day.

September 19th and 20th is actually the HCPO conference on the Big Island. Sheraton Bay Kona. We will also be having a meeting in regard to our public rules at that time.

CHAIRMAN CHOCK: Thank you very much, Dan. This is a continued hearing and action on A11-794 oral argument and deliberation State Department of Education, Kihei High School, to amend the Agricultural Land Use District Boundary into the Urban Land Use District for approximately 77.2 acres of land. Will the parties please identify themselves for the record.

MR. YUEN: Good morning, Mr. Chair. William Yuen on behalf of the State of Hawai'i Department of Education. With me is Robert Purdie of the Department of Education.

CHAIRMAN CHOCK: Good morning.

MR. GIROUX: Good morning. James Giroux, deputy corporation counsel with the Department of Planning. And with me is William Spence, Director.

CHAIRMAN CHOCK: Good morning.

MR. SOUKI: Good morning, Chair and Commissioners. Jesse Souki for the Office of

Planning, state of Hawai'i. And with me is Rodney Funakoshi.

CHAIRMAN CHOCK: Good morning, Jesse. Congratulations on recently becoming a dad. Why do you look so well-rested? (laughter)

MR. SOUKI: Ask my wife.

CHAIRMAN CHOCK: *I'm* not. I'm not well rested. Anyway, let me briefly update the record in this docket. On June 13, 2013 the Commission began the hearings. June 14 the Commission concluded the evidentiary portion of the proceedings.

On June 19 the Commission received Petitioner's Proposed Findings of Fact, Conclusions of Law and Decision and Order after it had met with OP and County and mailed the agenda for the June 27-28 meeting to the parties and the statewide and Maui mailing lists.

On June 25th and 26th the Commission received Petitioner's Stipulated Findings of Fact, Conclusions of Law and Decision and Order and OP and County Statements of No Objection to the Stipulated Findings of Fact, Conclusions of Law and Decision and Order.

Let me briefly describe our procedure for today. First I will call for those individuals

desiring to provide public testimony on this matter to identify themselves. All such individuals will be called in turn to our witness box where they will be sworn in. A 3-minute time limit on testimony will be enforced.

After completion of the public testimony, oral argument presentations will begin starting with the Petitioner. Chair will allow each party no more than 15 minutes to present oral argument in support of its Proposed Decision and Order and/or its exceptions to those proposed by other parties. Petitioner may reserve a portion of this time for rebuttal.

At the conclusion of oral argument and after questions from the Commissioners and the answers that follow, the Commission will conduct formal deliberation on this matter. Chair will also note for the parties and the public that from time to time I'll be calling for short breaks. Are there any individuals wishing to provide public testimony at this time? Please come forward.

Good morning, Ma'am. Would you please state your name and address for the record, please?

THE WITNESS: Yes. My name is Lucienne de Naie. I reside at 320 Door of Faith Road in Haiku, Maui.

LUCIENNE De NAIE

being first duly sworn to tell the truth, was examined and testified as follows:

THE WITNESS: I do.

CHAIRMAN CHOCK: Proceed. Three minutes.

THE WITNESS: Thank you. I come today as an individual. We all support the Kihei High School being built. Just like to bring to your attention 2 matters that may or may not have been brought up before.

One is that since this is a high school it's very important that it have connectivity to other areas where the high school students potentially would be coming from. One of those areas you will be hearing in July, that is the reconfigured RD, research a development parcel immediately to the south of the high school.

Right now there's no means to connect students with that except to go on Pi'ilani Highway. This just really doesn't seem smart planning, good planing, safe planning in any way.

So just, you know, as this body makes its final deliberations that fact should be known.

The matter is that the Archaelogical Inventory Survey for this property, once again, was

done in a manner where it was not very careful. Walking the land recently with several members of the Kihei Community Association and even some public officials, a site was identified that has not been recorded at all that is very, very likely to be a cultural site. I'll turn in a picture of it just for the record. It has an alignment of rocks. There were fragments of coral found there.

This is a half mile from the ocean. Coral had to be transported there for cultural purpose. It has an outstanding view. It's a low-rise. It's a typical type of place that would have been modified for cultural use. It's not recorded at all. It's likely that it could be avoided. There's plenty of room to build this high school here.

It's just because it was poor work done on the Archaelogical Inventory Survey that an opportunity here could be lost for future generations to understand who came before on this land.

So I would just ask that the Commission recommend that, you know, in the next phase that there be a supplementary Archaelogical Survey done. Several lineal descendants participated in this site visit. Members of the Naole family that held the royal patent back at the time of the Mahele, they'd be happy to be

consultants. It's just we should do the process a little more properly. Thank you.

CHAIRMAN CHOCK: Thank you, very much. Parties, any questions?

MR. YUEN: No questions.

CHAIRMAN CHOCK: County?

MR. GIROUX: No questions.

CHAIRMAN CHOCK: State?

MR. SOUKI: No questions.

CHAIRMAN CHOCK: Commissioners, any questions? Thank you for your testimony?

THE WITNESS: May I leave this (photo) with the staff?

CHAIRMAN CHOCK: Yes. Anyone else in the public wishing to provide public testimony on this matter, please come forward. Okay. Seeing none, parties, I understand there's been some discussion regarding Proposed Findings of Fact, Conclusions of Law and Decision and Order? Can you give the Commission an update in terms of what's been agreed to and what have been stipulated to, Petitioner?

MR. YUEN: Yes, Mr. Chairman. On June 25th we submitted a Stipulated Findings of Fact, Conclusions of Law and Decision and Order containing the findings as well as 25 conditions.

The County yesterday submitted to you the signature of the deputy corporation counsel indicating its approval. On June 25th the Office of Planning submitted a Statement of No Objection which procedurally indicates its approval of the stipulation.

CHAIRMAN CHOCK: Thank you. County.

MR. GIROUX: Yes, that is our position. And I believe we also filed a Statement of Non-opposition to what was filed on July 25th also, to have some redundancy so it was clear that we had no objections to everything that we had talked about and put into that document.

CHAIRMAN CHOCK: Okay. State, any comments?

MR. SOUKI: Just a few comments. We did file a Statement of No Opposition. But if there's any one overarching issue before the Commission in these proceedings for the district boundary amendment to allow the Kihei High School was the welfare of Hawai'i's current and future keiki.

And I think that through discussions among the parties and relying on input by the DOE and its technical expertise, we're able to address the issue of student safety and the mission of DOE to provide

education facilities for them.

In summary, a couple of facts that helped us arrive at this decision and amicable agreement was Finding of Fact 66 which recognizes that Pi'ilani Highway is a 4-lane, 2-way limited access roadway that separates the residential and proposed residential on the makai side from the proposed high school.

Finding of fact 70 recommends that Petitioner submit a revised TIAR for DOT acceptance including revised traffic signal warrant studies and pedestrian route study.

Finding of fact 70 which recognizes that Wilson Okamoto, the consultant for the Petitioner, used the 1 percent growth rate, but the DOT would require a 2 percent growth rate.

This is important because the finding of fact 114 it recognizes that in 2000 the population in the Kihei Community Plan area was 22,870. And the forecast in 2030 is 46,896. It's 105 percent increase in growth, about 3 percent per annum. So 2 percent analysis of the TIRA seems fair.

Also finding of fact 76, what DOT is concerned about the conflicts between vehicles and pedestrians and the overall safety of pedestrians crossing the highway. And most importantly DOE has

agreed to evaluate pedestrian issues using Federal Highway Administration guidance on grade-separated crossings.

In conclusion, the condition that ties this all together is Condition 1. And in particular subsection B which, among other things, has DOE evaluating compliance with the FHWA guidance relating to grade-separated crossings. And also that Petitioner will submit 3 updated pedestrian route studies and analyses for the Project.

So given these facts and conditions and our review and agreement on all the other conditions and findings and conclusions, we are in agreement with the parties and have no opposition to the proposed D&O.

CHAIRMAN CHOCK: Thank you very much, Jesse. Petitioner, are you ready to proceed with closing argument?

MR. YUEN: Yes, Mr. Chairman.

CHAIRMAN CHOCK: 15 minutes.

MR. YUEN: Thank you. I will try to keep my remarks brief. Basically in reviewing the Commission's decision-making criteria contained in Hawaii Revised Statutes Section 205-17 and the Land Use Commission's Rules 15-15-77, first the reclassification of the Petition Area conforms to

goals and objectives and policies of the Hawai'i State Plan and priority guidelines, particularly with respect to the Educational Functional Plan and the Population, Economy and Employment Functional Plan.

The reclassification will allow the Department of Education to build a new high school to serve the Kihei-to-Makena region. It will provide the up to 1,650 residents of the Kihei area easier access to quality education, remove the necessity to commute to Central Maui, and enhance employment and higher education opportunities for these students.

The Kihei High School will be designed also to provide appropriate educational opportunities and facilities to special needs students.

With respect to the Population and Employment Functional Plan, construction of Kihei High School will both further the State's goals to develop land resources to meet the level of growth predicted for the Kihei region.

It will facilitate creation of construction-related jobs during the building of the school as well as open long-term educational employment opportunities in the Kihei region.

The reclassification conforms to the Urban District standards that I'll review later. There are

no endangered or threatened species of flora or fauna or any critical habitat on the Petition Area. The Petition Area does not contain important cultural, natural or agricultural resources. And development of the Petition Area will not adversely affect any such resources.

The Petition Area is basically low quality cattle ranchland. It does not qualify for Important Agricultural Land development classification. And development of the Petition Area will not impair either agricultural production or cattle ranching.

The 2013 Legislature appropriated $113 million for construction of Kihei High School which evidences the State's commitment of significant resources and funding to build this new school.

The reclassification is consistent with the County of Maui General Plan and its various components including the Countywide Policy Plan, the Maui Island Plan and the Kihei-Makena Community Plan.

And the Kihei High School is a designated public facility in the Maui Island Plan's Public Facilities Infrastructure map.

Turning to the Urban District standards, this land is characterized by a city-like concentration of people, structures, streets and urban

level of services immediately adjacent to Pi'ilani Highway on the makai side.

The Petition Area is in proximity to centers of trading and employment. In addition to being adjacent to Pi'ilani Highway it's contiguous to land in the Urban District and in close proximity to commercial and resort areas in Kihei and Wailea.

Basic services such as commercial facilities, parks, wastewater systems, drainage, potable water, transportation systems, public utilities and police and fire protection are available to the Petition Area.

Reclassification of the Petition Area will lead to creation of a significant reserved area for foreseeable urban growth. The Kihei High School is planned for development in phases. The initial phase will accommodate approximately 800 students with plans to develop additional classrooms as well as support facilities as the population continues to grow and subsequent state funds are available.

The Petition Area has satisfactory topography, drainage and site conditions. It's reasonably fee from the danger of flood, tsunami, unstable soil or other adverse environmental effects.

With respect to the State and County Plans,

I've already discussed conformance with the State Plan. In terms of the County of Maui Plans it conforms to both the County-wide Policy Plan. The recently adopted Maui Island Plan designates the Petition Area within the Kihei-Makena Urban Growth Boundary. And it's also designated on the Maui Island Plan's public facility infrastructure map as the site for a public school.

Approximately 2/3 of the Petition Area is designated for public facilities in the Kihei-Makena Community Plan. The remaining acreage is the subject of a proposed amendment to the Kihei-Makena Plan that the County Planning Commission will be entertaining in July, and will subsequently be considered by the county council later this summer or in early fall.

As Jesse Souki has described to the Commission, the Department of Education, the County and the Office of Planning have reached agreement on 25 conditions of reclassification.

The Department of Education has agreed to revise the Traffic Impact Analysis Report including the Traffic Signal Warrant Study and to prepare a Pedestrian Route Study for both Phase I of the Project as well as for the entire Project incorporating Phases 1 and 2.

The Department of Education has agreed to update the Traffic Impact Analysis Report as indicated by Mr. Souki, and more important, to make the traffic improvements recommended by the studies. If necessary the Department of Education will go back to the Legislature to seek additional funds for these improvements. I'll reserve the rest of my time for rebuttal. Thank you.

CHAIRMAN CHOCK: Thank you, Petitioner. County?

MR. GIROUX: Thank you, Chair. But just for the record, I did my closing at the last meeting. I knew Mr. Yuen would steal my thunder so I took an early shot. We just want to reiterate that Maui County is in full support of the District Boundary Amendment. And we appreciate the time and effort that everybody has put into it, the amount of cooperation. And we just want to see this move forward.

We will be seeing this at the Planning Commission very soon. And it will be forwarded to the county council for the ordinance for the change in zoning. So we appreciate everybody's help on this.

CHAIRMAN CHOCK: Thank you, Mr. Giroux. State, any closing statement?

MR. SOUKI: I think I'll let what I stated

earlier stand as my closing. But I think it's important to note, given the public testimony, that the hearings are closed so the Commission is not taking additional facts.

And regarding archaeological studies it does say on the finding of fact 54: The consultant conducted an archaeological survey of the Petition Area, a hundred percent pedestrian survey. And a subsurface testing of 77 acres that SHPD concurred with its findings.

And then Conditions 3 and 4 regarding Archaelogical Inventory Survey mitigation plans and monitoring, and Condition 4 regarding unidentified finds adequately and sufficiently address the issues of archaeological resources.

CHAIRMAN CHOCK: Okay. Thank you, Mr. Souki. Petitioner, do you still want the time?

MR. YUEN: I don't need to say anything further, thank you.

CHAIRMAN CHOCK: Thank you very much, parties. The Commission will now conduct formal deliberations concerning whether to grant the Petition whether in whole or in part or to deny.

If the Commission decides to grant the Petition, it needs to determine what conditions of

approval to impose. I'd like to note for the parties and the public that during the Commission's deliberations we'll not entertain additional input from the parties or the public unless those individuals or entities are specifically requested to do so by the Chair. If called upon I would like to ask that comments be limited to the question at hand.

The Commission held hearings on the merits of this Petition on June 13-14 and oral argument concluded today. Commissioners, let me confirm that each of you have reviewed the record, read the transcripts for any meeting that you may have missed and are prepared to deliberate on this docket.

After I call your name please signify with either a yes or no that you are prepared to deliberate on this matter. Commissioner Biga?

COMMISSIONER BIGA: Yes.

CHAIRMAN CHOCK: Contrades?

COMMISSIONER CONTRADES: Yes.

CHAIRMAN CHOCK: Heller?

COMMISSIONER HELLER: Yes. Mr. Chair, I have a disclosure that I've put on the record in other dockets but not yet in this docket. So I'd just like to note for the record that I represent taxpayers in real property tax cases including some cases on the

Island of Maui which means that my clients would be adverse to Maui County in those cases. I don't think that will affect my ability to be impartial in this case but I wanted to note that for the record.

CHAIRMAN CHOCK: Thank you for the disclosure, Commissioner Heller. Parties, any concerns or objections?

MR. YUEN: No objection.

MR. GIROUX: County has no objection.

MR. SOUKI: No objections from the State.

CHAIRMAN CHOCK: Okay. Thank you, Commissioner Heller. Commissioner Inouye?

COMMISSIONER INOUYE: Yes.

CHAIRMAN CHOCK: Commissioner Matsumura?

COMMISSIONER MATSUMURA: Yes.

CHAIRMAN CHOCK: Commissioner McDonald?

COMMISSIONER McDONALD: Yes.

CHAIRMAN CHOCK: Commissioner Teves is excused. Chair is also prepared to deliberate on this matter. The goal today is to determine by way of motion the Commission's decision on whether to grant in whole or in part Petitioner's request to reclassify the subject property or to deny the Petition.

If a decision is reached today, and based on the Commission's guidance, the staff will be

directed to draft appropriate Findings of Fact, Conclusions of Law and Decision and Order reflecting the Commission's decision. Commissioners, what is your pleasure on this matter? Commissioner Biga.

COMMISSIONER BIGA: Mr. Chair, I move to grant A11-794 State of Hawai'i, DOE-Kihei High School Maui the Petition with the conditions and in the general format of the agreed-to Decision and Order submitted by Petitioner with the added condition that an above- or below-ground pedestrian crossing be constructed prior to opening of Phase I.

And that Petitioner's proposed Decision and Order be further modified by staff to be consistent with the motion and with the procedural findings reflecting all filings in this docket.

CHAIRMAN CHOCK: Maybe before we get into the conditions, just to keep matters clean I'd like to just maybe suggest a friendly amendment that I believe you're making a motion to approve, Commissioner Biga?

COMMISSIONER BIGA: Yes.

CHAIRMAN CHOCK: Okay. Chair will second that motion. Then maybe now for the discussion if you want to restate that condition.

COMMISSIONER BIGA: Restating the condition. In the general format of the agreed-to

Decision and Order submitted by the Petitioner with the added condition an above- or below-ground pedestrian crossing be constructed prior to opening of the Phase I and that the Petitioner's proposed Decision and Order, further modified by staff, to be consistent with this motion and with these procedural findings reflecting all filings in this docket.

CHAIRMAN CHOCK: Thank you. Discussion? Commissioner Heller.

COMMISSIONER HELLER: I generally agree with Commissioner Biga in that I'm very concerned about the issue of pedestrian access. And I personally think a pedestrian overpass probably is a good answer. However, I'm not a traffic engineer or an expert on pedestrian safety.

As I understand the parties' proposal they are proposing to work out the final decision on an overpass or underpass between the Department of Education and the Department of Transportation. And the parties will ultimately reach some agreement as to what is necessary.

Given that I'm not a traffic engineer and given that the TIAR has not been finished at this point, I don't think it's appropriate for us to make that decision today. I think it's more appropriate to

say that the experts will work it out and that the experts have to ultimately agree on what the proper answer is.

So therefore would, while I share Commissioner Biga's concern, I would oppose the amendment regarding this specific requirement.

CHAIRMAN CHOCK: Thank you, Commissioner Heller. Any other discussion, Commissioners, comments, concerns, questions for any of the parties? Commissioner Inouye.

COMMISSIONER INOUYE: Thank you, Chair. I think the No. 1 issue -- not issue, but the No. 1 concern that we as Commissioners have is public safety and safety of the children as well as the residents of Maui and whoever does frequent the place.

So I want to echo what Commissioner Heller says. I am concerned as Commissioners imposing something that the parties have not yet come to fruition because there's a TIAR yet to be done and some engineering to ensure that the right thing is being done.

However, I'm prepared -- I have that discomfort but I'm prepared to approve the amendment with reservations, if that's allowed. Thank you.

CHAIRMAN CHOCK: Thank you, Commissioner

Inouye. (pause in proceedings) Commissioners, any other comments? (pause) Commissioners, any other questions on the proposed condition to require the overpass/underpass? Just so we're clear I believe Commissioner Biga's Motion's to Approve this condition based on the overpass/underpass?

Is that the correct understanding that there was some concerns raised by Commissioners Heller and Inouye?

COMMISSIONER BIGA: And thank you, Chair. I just want to reiterate on my motion. Living on Maui, traveling on that highway on numerous occasions, I've seen the speed that goes through that highway. Again, my concern is for the safety of the pedestrians and the children that will be going to that school.

Throughout this hearing I brought up my concerns of that nature. That's why I believe this motion, I brought this motion up. So that's my concern, the safety of the public, the safety of the children that're going to that school.

CHAIRMAN CHOCK: Any other comments, Commissioners? If not I'm going to have the executive officer poll the Commission. Dan.

COMMISSIONER HELLER: Mr. Chair, just for clarification, we're voting now on -- yes or no on

granting the Petition with the condition of an overpass or an underpass, is that right?

CHAIRMAN CHOCK: That's my understanding, correct.

MR. ORODENKER: Thank you, Mr. Chair. The motion is to grant the Petition with the added condition of requiring the construction of a pedestrian overpass or underpass prior to the opening of Phase I. Commissioner Biga?

COMMISSIONER BIGA: Yes.

MR. ORODENKER: Chair Chock?

CHAIRMAN CHOCK: Yes.

MR. ORODENKER: Commissioner Matsumura?

COMMISSIONER MATSUMURA: Yes.

MR. ORODENKER: Commissioner McDonald?

COMMISSIONER McDONALD: Yes.

MR. ORODENKER: Commissioner Contrades?

COMMISSIONER CONTRADES: Yes.

MR. ORODENKER: Commissioner Heller?

COMMISSIONER HELLER: No.

MR. ORODENKER: Commissioner Inouye?

COMMISSIONER INOUYE: Yes, with reservations.

MR. ORODENKER: Thank you, Commissioners. The motion passes 6 votes in support and 1 vote in

opposition.

CHAIRMAN CHOCK: Thank you very much. Parties, any questions? Petitioner?

MR. YUEN: No questions.

MR. GIROUX: No questions from the County.

CHAIRMAN CHOCK: State?

MR. SOUKI: No questions from the State.

CHAIRMAN CHOCK: Thank you very much. Why don't we take a brief recess in place to set up for the next item on our agenda. (Pau 10:11.)

--00--

xx

xx

xx

xx

xx

xx

xx

xx

xx

xx

xx

xx

xx

C E R T I F I C A T E

I, HOLLY HACKETT, CSR, RPR, in and for the State of Hawai'i, do hereby certify;

That I was acting as court reporter in the foregoing LUC matters on the 27th day of June 2013;

That the proceedings were taken down in computerized machine shorthand by me and were thereafter reduced to print by me;

That the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matters.

DATED: This_____ day of_____2013

_____

HOLLY M. HACKETT, HI CSR #130, RPR
Certified Shorthand Reporter

{In Archive} Fwd: Kihei High School
Christine Mendes Ruotola to: Gaylyn_Nakatsuka, Nick_Nichols 05/31/2018 05:59 AM
Cc: "Paul T. Matsuda", "Michael S. Bungcayao", Bill Yuen
From: Christine Mendes Ruotola <christiner@g70.design>
To: Gaylyn_Nakatsuka/FacilDev/HIDOE <Gaylyn_Nakatsuka/FacilDev/HIDOE@notes.k12.hi.us>, Nick_Nichols/FacilDev/HIDOE <Nick_Nichols/FacilDev/HIDOE@notes.k12.hi.us>
Cc: "Paul T. Matsuda" <paulm@g70.design>, "Michael S. Bungcayao" <michaelb@g70.design>, Bill Yuen <wyuen@ahfi.com>
Archive: This message is being viewed in an archive.

Gaylyn - LUC members will do a site visit June 14 when they are in Maui for meetings. The whole commission has turned over since Kihei HS was acted upon so this can be an orientation for them.

Bill has arranged w LUC and we can discuss at our June 6 meeting. I've also asked Bill to call you prior, however he is traveling and I'm not sure how available he will be.

Christine

Sent from Christine Ruotola's iPhone

Begin forwarded message:

From: William Yuen <WYuen@ahfi.com>
Date: May 31, 2018 at 2:25:11 AM HST
To: <riley.k.hakoda@dbedt.hawaii.gov>
Cc: Janice Tanaka <JTanaka@ahfi.com>, <cruotola@group70int.com>
Subject: Kihei High School

June 14 will be OK for a site visit.

Bill Yuen
Wyuen@ahfi.com
(808) 441-6214
(808) 220-7943

EXHIBIT 24

LAND USE COMMISSION
MEETING MINUTES
June 14, 2018 – 9:00 a.m.
State of Hawai`i,
Department of Transportation (Maui) Meeting Room
650 Palapala Drive, Kahului, Maui, Hawai`i, 96732

COMMISSIONERS PRESENT:	Arnold Wong Nancy Cabral Aaron Mahi Jonathan Scheuer Gary Okuda Lee Ohigashi Dawn Chang Edmund Aczon
COMMISSIONERS EXCUSED:	None (There are currently 8 seated Commissioners)
LUC STAFF PRESENT:	Daniel Orodenker, Executive Officer Randall Nishiyama, Deputy Attorney General Scott Derrickson, Staff Planner Bert Saruwatari, Staff Planner Riley Hakoda, Staff Planner/Chief Clerk
COURT REPORTER:	None

CALL TO ORDER

Chair Wong called the meeting to order at 9:12 a.m.

APPROVAL OF MINUTES

Chair Wong asked if there were any corrections or additions to the May 23-24, 2018 meeting minutes. There were none. Commissioner Mahi moved to approve the minutes and Commissioner Cabral seconded the motion.

The minutes were unanimously approved by voice vote (8 ayes-0 nays- 0 excused).

TENTATIVE MEETING SCHEDULE

Executive Officer Orodenker provided the following:

The regular tentative meeting schedule has been distributed in the handout material for the Commissioners for the following dates and docket numbers.

JUN 28- (Oahu)

- DR18-62 Kualoa Ranch- IAL Petition- site visit
- LUC Executive Session- Personnel Matters

JUL 11- (Maui)

- A94-706 Ka`ono`ulu Ranch- Status Report

JUL 25- (Maui)

- A05-755 Hale Mua OSC

AUG 8- (Oahu)

- DR18-62 Kualoa Ranch IAL

AUG 22-23- (Hawai`i)

- A06-767 Waikoloa OSC

SEP 12-13- (Maui)

- A94-706 Ka`ono`ulu Ranch disposition (Maui)

ASEP 26 - 28, 2018, HCPO Hawaii Island- Hilo (Cancelled)

Any questions or conflicts, please contact LUC staff.

There was short discussion to clarify events on the schedule.

Chair Wong stated that the next agenda item was an Executive Session Pursuant to HRS section 92-5 (a)(4) to consult with the Commission's Attorney regarding the Commission's duties, rights, responsibilities and obligations with respect to (1) conducting meetings, contested cases and order to show cause hearings; (2) applicability of HRS chapter 92, the State Sunshine Law;, (3) applicability of HRS chapter 91, Hawai`i Administrative Procedure Act, (4) applicability of HRS chapter 92F, the Uniform Information Act, (5) ex parte communications; (6) Supreme Court decisions affecting LUC; and (7) pending litigation

PUBLIC WITNESSES:

None

DISCLOSURES

None

Commission Scheuer moved to enter Executive Session. Commissioner Cabral seconded the motion. There was no discussion. The Commission entered Executive Session at 9:16 a.m. and reconvened in regular session at 11:35 a.m.

There were no further questions or comments.

Chair Wong stated that the Commission would next adjourn and meet for a site visit at the Kihei Community and Aquatic Center in Kihei at 1:00 p.m.

There being no further business, Chair Wong adjourned the meeting at 11:35. a.m.

LAND USE COMMISSION SITE VISIT
June 14, 2018
1:00 p.m.

SITE VISIT for A11-794 KIHEI HIGH SCHOOL (MAUI)
Met at Kīhei Community Center and Aquatic Center Parking Area at 1 p.m. for briefing
303 E. Līpoa Street, Kīhei Maui, HI 96753

Chair Wong called the site visit to order at 1:10 p.m. and asked Mr. Orodenker to provide a briefing explaining the purpose of the site visit and the protocol to be observed during the tour of the Petition Area. The members of the site visit group departed the rendezvous area and met at the Petition Area to ask questions of Mr. Bill Yuen, attorney for the Petitioner and Gaylyn Nakatsuka, Department of Education Facility Development Branch Planning Section about the geographic and environmental characteristics of the Petition Area.

There being no further questions or comments to address, Chair Wong adjourned the meeting at 1:36 p.m.

Kihei High School Project Pedestrian and Bicycle Analysis

August 2012

Prepared for:
Wilson Okamoto Corporation
1907 S. Beretania St., Ste. 400
Honolulu, HI 96826

2073006430 x300

EXHIBIT 26

Kihei High School
Pedestrian and Bicycle Analysis

County of Maui

August 10, 2012

Prepared by:

Melissa Dugan, PTP

Transportation Planner
Stantec Consulting Services Inc.

Reviewed by:

Rock Miller, PE, PTOE

Principal, Traffic Engineering & Transportation Planning
Stantec Consulting Services Inc.

Prepared for:

Wilson Okamoto Corporation

1907 S. Beretania St., Ste. 400

Honolulu, HI 96826

Prepared by:

Stantec Consulting Services Inc.

19 Technology Dr., Ste. 200

Irvine, CA 92618

Stantec

Table of Contents

Table of Contents

List of Figures

1.0 Introduction

The State of Hawaii, Department of Education (DOE) has proposed to construct a new High School in the Kihei Community of Maui County. There is limited capacity to serve high school students in the Kihei community. There is no DOE public high school in Kihei and most high school students attend Maui High School and Baldwin High School, located about 15 miles to the north in Kahului and Wailuku.

The high school site is proposed opposite to Kulanihakoi Street about one-quarter mile east (mauka) of Piilani Highway (State Highway 31). The project driveway entrance would take access to an extension of Kulanihakoi Street, which currently extends only west from Piilani highway. In addition, it is proposed that the intersection of Kulanihakoi Street and Piilani Highway will be signalized.

A traffic study was prepared in 2011 in conjunction with the Environmental Impact Statement for the proposed High School by Wilson Okamoto Corporation, a firm located in Honolulu that provides traffic engineering and civil engineering services throughout Hawaii. The traffic study focused upon motor vehicle traffic changes expected from construction of the high school. In response to community requests, Wilson Okamoto requested Stantec Consulting Services Inc. (Stantec) to prepare an analysis of potential bicycle and pedestrian circulation needs for the proposed High School. The Stantec team has been preparing bicycle and pedestrian analyses for many years, and the project manager for this project has done recent pedestrian and bicycle analysis in both Santa Monica and Long Beach, California, both of which have received awards and recognition for their pedestrian and bicycle friendliness. Stantec has also been working specifically in the state of Hawaii, and our staff has been working in various locations in the State of Hawaii for over ten years.

1.1 Background

Pedestrian travel is an important, but often overlooked, form of transportation. In fact, virtually all trips begin and end as pedestrian trips. Pedestrian trips are normally served by provision of sidewalks or similar pedestrian facilities alongside of roadways. Ideally, sidewalks would provide for a pleasant and comfortable walking experience, which can be enhanced by a well-maintained level surface, an interesting environment, multiple routes of direct and near-equal distance, intermittent shade, and appropriate provisions for crossing busy roadways.

Bicycling is a form of transportation that has existed for longer than motor vehicle transportation. Bicycling was very popular prior to 1900 and is credited with the initial program that resulted in paving of roadways. Its popularity as functional transportation declined steadily until it was largely viewed as a child's activity or an adult specialty sport by the 1980's, however this popularity has been reversed in the past 20 years. Many communities are now actively looking for ways to better serve bicycle transportation, whether as a utility vehicle, for fitness, or as a

more economic and environmentally friendly alternative to motor vehicles. It is especially appropriate for trips of up to about three miles, because it can often provide travel times, door-to-door, that are competitive to automobile transportation, especially when auto parking is not convenient.

The community of Kihei has directly experienced this growing bicycle trend. It has established many miles of new bikeways in the past few years, mostly by restriping existing roadways to make room for bicycle lanes, often by prohibiting parking. Stantec also observed some increase in walking, for both exercise and utility purposes, throughout the community.

Sidewalks and roadway crossings are generally the most significant elements of the pedestrian circulation system. An assessment of walkability begins with an analysis of the adequacy of the existing pedestrian circulation system to determine whether it can meet all reasonable needs and whether facilities provide for proper safety and comfort in meeting these needs. Sidewalks generally should be continuous, level, properly maintained, and of adequate width to meet the demand for usage. Superior sidewalk facilities provide a buffer from traffic, through provision of a landscaped area between the roadway curb and the sidewalk, together with the provision for parking to help separate moving traffic from pedestrians. They also provide walking routes between origins and destinations that do not require a significant amount of out-of-direction travel (i.e., travel that takes you out of the shortest route to your destination, such as u-turns or traveling around objects).

Pedestrian facilities generally are not divided into formal classification systems or designations. In contrast, bicycle facilities are divided into classification types that indicate their setting, usage type and determine their design characteristics.

Bicycle lanes are one of several forms of bicycle infrastructure. They are generally the most common and can be incorporated into planning for new roadways or retrofitted onto existing roadways if pavement space can be claimed from travel lanes, paved shoulders, turn lanes, or parking lanes. While other forms of bikeway may be more desirable, bicycle lanes generally constitute the majority of mileage of bikeway infrastructure in communities because of their advantages. One advantage is that they can be provided along many other types of roadways and thus can be located near origins and destinations used by bicyclists. Another important advantage is that they can be swept by street sweepers and by wind sweep from adjacent motor vehicles that tends to keep them clean and clear.

Bicycle paths (trails) are another important form of bicycle facility. These consist of exclusive roadways where motor vehicle traffic is prohibited, although often bicycle paths are shared with pedestrians, skate boarders, roller skaters, and other human powered transportation. They are generally the most expensive form of bicycle facility, since they require dedicated land and are generally constructed solely for use as trails. Bicycle paths rarely compose more than 10% of bikeway mileage in any community with a comprehensive bikeway network. Due to their nature, access is generally limited to intersections with streets and other bikeways. Also they can require

periodic sweeping to keep them free of debris, especially broken glass which is dreaded by bicyclists.

Bicycle paths are especially appropriate for long corridors that provide a minimum of crossing intersections. Waterfronts, drainage courses, former railroad rights of way, or utility easements are ideally suited. Routes with numerous street crossings are not as desirable, especially if bicyclists must frequently stop for cross traffic, in part because bicyclists lose their momentum and require additional energy to resume speed. For this reason, some bicyclists will avoid using a path with numerous stop intersections, if a nearby roadway is more convenient.

Signed Bicycle Route is a third important category of bicycle facility. Ideally, a bicycle route will be a relatively lightly used low-speed roadway that is desirable for bicycles. Signs are erected to advise bicyclists that this is the bike route and help to alert motorists to expect the presence of bicycles. In some cases, communities have signed bike routes along more heavily used high speed routes, when no alternative is available, but these tend to be valued only by experienced and courageous bicyclists.

In the past 10 years new technologies have been perfected to allow for different types of bicycle facilities. Two developments may be relevant to this study, sharrow markings used in conjunction with signs indicating Share-the-Road or Bikes Allowed Full Use of Lane (BAFUL) (shown in Figure 1-1), and bicycle boulevards. Sharrow markings indicate that travel lanes are intended for the use of both bicycles and motor vehicles. They include bike lane markings in the motor-vehicle travel way. A sample is shown in Figure 1-2.

Figure 1-1
BAFUL sign

Figure 1-2 Sharrow Lane

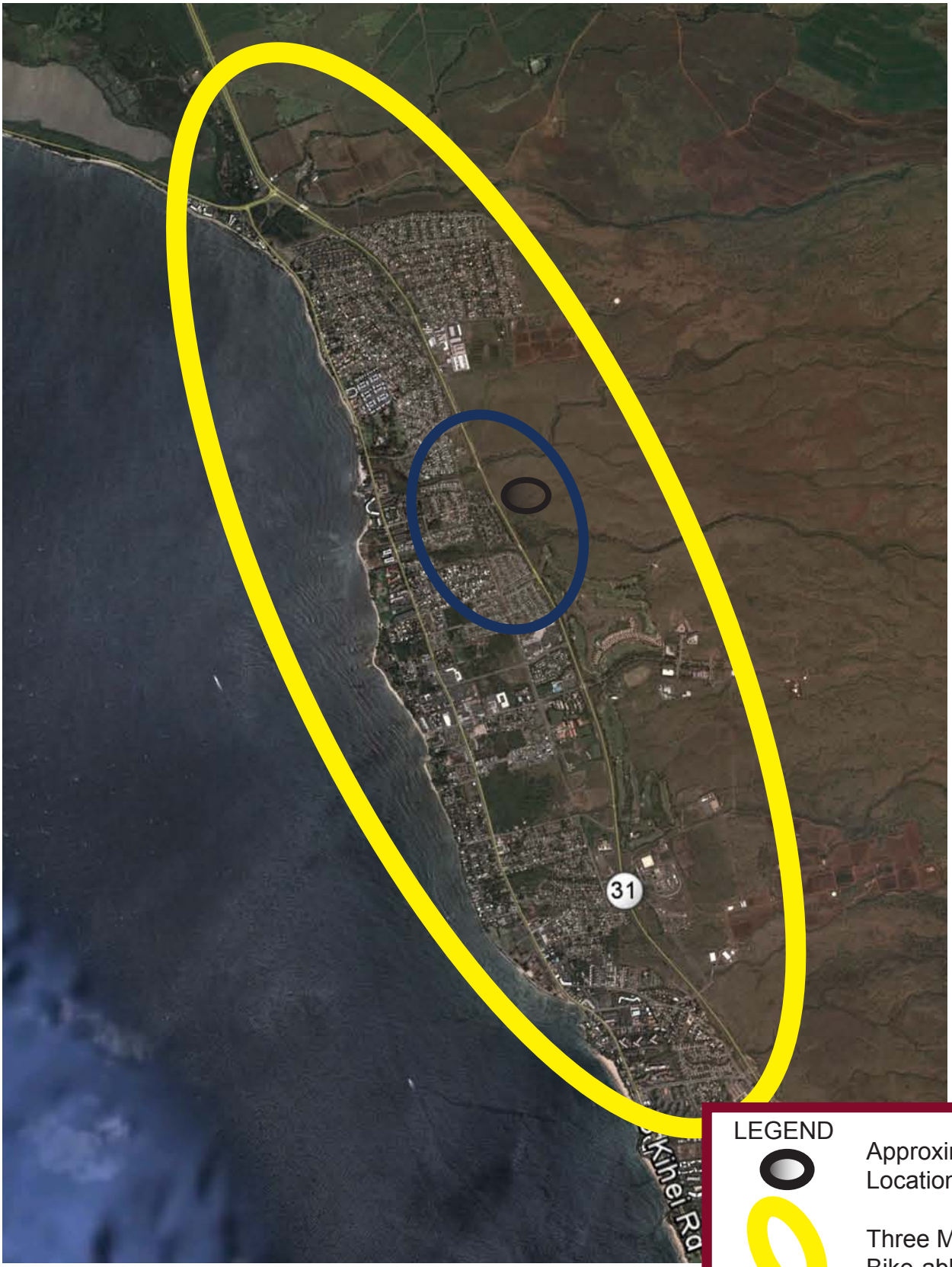
Sharrow markings and signs can be applied to Bicycle Routes to more clearly identify that motorists should expect and show greater courtesy to bicyclists. Sharrow markings also encourage bicyclists to ride clear of the dangers of opening car doors, the door zone, and indicate that cars may expect bicycles to ride further toward the street than normal.

Bicycle boulevards, also known as neighborhood greenways, are a treatment applied to a street to encourage bicycle travel while discouraging or slowing motor vehicle travel. Bicycle boulevards typically provide traffic devices that are also used for neighborhood traffic calming, such as speed humps, medians, landscaped circles, and other measures that discourage unnecessary traffic and reduce motor vehicle speeds to 15 mph while allowing bicycle speeds uninterrupted at 15 mph. Greenways place greater emphasis on landscape and water runoff management facilities than bicycle boulevards. The net effect is to transform a street into a facility where bicycles have priority while motor vehicles become secondary users. These facilities are largely responsible for increasing ridership in some of the most well-known bicycle communities, such as Portland, Oregon and in many college towns.

The primary approach for a study of potential bicycle usage and impacts is to evaluate the bicycle friendliness of existing infrastructure and to identify whether additional improvements may be suggested. The focus is normally placed within 3 miles of the study site, and especially the manner in which it connects to regional bikeway infrastructure.

Pedestrian activity is much more limited in terms of area of influence and distance. Most people will not want to walk for utility purposes for much more than one-half of a mile. There are also less potential conflict points between pedestrians and vehicles as compared to bicycles, as pedestrians do not need to use the same right of way as vehicles. However, as with bicycles, the primary approach for a study of impacts is to evaluate the pedestrian friendliness of existing infrastructure and to identify whether additional improvements may be suggested. The focus for pedestrians is normally placed within one-half mile of the study site, and especially the manner in which the site connects to existing pedestrian facilities and important pedestrian destinations (such as the proposed school, residential areas or shopping centers).

Figure 1.3 shows an aerial of the project vicinity, along with a 3-mile area, which would serve as the bike-able radius for the proposed school, and a half mile radius, which would be more appropriate for walking. Figure 1.4 shows the immediate project area, along with the roadways described in Section 2.



LEGEND

Approximate Site Location

Three Mile Bike-able Radius

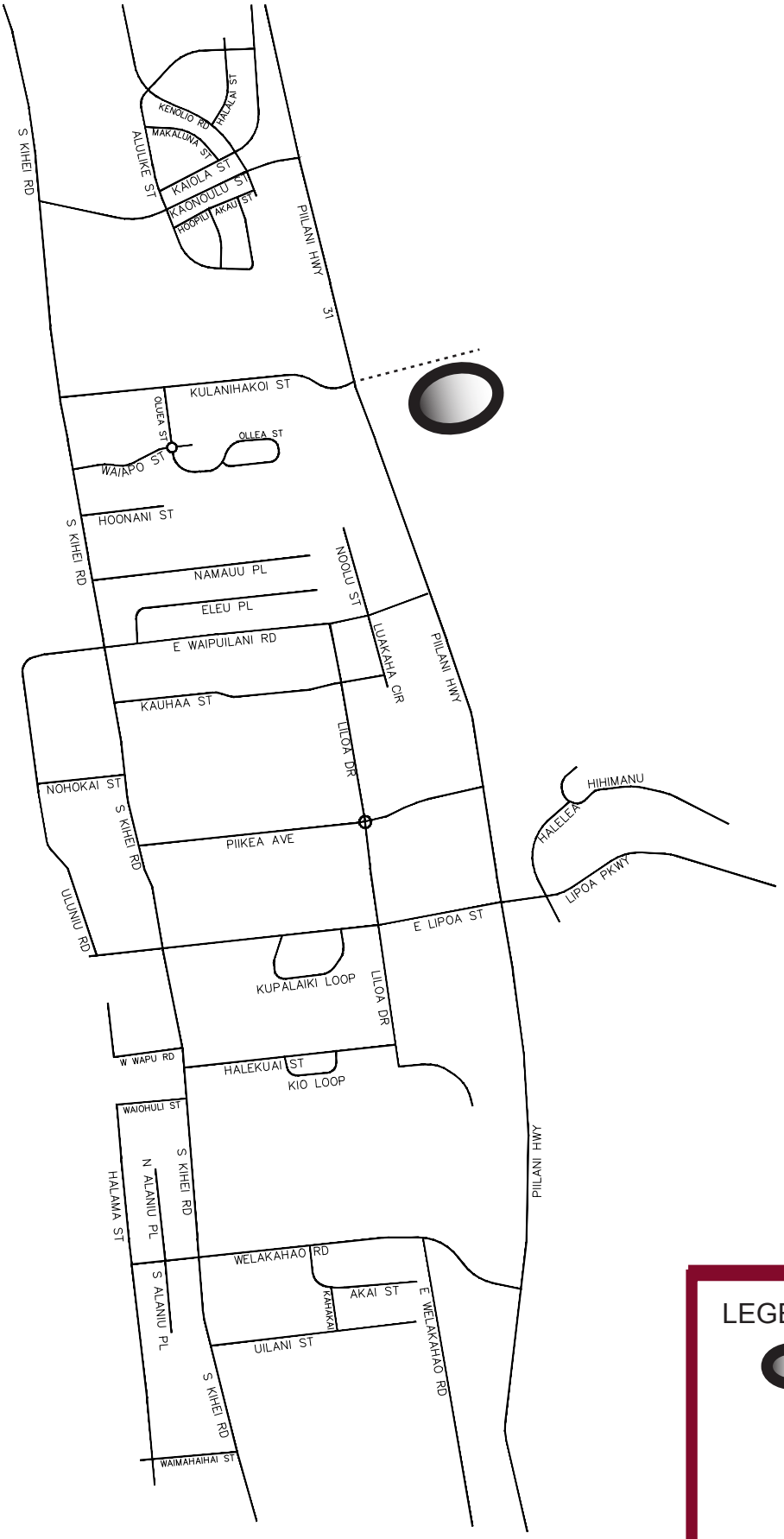
Half Mile Walkable Radius

Stantec

Kihei High School Pedestrian and Bicycle Analysis

Figure 1.3

Walk- and Bike-able radius



LEGEND

Approximate Site Location

Stantec

Kihei High School Pedestrian and Bicycle Analysis

Figure 1.4

Project Area Roadways

2.0 Existing Conditions

This report section describes existing conditions in the project vicinity and highlights operational issues based upon visual surveys of the site.

2.1 Roadways

This report and section emphasizes non-motorized transportation. The traffic impact analysis prepared by Wilson Okamoto Corporation should be consulted for questions regarding motor vehicle transportation. All of the descriptions found within are based upon Stantec staff observations.

Kulanihakoi Street is a two-lane residential collector street. It currently exists beginning at a T intersection with Piilani Highway and extends for about one-half mile to South Kihei Road. It is 36 feet wide curb to curb for most of its length, but it is wider between Malulani Street and Piilani Highway. The widened area includes additional travel lanes and also features shoulder stripes that function as bicycle lanes.

There are nearly-continuous sidewalks for the full length of Kulanihakoi Street from Piilani Highway to Kihei Road. There is a significant but short gap in the sidewalk along the south curb of the roadway east of Hakoi Hema Place. This gap is less than 50 feet long but this gap will be along an important walking route to the proposed high school. It will provide the walking connection to the proposed North South bikeway/greenway indicated on the community's bikeway plan which has been recently constructed south of the site, as discussed below.

There are no bicycle facilities on Kulanihakoi Street west (makai) of Malulani Street to its end at South Kihei Road. Bicycle travel, when present would be required to share travel lanes with vehicles where on-street parking is in demand. Parking is allowed along most of the roadway and is intermittently used. There are typically 20-25 vehicles parked along the south curb and 15-20 vehicles parked along the north curb. The vehicles are concentrated in portions of the roadway and there are long stretches with low parking demand.

Figure 2-1 Kulanihakoi Street, facing west, at Kenolio Street

Figure 2-2 Kulanihakoi Road, looking west

The number of parked vehicles does not change between early and late morning, suggesting that many of the vehicles may be long term parked. The area does not generally appear to have a shortage of parking, so most vehicles are likely parked at the convenience of the owner. Parked vehicles include about 4 long limousines that are for hire which may be owned by a resident in the area. One area of low parking demand is adjacent to a church that likely generates higher parking demand on the street during services.

Bicycle usage for Kulanihakoi Street is not a significant factor at this time. It is typically about 1% of the motor vehicle flow on the street.

Piilani Highway is a 4-lane limited access state highway traveling north/south in the vicinity of the project. This highway begins to the north in Kahului and extends south to Wailea. The posted speed limit is 45 mph, but many vehicles appear to be traveling faster than this speed.

Piilani Highway does not provide access to adjacent properties in the project vicinity. Access is limited to specific intersecting roadways, at approximately one-half mile intervals. It provides for intersections with Kulanihakoi Road, as well as with Kaonoulu Street to the north and to Waipuilani Road to the south. All of these streets form T-intersections with Piilani Highway. None of these three intersections are currently signalized. Further south, the intersection with Piikea Avenue is signalized. Due to the high traffic volumes and speeds on Piilani Highway, it can be difficult to turn left onto Piilani Highway, especially during peak hours at intersections without traffic signals.

Piilani Highway provides 8-foot wide shoulders for most of its length, and these shoulders have been designated as bicycle lanes. While these shoulder bicycle facilitates are used by certain types of bicyclists, generally most potential bicyclists are not comfortable riding on the shoulders of high speed roadways. As a result, the bicycle lanes on Piilani Highway are not effective in meeting the needs of potential bicyclists for the proposed high school. Also, the shoulders narrow at two bridge structures across major drainages, providing less than 3 feet of width for bicycle lanes. The available width on these shoulders is less than the minimum required width for bicycle lanes. Spot surveys of usage suggest that the shoulders of Piilani Highway currently serve about 5 riders during peak hours, mostly experienced sport/exercise cyclists who are comfortable riding adjacent to high speed traffic and appreciate the minimum need to stop afforded by the highway.

Piilani Highway does not provide sidewalks or pedestrian facilities. It has not been planned or constructed in anticipation of pedestrian activity. Due to its limited access nature, it is not forecast that there will be a significant demand for pedestrian usage resulting from the high school or any other existing or proposed uses. No pedestrians were observed walking along the highway. There appears to be sufficient right of way to provide pedestrian faciliites, but since blocks of controlled access highway are very long, the highway is unlikely to experience heavy pedestrian demand.

Long limited access roadways like Piilani Highway generally can serve as a barrier to cross traffic travel, in part by discouraging walking traffic between homes or land uses on opposite sides of the highway away from controlled intersections. This is due to the limited access nature of the highway, the distance betwwen intersections, and the difficulty in attempting to cross this type of highway without traffic controls that can stop vehicle traffic.

Figure 2-3 Piilani Highway at Pikea Avenue

The Kihei Greenway is a partially constructed bike path that is located varying from about 600 to 1000 feet west of Piilani Highway in the project vicinity. The State of Hawaii Bike Plan indicates that the Kihei Greenway is planned as a linear park, running through the middle of Kihei, with 12-feet wide asphalt paved paths. It was recently constructed to high standards from Waipuilani Road south to Lipoa Street. Improvements include a wide two-way bike path, landscaped heavily with architectural lighting, water fountains, and park benches. It also crosses Piikea Avenue at a newly constructed modern roundabout, offering the potential for bicyclists to be able to cross Piikea without stopping, if traffic gaps are timely. This

Figure 2-4 Kihei Greenway

bikeway is planned for potential extension north and south. The southerly extension is planned through a regional park site to where it will connect with a local street, Welakanao Road, which extends further to the south.

Although this improved bikeway/greenway does not extend at this time north beyond Waipuilani Road, a right of way exists to Kulanihakoi Street, as shown in Figure 2-5. The right of way is owned by the Hawaii State Department of Transportation (HDOT), per signage posted near Kulanihakoi. An unimproved gravel walkway already exists along this alignment, despite "No Trespassing" signs that are posted by HDOT at the north end. The unimproved path is quite suitable for walking and is also observed to be used by bicyclists using mountain bikes and beach cruisers with sturdy tires. It is less desirable for thin tired sport bikes due to the presence of broken glass. With the recent opening of the bikeway, usage of this unimproved route is likely increasing. Current spot usage was observed at approximately 10-20 walkers and 5-10 bicyclists during the AM peak hour, an hour when this type of activity is highest in Kihei. The unimproved path crosses a major drainage and is likely not passable during heavy rains, however locals have placed plywood boards across the drainage course, indicating its current popularity.

Figure 2-5
Kihei path south of Kulanihakoi Street

Figure 2-6
Kihei path north of Kulanihakoi Street

The bikeway also could potentially be extended north from Kulanihakoi Street, and is shown as a potential extension in the State of Hawaii bicycle plan, known as Bike Plan Hawaii. The right of way exists, but the unimproved path is more primitive, as shown in Figure 2-6. A trail is visible, but no users were observed during spot surveys. If extended north past Kenolio Street, it must cross another major drainage course. But it will align with another local street that will facilitate bicycle travel further into neighborhoods to the north.

Liloa Drive is roadway running adjacent to and east of the new greenway/bikeway. It provides mostly three lanes for vehicular traffic, including one lane per direction and a two-way left turn lane, or turn pockets. It runs from Waipuilani Road to Halekuai Street. At the intersection with Piikea Avenue there was recently a roundabout installed to control traffic. There is not currently a high demand for bicycle use on this facility, due to the proximity of the greenway bikeway. The sidewalk network in this area is complete and usable. No significant pedestrian issues were observed.

Figure 2-7 Roundabout at Liloa Drive and Piikea Avenue

South Kihei Road is a two-lane arterial traveling along the Kihei coastline, providing access to beaches, shopping centers, vacation residences, and other uses. It is the traditional main street for the community. It was bypassed by the construction of the Piilani Highway, but still serves as a very important regional and community thoroughfare.

South Kihei Road provides sidewalks intermittently through the community, but there are significant gaps in the continuous network. Relevant gaps near the site include the west side of the roadway north and south of the intersection with Kulanihakoi Street. Further south, there is a long gap on the east side near Hoonani Street. The sidewalk network is more continuous in the areas further to the south that are more heavily commercialized. But the incomplete network of sidewalks often requires pedestrians to cross from the east side to the west side of the roadway at uncontrolled locations. This does not create an attractive walkable environment.

South Kihei Road provides bicycle lanes for about 90% of its length from the north edge of the community to Wailea. There are a few gaps where pavement width was not sufficient to provide bicycle lanes in addition to travel lanes, parking, and turn lanes. One such gap is relevant to this study, on the southbound side from Kulanihakoi Road to Waipuilani Road. Other gaps are located near important intersections where the bicycle lanes must give way to right turn lanes.

Bicycle usage on Kihei Road is significant, 10-20 bicycles per hour in each direction for most of the day. Bicyclists observed include residents and tourists, and a significant number of women. This suggests that many persons find the route comfortable and attractive for bicycling, since the presence of woman cyclists normally indicates a comfortable and desirable route. While it would be desirable for the Kihei bike lane system to have no gaps, it is largely meeting the needs of the growing Kihei bicycling population. It is also worthy of note that many businesses located along Kihei Road rent bicycles, and bicycling is featured as an attraction for tourism.

2.2 Kihei Bicycle Planning

Several plans govern the planning of bicycle and pedestrian facilities in the State of Hawaii and on Maui. The State of Hawaii completed its Bike Plan Hawaii in 2003 as a tool to integrate bicycle facilities into the State's transportation network. The County of Maui Long Range Planning Division has published a Regional Transportation Map which includes existing and proposed bike paths. The South Maui Region Parks & Open Space Master Plan, prepared in 2006 by Chris Hart and Partners, provides a vision for open space corridors and an integrated system of bicycle and pedestrian paths. In this plan, the North Kihei map shows Kaonoulu Gulch and Waipuilani Gulch as secondary off-road connections in the vicinity of the project site. Piilani Highway and the North South Collector Road are shown as Primary Open Space Corridors for bicycle and pedestrian users.

Kihei has been developing a bikeway network aggressively in the past few years. The State of Hawaii completed a bicycle master plan for the area in 2003, that identified a network of desirable facilities. This was called Bike Plan Hawaii and is shown in Figure 3-1. Many of these bicycle facilities now exist on the ground, but they are not reflected on internet aerial photography that is only a few years old. The community is rapidly moving toward implementation of 90% of its planned bikeway infrastructure, and bicyclists can be readily observed on many roadways in the community.

Bike Plan Hawaii shows the planned extensions of the Kihei Greenway bikeway to the north and south, but bike path facilities of this type often require an aggressive search for funding. Also, sometimes residents with properties that back up to proposed corridors will express concern over improvement of bicycle facilities, due to security concerns. While they will frequently cite potential losses in property values, studies generally show that properties adjacent to properly maintained bike paths an actually rise in value compared to nearby properties.

Bike Plan Hawaii does not show bicycle facilities along Kulanihakoi Street. It also proposes no bike trail facilities running east/west along any of the various major watercourses (gulches, streams, etc.). The plan does not reflect the proposed high school site, yet community high schools are normally a consideration in bicycle master plans. The siting of the high school may suggest that it is appropriate to modify the plan to better serve the high school site.

The goal of a bicycle master plan is normally to plan for and take actions to achieve increases in bicycling. Plans typically set goals for a set proportion of all trips (10-20%) less than three miles long to be done by bicycle, at least for the near term. Since as many as half of all trips in a community such as Kihei can be less than three miles, there is a great potential to provide a bicycling alternative for many auto trips in the community. Bicycling typically represents less than 1% of trips in a typical community, while bicycle friendly communities can achieve commuter usage from 5% to 50% bicycling usage. Portland, Oregon, currently sees 6% bicycling and Minneapolis, Minnesota, gets near 4%, with up to 50% occurring in college towns with expensive or limited parking. At levels greater than 5%, bicycles become very common and motorists anticipate or expect to see bicycles everywhere. This helps reduce crash problems, because

motorists develop better habits, and bicycle infrastructure coupled with increasing numbers tends to reduce frequency of traffic violations.

Other portions of bicycle infrastructure (infrastructure being any facility: parking, shops, services, routes, trails, signs, etc.) are also growing in Kihei, but spot surveys indicate that bicycle parking may be limited. Few bicycle racks or parking areas were observed at private businesses, and many bicycles were observed to be locked to posts, street lights, bus stop furniture or any other convenient place. In contrast, many communities are now considering a requirement to provide bicycle parking to complement 10% of the automobile parking requirement, often with an accompanying reduction in auto parking.

2.3 Kihei Pedestrian Planning

There is no single formal plan that addresses and focuses upon existing conditions, needs, and a process for improving pedestrian circulation in Kihei. Standard plans for the roadways generally call for provision of sidewalks on both sides of all new facilities, but there is no comprehensive plan for retrofitting of facilities that were not constructed to provide pedestrian facilities.

Community groups in Kihei (namely the Kihei Community Association), have been working with nationally prominent walking and bicycling expert Dan Burden, Executive Director and Co-founder of the WALC Institute. As a result, the community is interested in taking steps toward increasing its walkability and bikeablity. Mr. Burden has counseled the community on various potential steps and made specific recommendations, but these activities have not yet resulted in a comprehensive adopted specific plan for improving walking on a community-wide basis.

A comprehensive pedestrian plan for the community would likely identify South Kihei Road as a significant deficiency and assign a high priority for improvement. It would also likely identify that provision of sidewalks continuously on both sides of the roadway will be difficult due to land use patterns, constrictions at existing bridges, trees and plants, and community concerns over the impact of provision of sidewalks. Such a plan would also determine that the frequency of controlled pedestrian crossings or enhanced crossings is not sufficient for optimum mobility. Blocks are too long between controlled intersections, and some of the uncontrolled crossing locations already have bus stops.

A cost estimate to provide all appropriate missing facilities would also be presented and potential funding sources would be identified. Based upon the length of missing sidewalk along South Kihei Road, the cost estimate to achieve walkability goals along South Kihei Road could exceed $1million.

A comprehensive pedestrian plan for other roadways in Kihei would provide guidelines for provision of optimum pedestrian facilities, such as sidewalk and parkway design details, amenities, standards for pedestrian circulation across parking areas to commercial businesses, and other principles. Sidewalk and intersection improvements would likely be identified, especially for older portions of the community that are near commercial services.

3.0 Future Traffic Conditions

Walking is normally a significant form of travel to high schools, especially from residences with high school students within one half mile of the school. Walking is likely to be the most popular travel mode to the proposed Kihei High School for residences within this distance. Many students will walk even further than this distance if conditions are appropriate, but bicycling, automobile, or other modes will become more significant.

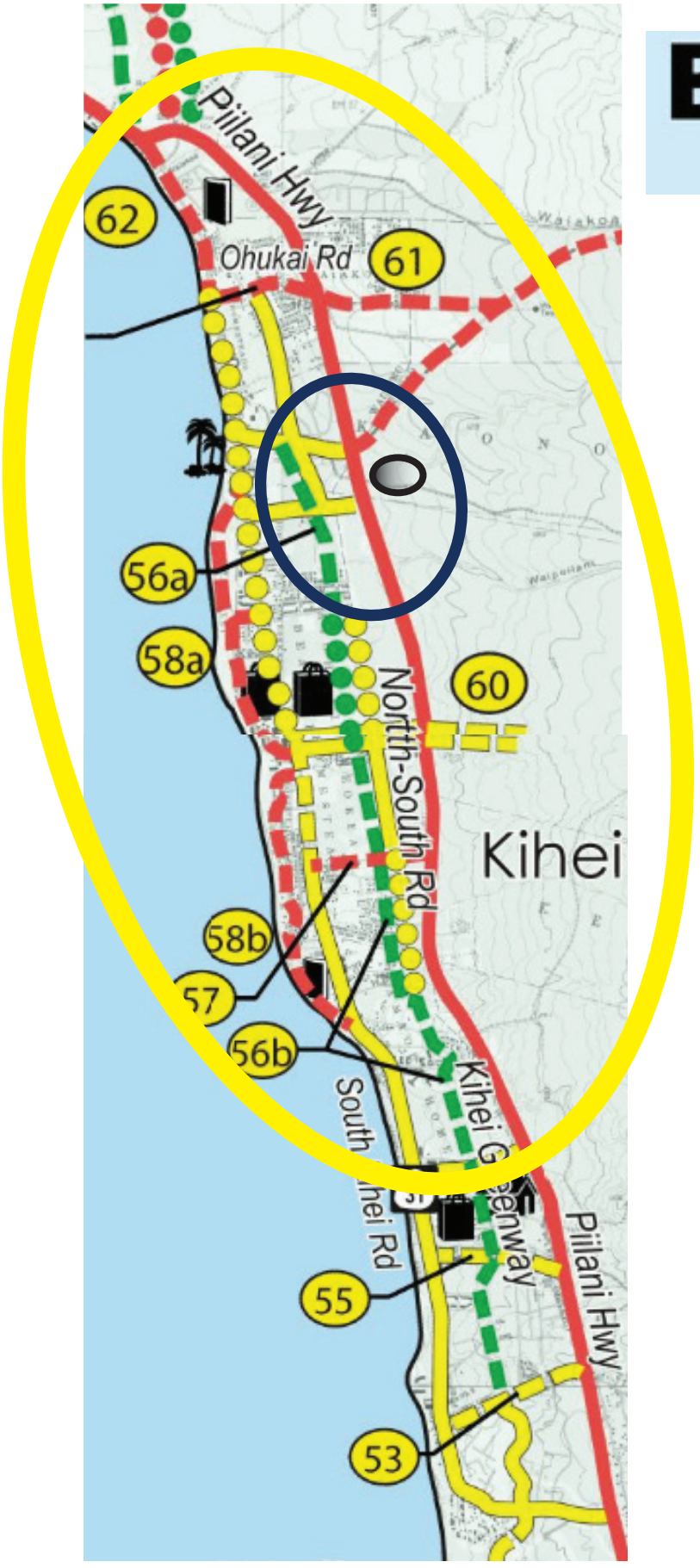
Bicycling can be an attractive form of transportation and competitive with auto travel times for up to 3 miles, especially when automobile parking is inconvenient. It is especially attractive for high school students, because auto ownership costs are significant. Also traditional cultural and psychological barriers to cycling are changing. It is reasonable to forecast that initially up to 10% of high school student trips could be made by bicycle in Kihei, especially to locations within three miles of the proposed school site. Opening year usage in the range of 50-80 cyclists could occur traveling inbound during the morning and outbound after classes and activities end. As the community moves further toward encouragement of walking and bicycling, this number could increase substantially.

Figure 1.1 showed a three mile radius around the school site. Much of Kihei falls within the three mile circle. This should not mean that nobody will ride a bicycle further, but analysis of infrastructure needs should be focused within the 3 mile circle.

Figure 3.1 shows the proposed network in the Hawaii Bicycle Plan. It shows some of the important existing routes that bicyclists may choose to reach the campus. It shows bicyclists accessing the campus via the planned extension of the Kulanihakoi Street. This extension is expected to have bicycle lanes provided as part of its initial construction. Also a traffic signal is expected for the Piilani intersection at Kulanihakoi Street. This would allow bicyclists to cross the highway readily.

Piilani Highway is not expected to experience significant usage. A few high school students or employees may be courageous and experienced cyclists, comfortable and skilled in riding on high speed roadways. But most potential users will find conditions along Piilani Highway to be discouraging. As a result, it is expected that most cyclists will cross Piilani Highway using the proposed traffic signal and continue along Kulanihakoi Street.

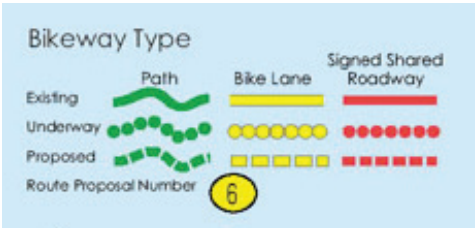
The immediate neighborhoods served by Kulanihakoi Street will become origins for some bicycle traffic, but most cyclists are expected to continue along Kulanihakoi Street to Kihei Road, where they can use the existing bicycle lanes to travel north and south. These bicyclists will find the traffic levels of Kulanihakoi Street to be within a comfortable range, but the presence of parked cars will make the route less attractive.



Bike Plan Hawaii

taken from:
Bike Plan Hawaii (2004)
http://hawaii.gov/dot/highway/bike

LEGEND



Approximate Site Location

Up to three mile Bike-able Radius

Half Mile Walkable Radius

Figure 3.1
Kihei Area Bicycle Routes
(from Hawaii Bikeway Master Plan)

The unimproved path from Kulanihakoi Street south to Waipuilani will be used by some school bicyclists and pedestrians, but it will likely not be the favored route for more distant travel that is better served in the short range by Kihei Road. In the future, when the greenway bike trail is completed, it will become a more preferred route, providing an attractive alternative to Kihei Road for access to most existing neighborhoods. But in its current condition, it will only attract hardy cyclists heading to residences and shopping areas near the improved limits of the facility.

In the absence of the complete greenway path, bicyclists will be required to ride along the segments of Kihei Road that do not have bicycle lanes. The section south of Kulanihakoi Street is most significant. Fortunately, in the future this segment can be bypassed by the completion of the greenway path.

Walking will be most popular between the site and the neighborhoods along Kulanihakoi Street. There may also be limited walking along the unimproved greenway alignment, especially toward the improved section to the south. The sidewalk gap noted on Kulanihakoi Street will be significant for walkers, as an estimated 30-50 students or staff may walk through the unimproved area to access the greenway route or continue along Kulanihakoi Street.

3.1 Future Area Development

There is a large amount of development planned for the future in the project area. The Island of Maui Regional Transportation Network Map shows a proposed transit station near the intersection of Kulanihakoi Street and Piilani Highway. This could account for a large increase in the walking and cycling needs in the area, in addition to additional vehicular users.

The County of Maui Long Range Planning Division also expects numerous potential developments throughout the area, including large developments on the eastern side of Piilani Highway. This development is shown from approximately two miles north of the project site to beyond the Kihei area. The proposed development plans show over 9,000 single family homes, 4,700 multi-family homes, and 1,400 timeshare and/or resort units being added to the project area. All of these may add substantial traffic, including vehicular, and pedestrian and bicycle traffic, to the project area.

Figure 3-2 shows the proposed Regional Transportation Network Map, prepared by the Long Range Planning Division of the County of Maui. It shows the proposed transit lines, along with the proposed regional network additions.

Roadway cross sections for arterial roadways serving new development are expected to provide bicycle lanes. These will assure convenient access to the High School site from future developments inland (mauka) of Piilani Highway.

Regional plans for new communities and roadways west of Piilani Highway do not show a significant network of bikeways. Also a network of recreational trails may also be appropriate for consideration in this area. These networks would be planned to complement the highway network and may also be planned to be compatible with waterway corridors that will likely serve as greenbelts for the planned growth areas.

Regional Transportation Network Map

Island of Maui

Prepared By:
Long Range Planning Division
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Map 6-2

LEGEND

- Primary Road
- Secondary Road
- Stream
- Cultural Resources Stream
- Bike Path

Proposed

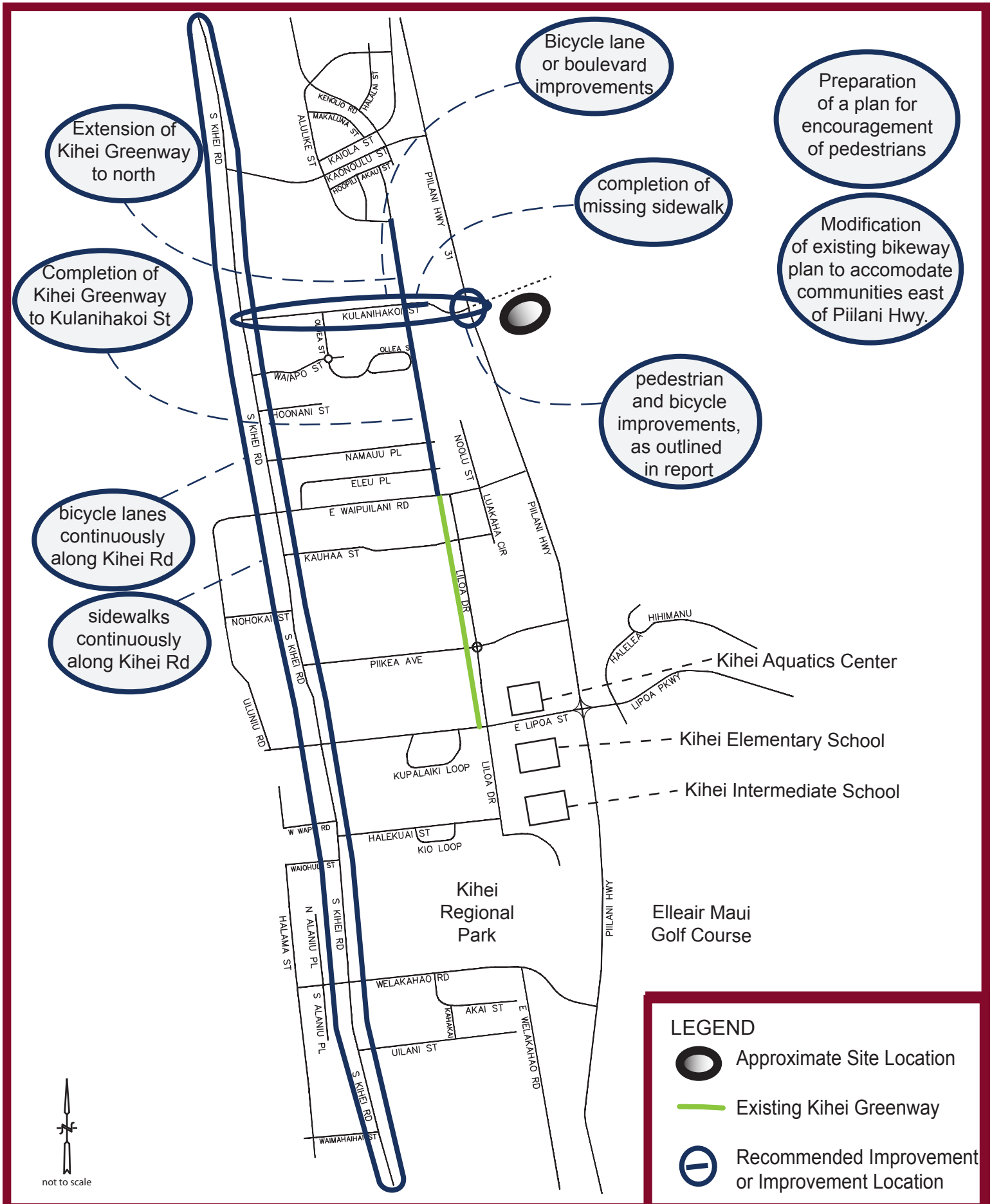
- Transit Station
- Transit Corridor
- Lahaina Bypass
- Road or Highway
- Bike Path
- Upcountry Greenways Plan
- Maui Island Plan Greenway

4.0 Recommendations

The following improvements would be desirable for walking and bicycling infrastructure for the High School. The subsequent discussion includes recommendations and suggested responsibilities:

- Bicycle lane or bicycle boulevard improvements for Kulanihakoi Street from Piilani Highway to Kihei Road
- Construction of sidewalk on Kulanihakoi in the short gap east of the proposed Kihei Greenway Trail
- Completion of the Kihei Greenway Bicycle Trail from Kulanihakoi Street south to connect with the existing trail
- Completion of the Kihei Greenway Bicycle Trail from Kulanihakoi Street north to connect with the northern portions of the community
- Provision of bicycle lanes continuously along Kihei Road throughout the community
- Preparation of a plan for pedestrian enhancements to encourage walking throughout Kihei
- Modification of bikeway plans to suggest facilities appropriate for planned communities east of Piilani Highway.
- Provision of sidewalks continuously along Kihei Road throughout the community.
- 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 (additional detail provided below)
- High quality and direct access from the school to the pedestrians and bikeway networks (additional detail provided below)
- Bicycle friendly improvements on the school campus (additional detail provided below)

The improvements are also shown graphically on Figure 4.1.



Stantec

Kihei High School Pedestrian and Bicycle Analysis

Figure 4.1

Recommended Improvements

4.1 Kulanihakoi Street Improvements

4.1.1 Intersection of Kulanihakoi Street and Piilani Highway

The Traffic Impact Analysis Report (TIAR) previously completed for the project recommended a traffic signal at the Kulahihakoi/Piilani intersection to meet traffic demands for the school and address intersection safety issues.

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. The potential for traffic increases is considered undesirable by most residents, while the provision of a traffic signal will likely be appreciated by those same residents.

Provision of left turn phasing for Kulanihakoi Street also provides a safety benefit, since the left turns would normally be served right after the high speed through phases of Piilani Highway. Left turn signal phasing reduces the potential of a high speed vehicle running the fresh red and colliding with pedestrian or bicyclist. While this collision potential is considered remote, the precaution is justified on the basis of a heavily used high school 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. Grade separation via tunnels or overpasses has 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 or elevators to serve wheelchair users. Use of such a facility is virtually always disappointing. Tunnels have fewer 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 communitywide planning.

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 Hawaii where similar conditions have been addressed as proposed.

Nationally, roundabouts are being considered as a potentially safer form of intersection traffic controls than traffic signals, but Hawaii does not have great experience with multi-lane roundabouts, as would be required for this intersection. The issue of roundabout vs. traffic signal is more suited to be considered by the State Department of Transpiration (DOT) as a policy issue, not as a site specific improvement. If the DOT felt that a roundabout treatment was superior to a traffic signal at the subject site, in conjunction with development of the high school it would be an appropriate substitute improvement. But a requirement to provide a roundabout without DOT concurrence is not appropriate, and DOT has not been contacted for their opinion at this time.

The right turn lane treatments common along Piilani Highway should also be evaluated carefully. It would be preferable for the right turns to be controlled by the traffic signal, with right turn lanes that are provided separately and to the right of the suggested through bicycle lanes. Figure 4.2 shows the suggested channelization. This treatment is also suggested for the existing leg of Kulanihakoi Street which will require change when the signal is constructed.

4.1.2 Sidewalk Access and Improvements

The sidewalk gap along Kulanihakoi Street near the site of the Kihei Greenway will be a substantial obstruction to pedestrian traffic walking from the school to the greenway. The school is expected to generate significant pedestrian traffic along this sidewalk gap, greatly increasing the need for this improvement. This improvement should also be completed in conjunction with the school.

4.1.3 Bicycle Access and Improvements

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. But these measures will not be optimal for managing automobile traffic and potential increases. 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. Due to the potential impact to Kulanihakoi Street resulting from added high school traffic and signalization, these improvements should be completed in conjunction with development of the proposed school.

The planned extension of Kulanihakoi Street should be designed carefully with the expectation that it could be used by many bicyclists. The bicycle lanes should be at least 6 feet wide from curb to stripe, wider than most lanes found in Kihei today. The downhill lane will experience significant speeds by bicyclists. The uphill lane will experience more swerving as cyclists pedal up the hill. The additional width will be an amenity. Also the seam between the gutter and the

pavement should be carefully treated to minimize the potential for pinching the bicycle wheels. Some communities have used asphalt paving over concrete to the curb face to maximize the effective width for bicycling, since most bicyclists do not like to ride on the narrow gutter. Other communities are exploring the use of colored pavement or a rolled curb at the boundary between the bikeway and the vehicle lane.

The Kulanihakoi Street bicycle lanes should also be extended further mauka when the roadway is extended. They will become important for bicycle access to new developments whenever they occur. Also the community's bikeway master plan should be modified to show the proposed improvements for Kulanihakoi Street associated with the school. It would be appropriate to initiate a process to modify the community bicycle master plan to reflect planned developments inland from Piilani Highway. This should include consideration of the establishment of greenbelts providing recreational trails suitable for walking and bicycling on such greenbelts. One of the potential corridors is along the watercourse south of the school site. It is suggested that the school be planned to provide a corridor for a potential connection to a greenbelt along this watercourse. The process to update the bikeway plan generally needs to be a community effort, since it is not directly related to the high school.

The traffic signal and required additional improvements for Kulanihakoi Street and Piilani Highway should be carefully designed to maximize safety and bicycle friendliness. The proposed Kulanihakoi 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 Kulanihakoi 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, but we would suggest separate left turn phasing for Kulanihakoi Street, so that left turns do not turn through pedestrian or vehicle streams.

4.2 Kihei Greenway

Extension of the Kihei Greenway bikeway from Kulanihakoi Street south to the existing bikeway at Waipuilani Road would be a very attractive improvement. It bypasses the bike lane gaps on Kihei Road and provides a direct route to the shopping area at Piikea Avenue, likely to become a popular destination for students after school. While a treatment comparable to the newly opened bikeway would be desirable, this would be a costly project. A more spartan improvement consisting of a paved bike trail from Kulanihakoi Street to Waipuilani Road, including a low flow dip crossing of the watercourse could be constructed for about $200-300,000. If provided, this facility would likely serve 70-80% of bicycle traffic for the high school. If funds become available in the future, additional improvements such as landscaping, an all-weather bridge, and security features could be added. This facility would be useful and attractive to the entire community, while also benefitting the school. It does not appear reasonable to require this improvement to be completed concurrently with school construction.

The trail extension could be supplemented by a landscaped traffic circle or small roundabout at the Kulanihakoi Street intersection that would be similar to but smaller than the new roundabout at Liloa Drive. This would also serve as a further traffic calming device for Kulanihakoi Street and its potential bicycle boulevard. This measure stems from changes attributable to the school, but these changes can be fully mitigated without this level of improvement. If landscaped features are incorporated into the intersection, it is not reasonable to attribute the needs the school.

Extension of the bike trail to the north from Kulanihakoi Street is desirable, but it is not considered to be as attractive in the short term. While it would be desirable improvement for bicycling in general, the potential student population to the north is not as large, and the Kihei Road bike lanes serve most of this area effectively. This segment is not viewed as providing as much value to the school and its needs are not greatly increased by the proposed school.

4.3 Kihei Road

It would be desirable to address the missing segment without bicycle lanes on Kihei Road from Kulanihakoi Street to Waipuilani Road. However these lanes are not feasible based upon existing width, travel lanes, and the need to maintain a two way left turn lane to serve major driveways and intersections. In the short term, no simple solution is evident; however it would be appropriate for posting of bike route signs, sharrow markings, and special signage.

In the long term, the need for the left turn lane on Kihei Road could potentially be reduced through a more ambitious community program to provide roundabouts, such as the new installation at Piikea Avenue and Liloa Drive. Since roundabouts do not require space for left turn lanes, they can often free up space for bicycle lanes. In some cases, it may be necessary to prohibit left turns from intersections or driveways, but roundabouts make it much easier to make U turns. They also make it easier for pedestrians to cross due to median refuges and the shortened roadway width, features that are all evident at the new community's roundabout. In fact, some of the traffic signals and important uncontrolled intersections that now exist along Kihei Road could potentially be replaced by roundabouts. It should be noted that roundabouts are accepted to be one of the most efficient and safest forms of traffic control, while also providing other community, environmental, and aesthetic benefits.

South Kihei Road pedestrian improvements should be a high priority for the community based upon its goals and commitments toward walkability. However, the school will not significantly increase pedestrian flows in areas with greatest needs, and a plan for the entire community will be an ambitious undertaking.

Figure 9C-3. Example of Bicycle Lane Treatment at a Right Turn Only Lane

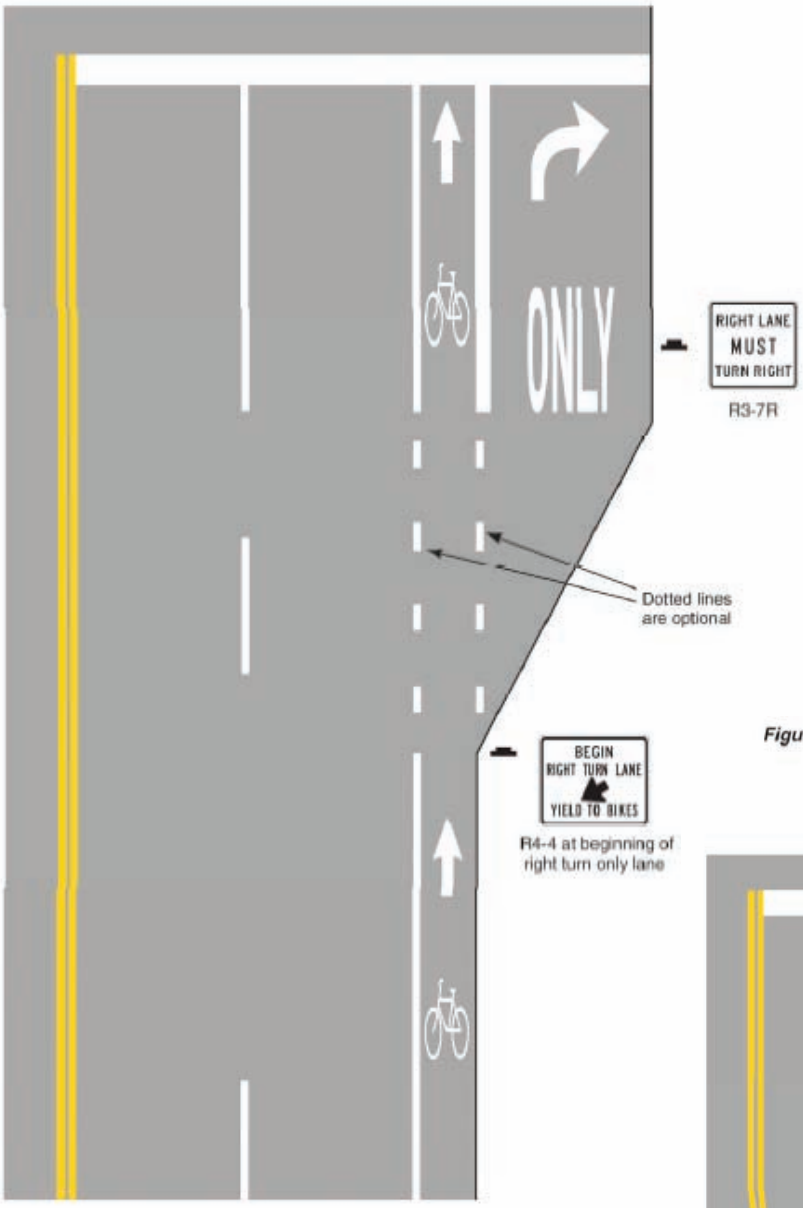
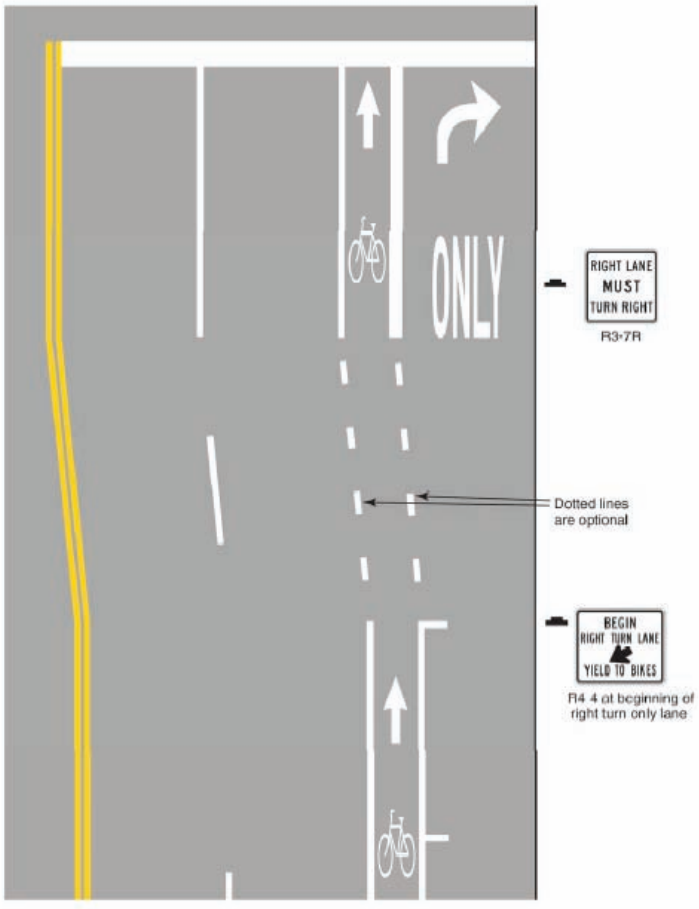


Figure 9C-4. Example of Bicycle Lane Treatment at Parking Lane into a Right Turn Only Lane



5.0 On-Site Campus Recommendations

There are features that should be considered for the new campus to facilitate or encourage bicycling. The most important infrastructure is bicycle parking. It should be located in a convenient area closer to school buildings than student parking. It is important for students who drive to see that students who don't drive are receiving the small favor of convenient parking. Bike racks should be provided in a semi fenced area (a bike corral), so that access is controlled and locks can provide basic security. It should be noted that about 16 bicycles can park in the space occupied by one vehicle parking stall. Placement of a closed circuit TV security camera aimed at the bike corral will deter thefts, a common problem with bicycle parking. If a camera is infeasible, it is recommended that the bike corral be located in a highly visible public location for security purposes.

Bicycle racks that provide optimum features should also be considered. The popular wave rack often selected by architects or others not experienced in bicycling, is not a good design for efficiency and security. Other bike rack types are preferred for this type of application. The designer should consult with a bicycle planning expert for proper ideas, which can be found in an excellent publication, *Bicycle Parking*, published by the Association of Pedestrian and Bicycle Professionals (APBP).

Walking/bicycling expert Dan Burden remarked that the school site does not seem ideally situated to serve the community. Placing it on the inland side of Piilani Highway limits the ability to access the school site from makai residential communities and will reduce the potential for walking and cycling.

However, there is likely no suitable site more centrally located to the existing community, without acquiring private properties and requiring residents to be relocated from their homes. Our recommendations are based upon the likelihood that there is no suitable alternative site on the west side of Piilani Highway that is more accessible to the existing community. Measures as suggested in this report will help to maximize the potential to access the site via walking and bicycling.

6.0 Conclusions

The proposed Kihei High School will place new demands on roadways in the vicinity of the school for pedestrians and bicycling. The bicycle lanes along Piilani Highway are not expected to serve much school traffic, but Kulanihakoi Street will become a very desirable route for pedestrians and bicycles. At minimum, bike route improvements, including sharrows and signs should be considered for Kulanihakoi Street, from Mahealani Street to South Kihei Road. (There are already bicycle lanes from Piilani Highway to Mahealani Street). Further improvements for traffic calming for a bicycle boulevard may also be appropriate.

A sidewalk gap on Kulanihakoi Street near Piilani Highway should be addressed. This segment will experience significant walking activity upon opening of the High School, while it is used negligibly at this time.

Improvement of the primitive trail from Kulanihakoi Street south to Waipuilani to link up with the new bike trail will be desirable. This route, if improved, would likely be used by up to 80% of school bicycle traffic. It would also bypass a significant gap in the Kihei Road bike lanes south of Kulanihakoi Street. If possible, it would be desirable to provide this improvement on a schedule that is compatible with school development. It will also greatly reinforce the community's commitment to bicycling and investment in the newly completed Kihei Greenway trail.

The school, the extension of Kulanihakoi Street, and the intersection with Piilani Highway should be planned and constructed with the expectation that bicycle traffic is expected and facilities should be provided desirable for bicycling and pedestrians. These include signal phasing, crosswalks, and channelization improvements as recommended in this study.

STATE OF HAWAII
DEPARTMENT OF EDUCATION
OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES
FACILITIES DEVELOPMENT BRANCH

Proj Ctl	
DK	
MS	
Sect. Hd	RP
PC	RP

Date: 5-19-12

TO: Mr. Duane Kashiwai, Director FDB

FROM: Mr. Michael Shigetani
Project Management Section

SUBJECT: **Kihei High School**
New School
D.O.E. Job No. : **Q00017-06**

Attached is the fee proposal submitted by **Group 70 International**

1. Perform a traffic impact "pedestrian" assessment associated with the public access to Kihei High School and provide a draft and final report. The work will study impacts for vehicles, bicycles and pedestrians and identify user issues and options pertaining to safe access for the signalized Pilllani Highway crossing proposed at Kulanihakoi Street.

2 The approved final pedestrian assessment report shall be incorporated into the Final EIS, SLUDBA/CIZ zoning and land use actions by Group 70.

We have reviewed the fee of **$31,066.00** and find it satisfactory.

Accordingly, it is recommended that the fee be approved and the following be issued:

- [ ] Contract
- [ ] Contract Mod No. __ for Contract No. _____
- [X] Allowance Transfer No. 2 (Available Reimb. Funds = $499,164.00)
- [ ] Purchase Order

5/21/2012
Michael Shigetani Date

APPROVED:

MAY 23 2012
Duane Kashiwai Date

Attachments:
Fee Proposal & Breakdown
Fee Analysis
Form 17
Draft Allowance Transfer

Fee Breakdown and Performance		
Phase		Amount
Site Investigation	$	
Preliminary	$	
Final	$	
Bid	$	
Construction	$	
Allow Xfer # 2	$	31,066.00
Mod #1	$	
TOTAL	$	31,066.00
Final Design Compl Date:		N/A
Est. Construction (=		>$160M

FDB Form 37 (rev 2008.09)

EXHIBIT 27

GROUP 70
INTERNATIONAL

PRINCIPALS

Francis S. Oda, Arch.D., FAIA, AICP, LEED AP

Norman G.Y. Hong AIA

Sheryl B. Seaman AIA, ASID, LEED AP

Hitoshi Hida AIA

Roy H. Nihei AIA, CSI, LEED AP

James I. Nishimoto AIA

Stephen Yuen AIA

Linda C. Miki AIA

George I. Atta AICP, LEED AP

Charles Y. Kaneshiro AIA, LEED AP

Jeffrey H. Overton AICP, LEED AP

Christine Mendes Ruotola AICP, LEED AP

James L. Stone, Arch.D., AIA, LEED AP

Katherine M. MacNeil AIA, LEED AP

Tom Young, MBA AIA

Paul T. Matsuda PE, LEED AP

OF COUNSEL

Ralph E. Portmore FAICP

April 12, 2012

State of Hawaii
Department of Education
Project Management Section
Attn: Robert Purdie
1151 Punchbowl Street, Room 431
Honolulu, HI 96813

Subject: Kihei High School
Proposal for Allowance Transfer for Pedestrian Safety Analysis

Dear Mr. Purdie,

We are pleased to submit the following proposal for providing a pedestrian assessment study. Stantec Consulting Services Inc. (Stantec) will be contracted by Wilson Okamoto Corporation (WOC) to provide the pedestrian assessment. Group 70 will integrate this study into the EIS and land use permit processes. This effort is not currently in the contracted scope of work for this project.

Scope of Work

The work items included in this request and associated fees are as follows:

1. WOC Pedestrian Assessment (Attached)	$25,653.61
2. Group 70 Professional Fees	
• Review Consultant Report	$722.40
• EIS Integration	$2,127.00
• SLUDBA/CIZ/CPA Integration	$1,063.50
• Consultant Coordination (5%)	$1,283.00
• Hawaii State Tax (0.04166%)	$216.46
Group 70 Subtotal	$5,412.36
TOTAL PROFESSIONAL FEES	~~$31,065.97~~ $31,066

The total proposed fee for the additional work is **$31,065.97** including Hawaii State Tax.

Thank you for the opportunity to provide services for Kihei High School (DOE Project No. PS D08-002 and Contract No. CO-80178). If you should have any questions, please feel free to contact me or Rachel Shaak at (808) 523-5866.

Sincerely,
GROUP 70 INTERNATIONAL, INC.

Christine M. Ruotola, AICP, LEED AP
Principal

cc: Gaylyn Nakatsuka, DOE

P:\2008\28011-02 Kihei High School Planning\100 Administration\102 Proposals\102.2 Group 70 Draft Proposal\Planning - Allowance Transfers\Ped Study AT\Kihei_PedStudy_Proposal_041212.doc

WILSON OKAMOTO
CORPORATION
ENGINEERS · PLANNERS · CONSULTANTS

1907 South Beretania Street
Artesian Plaza, Suite 400
Honolulu, Hawaii, 96826 USA
Phone: 808-946-2277
FAX: 808-946-2253
www.wilsonokamoto.com

7854-04
March 21, 2012

Ms. Rachel Shaak
Group 70 International, Inc.
925 Bethel Street, Fifth Floor
Honolulu, Hawaii 96813

SUBJECT: **PROPOSAL FOR PROFESSIONAL SERVICES**
Traffic Engineering
Kihei High School – Pedestrian Study
Kihei, Maui, Hawaii

Dear Ms. Shaak:

Wilson Okamoto Corporation is pleased to submit this proposal to provide additional professional traffic engineering services for the subject project.

For the purposes of this Proposal, Group 70 International, Inc. shall be referred to as the "CLIENT", Wilson Okamoto Corporation as the "CONSULTANT", and the proposed Kihei High School shall be referred to as the "PROJECT". Wilson Okamoto Corporation's General Terms and Conditions for Consultant Services are attached to this proposal as Attachment "A".

PROJECT DESCRIPTION

The State of Hawaii Department of Education (DOE) is proposing a new high school in Kihei, Maui, Hawaii. The proposed high school is programmed to accommodate a projected school enrollment of 1,650 students in grades 9 through 12. This proposal includes the necessary work to prepare a pedestrian assessment study for the proposed high school

SCOPE OF SERVICES

The pedestrian assessment study will be prepared by Stantec Consulting Services Inc. and their scope is included in their proposal, see Attachment "B". WOC will provide support to Stantec Consulting Services Inc. for the study including coordination and review.

Items Excluded from Scope of Services

1. Any investigation and study(ies) beyond the intersections identified in the Scope of Services.

SCHEDULE OF SERVICES

The time schedule for the proposed scope of services should proceed according to the following time estimates, exclusive of review periods, significant changes, or other delays beyond the control of the Consultant.

Task		Estimated Time
Task 1	Coordination and Review	As needed
Task 2	Pedestrian Assessment Study	4 weeks (After completion of field investigation)
	Total	4 weeks

COMPENSATION FOR PROFESSIONAL SERVICES

For the services outlined above, the Client shall compensate the Consultant according to the terms and conditions of this Agreement. Compensation will be on fixed fee basis.

Task 1	Coordination and Review	$ 5,000.00

Subconsultant Study

Task 2	Pedestrian Assessment Study (Stantec Consulting Services Inc.)	$20,000.00
	Tax (4.166%)	$ 833.20
	Sub-Total Subconsultant:	$20,833.20
	TOTAL FIXED FEE:	$25,833.20

ADDITIONAL SERVICES/AMENDMENTS

Additional services that are not part of this Agreement will be undertaken by the Consultant by separate agreement and at the direction of the Client.

Any significant increase or decrease in the scope of work to include changes to the study parameters, or significant time delays beyond the control of the Consultant, shall be subject to a mutually agreed upon amendment to this fee proposal.

AGREEMENT

Your signature on the enclosed copy of this letter and its return to our office will constitute approval of the foregoing terms, and serve as our written notice to proceed.

This fee proposal is firm for a period of thirty (30) days. After April 20, 2012, the specific terms of this proposal are subject to change.

Please call Cathy Leong, P.E., or myself if you have any questions.

Sincerely,

WILSON OKAMOTO CORPORATION

Gary T. Okamoto
President

Cathy Leong, P.E.
Project Manager

GTO/CL

AGREED AND ACCEPTED:

GROUP 70 INTERNATIONAL, INC.

_____ _____
Signature Date

_____
Title

ATTACHMENT A

General Terms and Conditions for Consultant Services

*Refer to General Conditions of Prime Contract and Consultant Agreement

WILSON OKAMOTO CORPORATION
ENGINEERS · PLANNERS · CONSULTANTS

GENERAL TERMS AND CONDITIONS FOR CONSULTANT SERVICES
Wilson Okamoto Corporation

1. BILLING AND PAYMENT

Invoices will be issued every four weeks for work completed to date, payable upon receipt, unless otherwise agreed. Interest of 1-1/2% per month (but not exceeding the maximum rate allowable by law) will be payable on any amounts not paid within 30 days, payment thereafter to be applied first to accrued interest and then to the principal unpaid amount. Any attorney's fees or other costs incurred in collecting any delinquent amount shall be paid by the Client. If 60 days in arrears, the Consultant may, after giving seven days written notice to Client, suspend services under this Agreement until the Consultant has been paid in full all amounts due for services and expenses.

2. CLIENT'S RESPONSIBILITIES

Client shall provide all criteria and full information as to Client's specific requirements for the Project, designate a person to act with authority on Client's behalf in respect of all aspects of the Project, examine and respond promptly to our submissions, and give prompt written notice to the Consultant whenever any defect in the work is observed or becomes otherwise evident.

3. OUTSIDE AGENCIES

If Federal funds, foundation grants, or multi-agency involvement require a more than normal number of submissions, or if controversy unknown at this time results in a more than normal number of meetings, the fee and schedule will be renegotiated accordingly.

4. LIMITATION OF LIABILITY

In recognition of the relative risks and benefits of the Project to both the Client and the Consultant, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit the liability of the Consultant and all of its officers, employees, agents and subconsultants (the Consultant Parties) for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, including attorney's fees and costs and expert witness fees and costs, so that the total aggregate liability of the Consultant and the Consultant Parties shall not exceed $25,833.20. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

5. INSURANCE

The Consultant shall maintain during the performance of professional services, if reasonably available, (1) statutory Workers' Compensation Employer's Liability coverage; (2) Comprehensive General/Professional and (3) Automobile liability insurance coverage.

6. ACCESS TO SITE

Unless otherwise agreed and as required, Client will furnish right-of-entry on the land and into structures for the Consultant to carry out tasks consistent with the scope of work in the attached proposal. The Consultant will take reasonable precautions to minimize any damage from use of any equipment but have not included in the fee the cost for restoration of any damage which may result from project operations.

7. JOBSITE SAFETY

Neither the professional activities of the Consultant nor the presence of the Consultant or his or her employees and subconsultants at a construction site, shall relieve the General Contractor and any other entity of their obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending or coordinating all portions of the Work of construction in

accordance with the contract documents and any health or safety precautions required by any regulatory agencies. The Consultant and his or her personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their work or any health or safety precautions. The Client agrees that the General Contractor is solely responsible for jobsite safety, and warrants that this intent shall be made evident in the Client's agreement with the General Contractor. The Client also agrees that the Client, the Consultant, and subconsultants shall be indemnified and shall be made additional insureds under the General Contractor's general liability insurance policy.

8. SERVICES BY OTHERS

Specialized services by subconsultants or other technical entities such as land surveying, soils engineering, landscape architecture, archaeology, etc. may be required. When considered necessary, these firms or other consultants may be utilized with your approval, and the cost of such services will be included in our invoices with a 10-percent markup if we pay their billings on behalf of the Owner. We prefer to have the Client pay such bills directly with our written approval for payment. In certain instances as required by State law, applicable State general excise tax will be added to the total fee.

9. HAZARDOUS MATERIALS

It is acknowledged by both parties that the Consultant's scope of services does not include any services related to asbestos or hazardous or toxic materials. In the event the Consultant or any other party encounters asbestos or hazardous or toxic materials at the jobsite, or should it become known in any way that such materials may be present at the jobsite or any adjacent areas that may affect the performance of the Consultant's services, the Consultant may, at his or her option and without liability for consequential or any other damages, suspend performance of services on the project until the Client retains appropriate specialist consultant(s) or contractor(s) to identify, abate and/or remove the asbestos or hazardous or toxic materials, and warrant that the jobsite is in full compliance with applicable laws and regulations.

10. ASSIGNMENT

Neither party to this Agreement shall transfer, sublet or assign any rights under or interest in this Agreement (including but not limited to monies that are due or monies that may be due) without the prior written consent of the other party.

11. TERMINATION

Either the Client or the Consultant may terminate this Agreement at any time with or without cause upon giving the other party fourteen (14) calendar days prior written notice. The Client shall within thirty (30) calendar days of termination pay the Consultant for all services rendered and all costs incurred up to the date of termination, in accordance with the compensation provisions of this Agreement.

12. OPINIONS OF PROBABLE COST

In providing opinions of probable construction cost, the Client understands that the Consultant has no control over costs or the price of labor, equipment or materials, or over the Contractor's method of pricing, and that the opinions of probable construction costs provided herein are to be made on the basis of the Consultant's qualifications and experience. The Consultant makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs. If prior to the Bidding or Negotiating Phase, the Client wishes greater assurance as to Project or Construction Cost, he shall employ an independent cost estimator. Services to modify the Contract Documents to bring the Construction Cost within any limitation established by the Client will be considered Additional Services and paid for as such by Owner at a fee to be agreed upon by Client and Consultant.

13. OWNERSHIP OF DOCUMENTS

All reports, plans, specifications, field data and notes and other documents, including all documents on electronic media, prepared by the Consultant as instruments of service shall remain the property of the Consultant.

WILSON OKAMOTO
CORPORATION
ENGINEERS · PLANNERS · CONSULTANTS

14. UNAUTHORIZED CHANGES

In the event the Client consents to, allows, authorizes or approves of changes to any plans, specifications or other construction documents, and these changes are not approved in writing by the Consultant, the Client recognizes that such changes and the results thereof are not the responsibility of the Consultant. Therefore, the Client agrees to release the Consultant from any liability arising from the construction, use or result of such changes. In addition, the Client agrees, to the fullest extent permitted by law, to indemnify and hold the Consultant harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) arising from such changes, except only those damages, liabilities and costs arising from the sole negligence or willful misconduct of the Consultant.

15. MEDIATION

In an effort to resolve any conflicts that arise during the design or construction of the Project or following the completion of the Project, the Client and the Consultant agree that all disputes between them arising out of or relating to this Agreement shall be submitted to nonbinding mediation unless the parties mutually agree otherwise.

16. ATTORNEY'S FEES

In the event the Client makes a claim against Wilson Okamoto Corporation, for any alleged error, omission or other act arising out of the performance of its professional services, and to the extent the Client fails to prove such claim, then the Client shall pay all costs, including attorney's fees, incurred by the Consultant in defending itself against the claim.

17. GOVERNING LAW

This Agreement shall be interpreted and enforced according to the laws of the State of Hawaii, unless agreed otherwise. If any part of this Agreement is found to be invalid by a court of competent jurisdiction, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

ATTACHMENT B

Stantec Consulting Services Inc.
Scope of Services

Stantec Consulting Services Inc.
19 Technology Drive Suite 200
Irvine CA 92618-2334
Tel: (949) 923-6000
Fax: (949) 923-6121

Stantec

March 15, 2012

Mr. Pete Pascua
Wilson Okamoto
1907 S. Beretania St, Suite 400
Honolulu, HI 96826

Dear Mr. Pascua:

Reference: Proposal for Proposed Kihei High School Vicinity Analysis

Stantec Consulting Services Inc. (Stantec) appreciates the opportunity to submit this proposal to assist Wilson Okamoto in addressing issues related to the development of a new High School in the Kihei community of Maui County. This proposal was prepared in response to your request. Our Scope of Services, cost estimate, and schedule for this project are presented in the attachment to this letter.

We have compiled for this project an experienced and highly resourced team which is ready to undertake this project. Stantec has a strong North American and world presence with 10,500 employees and more than 160 offices in North America and 4 international locations. This project will be assigned to our Irvine office, our regional headquarters for traffic and transportation planning.

I will serve as our project manager for this project due to my history with the Hawaii area and my qualifications for safety projects involving vehicle, pedestrian, and bicycle circulation. This history, in conjunction with my technical qualifications, should be ideal for the project.

If this proposal is acceptable, Stantec will work with you to provide a draft contract agreement. We look forward to working with you on this important project. This proposal is valid for 120 days.

Sincerely,

STANTEC CONSULTING SERVICES INC.

Rock Miller
Principal, Transportation Planning & Traffic Engineering
Tel: (949) 923-6021
Fax: (949) 923-6121
Rock.Miller@stantec.com

Attachment:

mkd v:\2073\business_development\kekaako study proposal.docx

1.0 Scope of Work

Wilson Okamoto has prepared a traffic impact analysis for a proposed High School in the Community of Kihei on Maui, Hawaii. The high school is located east of Piilani Highway, so most students arriving by walking or bicycling must cross the highway at an existing intersection with Kulanihakoi Street. This intersection and the nearby neighborhoods have raised concerns over safety and the need to more closely analyze conditions for the intersection area due to the project. This scope of work is based upon information provided by Wilson Okamoto.

1.1 PROJECT MANAGEMENT

Stantec will provide project management for the preparation of a focused area analysis study. The study will analyze existing conditions for vehicles, bicycles and pedestrians and identify features that may be appropriate for change based upon the construction of the proposed high school. Rock Miller will be the project manager and will participate in all meetings and teleconferences, to the extent possible. He will be assisted by Melissa Dugan, especially for preparation of draft reports and correspondence. In addition, Sam Hout will serve as the principal in charge and will be available if needed for additional support.

1.1.1 Meetings and Support

Rock, Stantec's project manager, will attend up to two (2) project meetings in Hawaii. The meetings will be scheduled in cooperation with the client's needs, and may include presentations to a governing body (planning Commission, City Council, LUC) that must adopt recommendations made in the traffic analysis.

Stantec will participate in scheduled teleconferences for the project. We will also answer questions and provide assistance in addressing traffic and transportation related issues that may come forward during the course of the project from our offices via e-mail, correspondence, or project team meetings.

1.2 EXISTING CONDITIONS ANALYSIS

1.2.1 Field Reviews

Rock will conduct a field review of the site to document existing traffic-related conditions for analysis. Our review of the site area suggests that a full assessment of the design of the nearby intersection will be required. A traffic signal at this location must provide all necessary features for significant pedestrian and bicycle cross traffic. A review of Kulanihakoi Street from Piilani Highway to Kihei Road is also highly recommended, as this will be the primary access route to

the school from nearby residential areas that will likely generate walking and bicycling trips. Rock will perform a full field review prior to report preparation and any meetings on the project.

1.3 DRAFT REPORT

Stantec will provide a draft report presenting our analysis, findings and recommendations. Our recommendations are expected to include measures to insure that the intersection and traffic control measures existing or proposed at the Piilana/ Kulanihakoi intersection are properly designed to accommodate the increased pedestrian traffic that is anticipated with the proposed project. The report will also identify potential low cost measures (signs and striping) that may be appropriate for consideration on nearby roadways, which may include the feasibility for bicycle lanes or shared facilities on Kulanihakoi Street.

The report will include concept drawings showing proposed measures, however preparation of construction drawings for recommended measures is not included in the project scope.

During preparation of the report, we will contact Dan Burden of WALC and discuss prior work or recommendations for the intersection or vicinity. Appropriate suggestions or recommendations will be combined into the report draft. Rock and Dan recently partnered as advisors and contributors in the Los Angeles County Street Design Manual, a publication of the County Department of Public Health. This document can be viewed or downloaded on line at *www.modelstreetdesignmanual.com.*

The report will consider alternative measures. We will also work with WOC and the client to insure that recommendations are acceptable and responsive to the needs of the High School project.

It is presumed that WOC will make contact with agencies and organizations in Hawaii that may have input or interest in the project. Our proposal does not include resourced required for Stantec to meet with these organizations if the meetings cannot be coordinated closely with client meetings. Any relevant comments or observations will be incorporated into our draft report.

1.4 RESPONSE TO COMMENTS

Any appropriate revisions will be incorporated into the study so that it can be found to be fully responsive to the needs of the project. Appropriate revisions include any corrections to the report within the general scope of work and intersections where data was collected. Any comments that result in traffic data collection or analysis at any locations not identified in our proposal may result in the need for additional compensation.

2.0 Stantec Staff

2.1 STANTEC CONSULTING SERVICES, INC.

Stantec Consulting Services, Inc. (Stantec), was founded in 1954. We provide professional consulting services in planning, engineering, architecture, interior design, landscape architecture, surveying, environmental sciences, project management, and project economics for infrastructure and facilities projects. Continually striving to balance economic, environmental, and social responsibilities, Stantec is recognized as a world-class leader and innovator in the delivery of sustainable solutions. Stantec supports public and private sector clients in a diverse range of markets, at every stage, from initial concept and financial feasibility to project completion and beyond.

Stantec has earned a strong reputation in our firms work toward complete streets and for safety of users of active transportation, including walking and bicycling. Our project manager, Rock Miller, is widely regarded as a leader among engineers in adapting developed environments to better meet the needs of pedestrians and bicyclists, including provision of safe and attractive facilities.

Local Office Info: 19 Technology Drive, Suite 200, Irvine, CA 92618, Ph: (949) 923-6000

2.2 ROCK MILLER, PE (CA & HI), PTOE

Rock is widely recognized for his expertise in the preparation of studies and plans to improve safety and meet the needs of all transportation modes. As a traffic engineer and transportation planner, Rock regularly analyzes traffic performance and parking demands for a variety of projects, including many corridor and downtown planning projects, where project goals seek to provide attractive facilities to meet the needs of all users within limited space.

Rock has done extensive work for the City of Long Beach to provide unique bicycle friendly facilities, including cycle tracks, bicycle boulevards, bicycle boxes, and colored pavement / sharrow treatments. These efforts have earned the City status as a Bicycle Friendly Community under the program conducted by the League of American Bicyclists. His responsibilities included outreach, securing permits for innovative treatments that do not comply with adopted standards, and preparing final designs. His work can be readily seen at *www.bikelongbeach.org*, and on YouTube.

Rock has also done extensive work with the Cities of Santa Monica and Santa Ana regarding pedestrian safety. He is widely recognized for this Active Transportation work in the southern California region and has won the confidence of many regional advocacy groups. As a result of this support, he was recently named to represent pedestrians and bicyclists as a member of rthe California Traffic Control Devices Committee, an influential state committee that establishes standards for traffic controls throughout the state.

Rock has frequently been an invited speaker to conferences on many topics including traffic safety and transportation policy. Rock currently serves as the International Vice President of the 15,000-member Institute of Transportation Engineers (ITE). Rock will serve as the Stantec project manager on the project and day-to-day contact for the client and provide the lead role. He will also closely oversee and be responsible for the results of the traffic analysis. Rock has experience working with the City/County of Honolulu and the State of Hawaii and is familiar with the project area and County expectations. He has assisted the State of Hawaii in defense of claims arising from traffic crashes, including a case in Maui involving a traffic signal. *Direct Contact Info:* rock.miller@stantec.com, Ph: (949) 923-6021

2.3 SAM HOUT, PE (CA)

Sam has more than 28 years of demonstrated success in engineering and construction of civil engineering and infrastructure projects. His diversified experience in both the public and private sectors has positioned him to be an industry leader in the US. He melds strong technical acumen and interpersonal skills with excellent communication abilities to effectively relate to all management levels. He retains a high level of enthusiasm on his assignments and projects and delivers quality projects on time and within budget. Sam's strong sense of mentorship drove him to be a part-time instructor for the graduate civil engineering and construction management program at California State University Long Beach from 1992 to 1999. He graduated from the Leadership Perspectives Program through the Orange County Transportation Authority in 1996, the Orange County Business Leadership Program; and the Bay Area Urban Transit Institute in 1987. Sam will oversee the project and assure quality control procedures are followed. *Direct Contact Info:* sam.hout@stantec.com, Ph: (949) 923-6184

2.4 MELISSA DUGAN, PTP

Melissa has more than 15 years of professional experience in transportation planning. She has served as project manager for various transportation planning projects. Her tasks have included bicycle and pedestrian project analysis and coordination; roadway and transit planning; land use impacts from transportation projects; travel demand modeling; numerous corridor studies; traffic impact assessments and simulation studies; long-range transportation plan development, and various parking analyses. She is certified as a Professional Transportation Planner by the Transportation Professional Certification Board. Melissa will serve as the lead on all traffic analysis tasks. *Direct Contact Info:* melissa.dugan@stantec.com, Ph: (949) 923-6216

2.5 NATHAN MUSTAFA, EIT (CA)

Nathan has studied civil engineering with a focus in transportation, as well as served as an intern with the cities of Rancho Cucamonga, Los Angeles, and Claremont. His background includes project coordination, drafting Caltrans (California Department of Transportation) PSRs, geometric design, traffic analysis, cost benefit analysis, and environmental documentation. Nathan is proficient in the Synchro and Vissim software suites, as well as 3D video simulations. He will be responsible for the preparation of all software networks for the project.
Direct Contact Info: nathan.mustafa@stantec.com, Ph: (949) 923-6071

3.0 Budget

Our proposed total estimated fee is $20,000, lump sum. The fee is based upon the cost of time, materials, and expenses for Stantec for projects of this type and scope. This fee was approximated by task as follows:

Task	Cost
Project Management	$5,000
Travel (2 Meetings and field reviews)	$4,500
Report Preparation	$8,500
Response to Comments	$2,000
Total	**$20,000**

Invoices would be submitted monthly based upon project progress (percentage). Accounts are past due after 30 days. A finance charge of 1.5% per month after invoice date may be assessed on accounts more than 60 days past due. Travel will include direct costs of travel and accommodation based upon lowest available convenient airfare to Maui available at time of scheduling of the meeting, plus 1-2 nights of accommodations per meeting.

Breakdown of Fee Proposal
(GROUP 70 INTERNATIONAL)

Project 28011-01 Kihei High School Date April 12, 2012
Drawing _____ Shts Size:____ X____
DOE Job No. Q00017-06 Specs Sections

Phase	Job Title	Name of Technical Personnel	Total Hours	Hourly Rate	Factor	Subtotal	Total
PEDESTRIAN SAFETY ANALYSIS							
A. Review Consultant Report							
	Principal	Christine Ruotola	1	$51.30	3	$153.90	
	Asso	Rachel Shaak	5	$37.90	3	$568.50	
	Senior				3	$0.00	
	Tech VI				3	$0.00	
	Tech VI				3	$0.00	
	Admin				3	$0.00	
	EIS TOTAL						$722.40
B. EIS Integration							
	Principal	Christine Ruotola	2	$51.30	3	$307.80	
	Asso	Rachel Shaak	16	$37.90	3	$1,819.20	
	Senior				3	$0.00	
	Tech VI				3	$0.00	
	Tech VI				3	$0.00	
	Admin				3	$0.00	
	DBA TOTAL						$2,127.00
C. SLUDBA/CIZ/CPA Integration							
	Principal	Christine Ruotola	1	$51.30	3	$153.90	
	Asso	Rachel Shaak	8	$37.90	3	$909.60	
	Senior				3	$0.00	
	Tech VI				3	$0.00	
	Tech VI				3	$0.00	
	Admin				3	$0.00	
	CPA/CIZ TOTAL						$1,063.50
	Principal				3	$0.00	
	Asso				3	$0.00	
	Senior				3	$0.00	
	Tech VI				3	$0.00	
	Tech VI				3	$0.00	
	Admin				3	$0.00	
	SUBDIVISION TOTAL						$0.00
B.5 Subconsultant Coordination Fee							
5% coordination fee							$1,283.00
Prime Consultant Subtotal							$5,195.90
GE TAX @ 0.04166%							$216.46
Prime Consultant TOTAL							$5,412.36
ADDITIONAL SERVICES AND/OR REIMBURSABLE EXPENSES							
TRAVEL PER PM FORM 50 (Group 70)							
REIMBURSABLE EXPENSES - PRINTING (Group 70)							
SUB-CONSULTANTS							$25,653.61
TOTAL (ADDITIONAL SERVICES AND/OR REIMBURSABLE EXPENSES + SUB-CONSULTANTS)							$25,653.61
TOTAL PLANNING ENTITLEMENT FEE							
TOTAL FEES							**$31,065.97**

Breakdown of Fee Proposal
(STANTEC)

Project 28011-01 Kihei High School Date April 12, 2012
Drawing _____ Shts Size:____ X ____
DOE Job No. Q00017-06 Specs Sections

Phase	Job Title	Name of Technical Personnel	Total Hours	Hourly Rate	Factor	Subtotal	Total
Kihei Pedestrian Analysis							
Project Management							
site inspect.	PIC/Eng VIII	Rock Miller	16	$51.30	3	$2,462.40	
	Sr. Arch/Plan	Melissa Dugan	4	$34.10	3	$409.20	
	Eng. IV	Nathan Mustafa		$31.00	3	$0.00	
	Tech VI				3	$0.00	
	Tech VI				3	$0.00	
	Admin				3	$0.00	
	EIS TOTAL						$2,871.60
Travel							
	PIC/Eng VIII	Rock Miller	24	$51.30	3	$3,693.60	
	Sr. Arch/Plan	Melissa Dugan	2	$34.10	3	$204.60	
	Eng. IV	Nathan Mustafa		$31.00	3	$0.00	
	Tech VI				3	$0.00	
	Tech VI				3	$0.00	
	Admin				3	$0.00	
	DBA TOTAL						$3,898.20
Report Preparation							
	PIC/Eng VIII	Rock Miller	20	$51.30	3	$3,078.00	
	Sr. Arch/Plan	Melissa Dugan	20	$34.10	3	$2,046.00	
	Eng. IV	Nathan Mustafa	16	$31.00	3	$1,488.00	
	Tech VI				3	$0.00	
	Tech VI				3	$0.00	
	Admin				3	$0.00	
	CPA/CIZ TOTAL						$6,612.00
Response to Comments							
	PIC/Eng VIII	Rock Miller	6	$51.30	3	$923.40	
	Sr. Arch/Plan	Melissa Dugan	8	$34.10	3	$818.40	
	Eng. IV	Nathan Mustafa	4	$31.00	3	$372.00	
	Tech VI				3	$0.00	
	Tech VI				3	$0.00	
	Admin				3	$0.00	
	SUBDIVISION TOTAL						$2,113.80
B.5 Subconsultant Coordination Fee							
15% coordination fee							
Prime Consultant Subtotal							$15,495.60
GE TAX @ 0.04166%							$645.55
Prime Consultant TOTAL							$16,141.15
ADDITIONAL SERVICES AND/OR REIMBURSABLE EXPENSES							
TRAVEL							$3,900.00
	airfare	$3,000.00					
	car rental	$300.00					
	hotel	$600.00					
TOTAL (ADDITIONAL SERVICES AND/OR REIMBURSABLE EXPENSES + SUB-CONSULTANTS)							$3,900.00
TOTAL PLANNING ENTITLEMENT FEE							
TOTAL FEES							**$20,041.15**

C:\Users\cleong\AppData\Local\Microsoft\Windows\Temporary Internet Files\OLKEC0\Kihei Stantec DOE_FeeSummary.xls

RECAPITULATION SHEET FOR NEIGHBOR ISLAND TRIPS

PROJECT KIHEI HIGH SCHOOL DATE 4/12/2012

DATE FLT TIME

DEPART

D.A.G.S. JOB NO. Q00017-06 RETURN

PHASE	JOB TITLE 1/	NAME OF CONSULTANT	TOTAL HOURS 2/ (lost time)	HOURLY RATE 3/	SUB-TOTAL	TOTAL
Pedestrian Study - Stantec Consulting (3 round trips CA to Maui)	Eng VIII	Rock Miller	6	51.30	307.80	307.80
					-	-
					-	-
					-	-

SUB-TOTAL (Direct Costs)	307.80	$ 307.80
SUB-TOTAL (Direct Costs x 3) $ 307.80 x 3 =		$ 923.40
PLANE FARE (Attach receipts) RT = $600 OA w/ LODGING		$ 2,400.00
GROUND FARE (Attach receipts) [taxi, parking, car rental (sub-compact only)] $80 / trip		$ 300.00
TRAVEL ALLOWANCE (Number of Quarters 6 4/ @ $80/day)		$ 120.00
SUB-TOTAL		$ 3,743.40
TAX (4.16%)		$ 155.73
TOTAL		$ 3,899.13

1/ *P - Principal* *D - Designer* *SD - Senior Draftsman*
A - Associate *JB - Job Captain* *JD - Junior Draftsman*
SE - Senior Engineer

2/ *Lost time: Hawaii - 4 hrs.; Kauai / Maui - 3 hrs.; Molokai - 2-2/3 hrs.*

3/ *Hourly rate shall be actual direct salarynot to exceed those stated in contract.*

4/ *Quarter Day Computation*
12:01 a.m. - 6:00 a.m. *12:01 p.m. - 6:00 p.m.*
6:01 a.m. - 12:00 noon *6:01 p.m. - midnight*

NOTE: All trips must be pre-authorized. Submit this recap sheet within 10 working days after the trip.

PM Form 50 (11/91) s

Breakdown of Fee Proposal
(WILSON OKAMOTO CORPORATION)

Project 28011-01 Kihei High School

Date April 12, 2012

Drawing ______ Shts Size:____ X ____

DOE Job No. Q00017-06

Specs Sections

Phase	Job Title	Name of Technical Personnel	Total Hours	Hourly Rate	Factor	Subtotal	Total
Pedestrian Assessment Report							
Coordination and Review							
	PM	Cathy Leong	40	$44.90	3	$5,388.00	
					3	$0.00	
					3	$0.00	
					3	$0.00	
					3	$0.00	
					3	$0.00	
	TOTAL						$5,388.00
					3	$0.00	
					3	$0.00	
					3	$0.00	
					3	$0.00	
					3	$0.00	
					3	$0.00	
	TOTAL						$0.00
					3	$0.00	
					3	$0.00	
					3	$0.00	
					3	$0.00	
					3	$0.00	
					3	$0.00	
	TOTAL						$0.00
					3	$0.00	
					3	$0.00	
					3	$0.00	
					3	$0.00	
					3	$0.00	
					3	$0.00	
	TOTAL						$0.00
15% coordination fee							
Prime Consultant Subtotal							$5,388.00
GE TAX @ 0.04166%							$224.46
Prime Consultant TOTAL							$5,612.46
ADDITIONAL SERVICES AND/OR REIMBURSABLE EXPENSES							
TRAVEL PER PM FORM 50							
REIMBURSABLE EXPENSES - PRINTING							
SUB-CONSULTANTS							
TOTAL (ADDITIONAL SERVICES AND/OR REIMBURSABLE EXPENSES + SUB-CONSULTANTS)							$0.00
TOTAL PLANNING ENTITLEMENT FEE							
TOTAL FEES							**$5,612.46**

T:\7854-01 New Kihei High school\Ped Assess Amend\WOC Fee Summary.xls

REVIEW OF FEE PROPOSAL

Kihei HS- New School
Allowance Transfer No. 2
Pedestrian Safety Traffic Impact Analysis & Entitlement

Background:

The Maui Co. Planning Commission, on February 12, 2012, was critical of the DOE's DEIS in its documentation and justification of pedestrian and bicycle assess issues to and from the new proposed Kihei High School.

The DEIS plans for an at grade crossing at Piilani Highway and Kulanihakoi Street, with pedestrian and bicycle access via a signal controlled cross walk. Several groups, including the Kihei Community Association's school action committee requests the DOE to provide for the highway crossing via a grade separated pedestrian overpass or tunnel underpass. The DOT was contacted on this issue, and they will not fund an overpass or tunnel for the new school project.

In response to the Planning Commissions requests the DOE will undertake a "pedestrian" safety analysis concerning ingress and egress for pedestrians and bicyclists; and, incorporate the findings into the Final EIS, prepare testimony or participate in direct response to the Maui Planning Commission,, and incorporate this report into the State Land Use District Boundary Amendment entitlement actions.

Scope: Additional consultant fees are required for extra work including:

1 Site survey and observation of traffic conditions at the proposed signalized crossing site.
2 A draft and final Pedestrian Safety Assessment report and two meeting with DOE/Group 70 in the preparation of the report and findings.
3 Bound, unbound and electronic final report color copies.
4 Incorporation of the Final report in EIS, SLUBBA and CIZ entitlements.

Analysis: Fees proposed were reviewed for reasonableness.

1. Rates for Group 70, traffic engineer Wilson Okamoto and Wilson's pedestrian specialist, Stantec are DAGS rates, the thus reasonable. Wilson's effort for report coordination, meetings, and incorporating the report findings is $55,612 for 40 hours effort and is deemed reasonable. Stantec effort is 20 hours for site investigation and coordination; 56 hours for draft and final report preparation and 18 hours for comments, meetings and presentations. Stantec's effort is deemed reasonable. Group 70's effort is $5,412 and 42 hour for review, EIS and SLUDBA and CIZ integration and deemed reasonable.

2. Group 70 is seeking a 5% markup of this added cost, and as it is less than the 15% max, it is reasonable.

Conclusion: The proposed actions and costs are reasonable and should be implemented. Existing reimbursable funds are available for this added work.

STATE OF HAWAII
DEPARTMENT OF EDUCATION
FACILITIES DEVELOPMENT BRANCH

'12 MAY 17 A11 :19

Allowance Transfer No. 2 to Consultant Services Contract No. CO-80178

FACILITIES DEV BRANCH
CONSTR MGMT SEC

CONSULTANT Group 70 International, Inc. DATE 05/12/12

PROJECT Kihei High School
New School

JOB NO. Q00017-06 PC R. Purdie, Jr.

A. CHANGES

The following changes are to be performed in accordance with all contract stipulations:

1. Perform a traffic impact "pedestrian" assessment associated with the public access to Kihei High School and provide report. The work will study impacts for vehicles, bicycles and pedestrians and identify user issues and options pertaining to safe access for the signalized Pi'ilani Highway crossing proposed at Kulanihakoi Street

2. The work will include a site investigation, compilation of findings and recommendations and will generate a draft report for DOE review. Two meetings for review/coordination of the work will be held in Hawaii by subconsultant staff with Group 70 and DOE. The final report format will include 8.5" x 11" text with 8.5" x 11" or 11" x 17" graphics. One bound and one unbound reproducible hard copy of the final report shall be furnished the DOE along with one full color electronic document in .pdf format.

3. The DOE approved final pedestrian assessment report shall be incorporated into the Final EIS, SLUDBA/CIZ and CPA zoning and land use actions by Group 70.

B. PROJECT COST LIMIT

Current PCL		$ 115.926M
[ ] Increase	[ ] Decrease	$ NA
Revised PCL		$ NA

C. TIME SCHEDULE

Completion Dates Original	New	
N/A	N/A	Final Design Phase
NA	N/A	Bidding Phase (Bid Opening)

D. CONTRACT AMOUNT (as amended) $ $3,791,028.00

Extra Work Allowance/Balance $ $499,164.00
(Including AT #1)

	[ ] Add			[X] Add	
Estimated Fee	[X] Deduct	$ 31,066.00		[ ] Deduct	$ $31,066.00
Balance of Extras Remaining		$ $468,098.00	Amended Contract Amount		$ $3,822,094.00

E. VALIDATION OF CHANGE ORDER

APPROVED:

Director, Facilities Development Branch — MAY 23 2012 — Date

ACCEPTED:

Consultant — 5/15/12 — Date

Walkable and Livable Communities (WALC) Institute

Pedestrian Route Study—Kihei High School

Introduction

In the U.S., walking or biking to school used to be a normal practice. In fact, in 1969, nearly 90 percent of children who lived within a one-mile radius of school walked or biked; more than 40 percent of all children did so. In recent years, however "active" ways of getting to school have become the exception: in 2009, only 42 percent of children who live within a mile of school walk or bike to school; and only 15 percent of all children do so[1].

As we have turned our focus away from ensuring children can walk or bike safely to school, we also have allowed our streets to become designed only for vehicle speed and capacity, not for people. Level of Service focuses on vehicle mobility at the expense of all other modes. We generally do not consider acceptable Levels of Service for pedestrians, bicyclists and transit users.

Various trends are changing the projections for future travel demands; that is, they are changing our understanding of the type of transportation systems people will want and need in the future. Aging population, rising fuel prices, growing traffic problems, increasing safety, health and environmental concerns, and changing consumer preferences are all increasing demand for walking, cycling and transit. When we restore our streets as places that are safe for our children, we will also be supporting communities that are vibrant and safe for all.

Community involvement is necessary for a successful project. Projects that evolve through community participation tend to be of a high quality and are implemented with the fewest problems and delays. Change comes to a community in two basic ways: i) in an ad hoc manner over time; and ii) in a planned manner with a long-term vision in mind. Those communities that create a long-term vision – and prioritize projects to build to that vision – end up with a greater sense of place and purpose. The pedestrian route study for the new Kihei High School provides the opportunity for the Department of Education, Kihei community, Hawaii Department of Transportation and Maui County to work together to build an environment that encourages students and families to use active modes of transportation to access their daily needs—school, work, shopping, and play.

Scope of Services

Through the Pedestrian Route Study, the WALC Institute team, led by co-founder Dan Burden, team member Samantha Thomas and associate Tom Bertulis, will lead a two-day site assessment and capacity-building effort to engage leaders, stakeholders and the public in assessing conditions affecting pedestrian safety, street connectivity and complete streets at the new Kihei High School site along Piʻilani Highway and Kulanihakoʻi Street. The team will prepare a report of findings and recommendations, to include conceptual drawings and a "photo vision," that illustrate the outcomes of the Pedestrian Route Study and identifies the key opportunities for safer routes to school.

[1] The National Center for Safe Routes to School (2011). How Children Get to School: School Travel Patterns from 1969 to 2009. Accessed April 12, 2012. Available: http://saferoutesinfo.org/sites/default/files/resources/NHTS_school_travel_report_2011_0.pdf.

The Pedestrian Route Study will include multiple "walking audits." Pioneered by Institute co-founder Dan Burden and practiced by all Institute senior trainers, a walking audit is a powerful educational tool that lets participants see the tools and principles of walkability in action on their streets. The audits bring together stakeholders to assess specific sites—to be determined in advance in cooperation with the local project coordinator—to identify conditions that affect active living, social connectivity, safe routes to school, and access to daily needs. Key streets for the walking audits include Piʻilani Highway and Kulanihakoʻi Street.

Components of the Pedestrian Route Study:

- Pre-Brief and Initial Site Assessment. The WALC Institute team, Group 70 and DOE will convene for a pre-brief meeting and initial site assessment prior to any stakeholder meetings or public events

- Stakeholder Meetings. The WALC Institute team will conduct up to four focus-group meetings to engage key stakeholders—including the Department of Education (HDOE) and school administrators, Maui County Planning and Public Works and Hawaii Department of Transportation (HDOT), Kihei Community Association, Maui PATH, and emergency responders—in identifying and discussing the opportunities, challenges, constraints and context that may affect safe routes for people on foot, bike, or transit to and from the school campus area. The meetings will be planned and coordinated by the local organizing team with guidance from the Institute.

- Capacity-Building and Educational Workshop. The Institute team will conduct an afternoon or evening capacity-building and educational workshop designed for members of the public, elected officials, the school community, the business community, county and state staff, and representatives of advocacy organizations. The workshop engages communities in making their streets and neighborhoods more walkable, livable, healthy and age-friendly. The goal of the workshop is to build capacity by promoting a shared language amongst residents, technical practitioners, government staff and elected leaders; illustrate through examples and walking audits how walkability and livability benefit a community and how they can be achieved; and inspire each participant to become involved in the movement toward active living and creating safer routes for all modes.

  The workshop will include an overview presentation with examples of best practices in complete streets and safe routes to school, a walking audit, and a values and priority visioning session. After a facilitated discussion of community values, participants identify priority areas and issues to begin to form next-steps for specific improvements they want to see, which relate to the context of the pedestrian route study. The workshop will be planned and coordinated by the local organizing team, with guidance from the WALC Institute and the Institute's facilitator's guidebook.

- A Report of Findings and Recommendations. This graphically rich report will summarize findings and recommendations to improve pedestrian and bike connections to and from Kihei High School with a focus on access to the school campus and connectivity to and from the Kihei community. The report will include:

  - A discussion of existing conditions
  - Documentation of the Pedestrian Route Study process
  - Best practices from throughout the U.S. and Hawaii that are relevant to the local conditions
  - Recommended street treatments, redesigns and next-steps

- Up to three conceptual drawings that illustrate the pros and cons of at-grade, overpass, and underpass pedestrian crossings at Piʻilani Highway and Kulanihakoʻi Street. Associate Tom Bertulis will lead the production of the conceptual designs to illustrate the recommendations, with one round of peer review by the WALC Institute's design associates—Michael Wallwork or Michael Moule; and

- A photo vision. A conceptual rendering of how a street will look with recommended treatments applied, a photo vision can be a game changer as it becomes a tool for the community to build education and engagement on how a place can be transformed to be safer for all modes.

- A discussion of the Pedestrian Route Study as it relates to the following specific county and land-use commission requirements:

    - Land-Use Commission Condition 1.b –"Petitioner shall complete a pedestrian route study for Phase 1 of the Project which included ingress and egress of pedestrians through defined location(s) approved by DOT and shall analyze compliance with the proposed warrants in FHWA/RD-84/082 (July 1984) to the satisfaction of DOT." Defined location includes Piʻilani Highway and Kulanihakoʻi Street and a to be determined location for a grade separated—overpass or underpass—pedestrian and bicycle crossing.

    - County Conditions. Address how to implement the following improvements to the Kīhei High School campus:
        a. pedestrian and bicycle access to and from the school campus to connect to current and future pedestrian and bicycle networks in the vicinity of the campus;
        b. bicycle friendly improvements on the school campus, and if required by the Maui County Department of Transportation, an area for public transit access to the school campus; and, as they relate to the Pedestrian Route Study, take into consideration the following:
        c. overflow parking and lighting to accommodate special events to be held on the school campus;
        d. consideration of best practices in Crime Prevention through Environmental Design (CPTED) elements in campus design; and
        e. to the extent not inconsistent with the provision of a drainage detention basin, overflow parking and CPTED design elements, a landscaped buffer on the campus fronting Pi``ilani Highway.

  The report will be provided as a draft within five weeks of completion of on-site work in a PDF format that can be printed or shared electronically. The [client] will submit a consolidated set of review comments and the Institute will make one set of revisions before delivering the final document.

- Additional Documentation. The WALC Institute will provide the Client with all photographs and the PowerPoint presentation delivered during the workshop.

- Assessment of Implementation Challenges and Approach for Implementation Assistance. The WALC Institute team will provide the Client a verbal report on the Institute team's assessment of challenges the community likely will face in implementing the team's recommendations. This verbal report will be conducted by phone and will take place at the Client's convenience following finalization of the report.

Within one week of the verbal report, the Institute will provide a two- to three-page approach for engaging a consultant to assist with implementation of the recommendations. The aim of this brief approach will be to help the Client successfully engage a consultant who can assist in navigating the potential implementation challenges and ensure the projects meet requirements of the Hawaii DOT, the County of Maui Planning Department and the Land-Use Commission.

Exclusions: This scope of services doesn't include data collection, a traffic study or review of existing plans.

Example Agenda

The following agenda is a sample approach that should be refined by the community, in coordination with the WALC Institute team, to accommodate local conditions and meet local needs:

Day One

7:00 a.m.	Institute team observes a.m. rush Piʻilani Highway and Kulanihakoʻi Street and surrounding area.
8:30 a.m.	Walking Audit and/or Bike or Drive Tour with Project Team
10:00 a.m.	Stakeholder Focus Group #1
11:30 a.m.	Stakeholder Focus Group #2
1:00 p.m.	Lunch- Break
2:00 p.m.	Stakeholder Focus Group #3
3:30 p.m.	Stakeholder Focus Group #4
4:45 p.m.	Client and Project Team De-brief

Day Two

Morning	Site Assessments: Institute Team Document and Photograph Existing Conditions
Afternoon	Drive Tour with DOT, DOE, Maui County Planning and other key stakeholders identified (Note: this can also be done at the end of day one.)
7:00 p.m.	Capacity-Building and Educational Workshop: Welcome & Introductions
7:15 p.m.	Presentation: Best Practices & Value Setting
8:00 p.m.	Priority Setting and Next-Steps
8:30 p.m.	Conclude

Fee

The services described herein are provided for a professional fee of $33,005 plus direct expenses. Direct expenses are invoiced at-cost, and are estimated at $5,175, as follows.

Estimated Direct Expenses	Cost Per Unit	# of Person Days	Total
Hotel (3 nights x 3 people)	$170	9	$1,530
Airfare (3 people)	$975	3	$2,925
Ground Transportation & Gas	NA	NA	$720

TOTAL	$5,175

FEHR PEERS

October 25, 2016

Ken Tatsuguchi, P.E.
Hawaii Department of Transportation
869 Punchbowl Street, Room 301
Honolulu, HI 96813

Subject: Kihei High School – Supplemental Transportation Analyses: Pedestrian Route and Roundabout Studies

Dear Mr. Tatsuguchi:

This letter transmits two technical memoranda for Hawaii Department of Transportation's (DOT) review:

1. Grade Separated Pedestrian Crossing Feasibility Study (Pedestrian Crossing Study)
2. Roundabout Feasibility Study (Roundabout Study)

These memoranda satisfy DOT's request for further analysis of the proposed design of facilities for the Kihei High School project. We understand from previous email communication that HDOT is requesting two additional analyses to complete its review of this project:

1. An evaluation of grade-separated pedestrian crossing warrants and other considerations to determine the appropriate pedestrian facilities at the intersection of Pi'ilani Highway and Kulanihakoi Street.
2. An operations analysis and feasibility assessment of a proposed roundabout at the same intersection, where the roundabout was originally proposed.

To that end, the Pedestrian Crossing Study addresses HDOT's specific request for evaluating pedestrian warrants and the appropriate crossing facilities of the highway. Additionally, that document satisfies the Hawaii State Land Use Commission's Condition 105 requiring completion of a pedestrian route study.

The Roundabout Study was developed based on a recommendation from the original *Safe Routes to Kihei High School: Pedestrian Route Study* (Draft Report, June 2014) published by the Walkable and Livable Communities Institute. The roundabout was identified as a potential traffic control device alternative but did not include a detailed operations study to determine its viability to serve

EXHIBIT 29

adequately both vehicles and pedestrians. Our roundabout study addresses issues regarding vehicle capacity and potential operations issues for pedestrians and bicyclists at the intersection with this device in place.

We are seeking approval of these studies, in addition to the original October 2014 TIAR prepared by WOA, to allow construction of the high school and the proposed improvements in HDOT right of way to move forward. Please let us know if you have any questions or need any additional information to complete your review and approval process.

Sincerely,

FEHR & PEERS

Rachel Miriam Neumann
Senior Transportation Planner

cc: *Sohrab Rashid, TE, Principal, Fehr & Peers*
Nami J.H. Wong, P.E., Hawaii Department of Transportation

LA15-2746

Attachment:

Kihei High School Pedestrian Crossing Study Technical Memorandum

Kihei High School Roundabout Study Technical Memorandum

OFFICE OF
Facilities and Operations

Kihei High School Project Team

Community Meeting for Kihei High School update

HIDOE Facilities Development Branch Project Update

Special Guest: HDOT Highways Division Deputy Director Ed Sniffen

Wrap-up with Q&A session

- Date: Tues. Jan. 12, 2021
- Time: 5-7 p.m.
- Location: Virtual Webex Event
- Registration & Log In: http://bit.ly/KiheiHS1-12

Final agenda to be posted on Registration & Log In page above one week prior to meeting date.

EXHIBIT 30

Questions? Contact Brenda Lowrey at (808)784-5091 or brenda.lowrey@k12.hi.us

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of DEPARTMENT OF EDUCATION, STATE OF HAWAI'I, To Amend the Agricultural Land Use District Boundaries into the Urban Land Use District for Approximately 77.2 acres of land at Kihei, Maui, Hawai'i, Maui Tax Map Key Nos. 2-2-02: 81 and 83.	DOCKET NO. A11-794 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a copy of PETITIONER DEPARTMENT OF EDUCATION, STATE OF HAWAII'S RESPONSE TO LAND USE COMMISSION'S LETTER DATED NOVEMBER 10, 2020 WITH RESPECT TO PETITIONER'S MOTION TO AMEND THE LAND USE COMMISSION'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER FILED JULY 29, 2013 was duly served via Electronic Mail upon the following at:

MOANA LUTEY (Moana.Lutey@co.maui.hi.us)
Corporation Counsel
THOMAS KOLBE (Thomas.Kolbe@co.maui.hi.us)
MICHAEL K. HOPPER (Michael.Hopper@co.maui.hi.us)
Deputies Corporation Counsel
County of Maui
200 South High Street
Kalana O Maui Building, 3rd Floor
Wailuku, Maui, Hawai'i 96793

Attorneys for Respondent
DEPARTMENT OF PLANNING,
COUNTY OF MAUI

Bryan Yee (Bryan.C.Yee@hawaii.gov)
Deputy Attorney General
425 Queen Street
Honolulu, Hawai‘i 96813

Attorney for Office of Planning

DATED: Honolulu, Hawai‘i, February 2, 2021.

/s/ Stuart N. Fujioka
STUART N. FUJIOKA
RYAN W. ROYLO
MELISSA J. KOLONIE
HOLLY T. SHIKADA
Deputy Attorneys General

Attorneys for Petitioner
DEPARTMENT OF EDUCATION,
STATE OF HAWAI‘I

Docket No. A11-794; In the Matter of the Petition of Department of Education, State of Hawai‘i, before the Land Use Commission of the State of Hawai‘i; PETITIONER DEPARTMENT OF EDUCATION, STATE OF HAWAII’S RESPONSE TO LAND USE COMMISSION’S LETTER DATED NOVEMBER 10, 2020 WITH RESPECT TO PETITIONER’S MOTION TO AMEND THE LAND USE COMMISSION’S FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER FILED JULY 29, 2013; EXHIBITS “19”-“30”; CERTIFICATE OF SERVICE