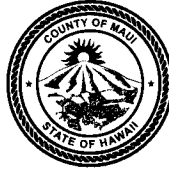


ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



RECEIVED

2013 OCT -4 PM 2: 55

COUNTY OF MAUI OFFICE OF THE MAYOR
DEPARTMENT OF PLANNING

October 4, 2013

2013 OCT -4 PM 4:14
OFFICE OF THE
COUNTY COUNCIL

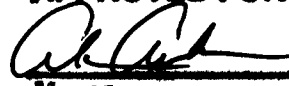
RECEIVED

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Robert Carroll, Chair
and Members of the Land Use Committee
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

 10/4/13
Mayor Date

Dear Chair Carroll and Members:

SUBJECT: PROPOSED BILLS TO ENACT A COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR THE PROPOSED KIHEI HIGH SCHOOL, REFERRED TO THE MAUI PLANNING COMMISSION BY RESOLUTION NO. 13-34 (CPA 2013/0002) (CIZ 2013/0004) (LU-10)

By your letter dated April 15, 2013, you transmitted County Council Resolution No. 13-34 "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO ENACT A COMMUNITY PLAN AMENDMENT AND A CHANGE IN ZONING FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY NUMBERS (2) 2-2-002:081 (POR.) AND (2) 2-2-002:083 (POR.), FOR THE PROPOSED KIHEI HIGH SCHOOL."

The Department of Planning (Department) is transmitting for your review and action the Maui Planning Commission's (Commission) findings and recommendations regarding the referenced proposed bills as they were referred to the Commission by your Resolution No. 13-34. It is notable that subsequent to your transmittal, the two (2) Tax Map Key (TMK) Numbers referenced in the Resolution have been consolidated into one (1) new parcel, with a TMK now just referenced as (2) 2-2-002:081. A summary of the proposals is as follows:

Honorable Alan M. Arakawa, Mayor
 For Transmittal to:
 Honorable Robert Carroll, Chair
 October 4, 2013
 Page 2

SUMMARY OF PROPOSAL	
Proposals	Community Plan Amendment (CPA) from Agriculture Land Use to Public/Quasi-Public approximately 29.175 acres within TMK: (2) 2-2-002:081, and Change in Zoning (CIZ) for the entire approximately 77.2 acres property [new TMK: (2) 2-2-002:081] from the Agricultural District to the P-1 Public Quasi-Public District
Proposer	Maui County Council
Owner	State of Hawaii
Tax Map Key	(2) 2-2-002:081, formerly portions of (2) 2-2-002:081 and 083
Address	None yet assigned
Area	Approximately 77.2 acres
Existing Land Use Designations	State Urban District Kihei-Makena Community Plan: - Agriculture and Public/Quasi-Public Title 19, Zoning: – Agricultural District Other: Not located within the Special Management Area (SMA)
Brief Description	CPA and CIZ to allow for the development of the Kihei High School
Public Hearing	Held by the Maui Planning Commission on July 23, 2013
Testimony	Three (3) in support; One (1) neutral; Zero (0) opposed
Recommendation	Recommended approval, with two (2) conditions for the CIZ

The Commission reviewed the subject proposals at its July 23, 2013 meeting and recommended approval to the Maui County Council (Council). The CIZ was recommended, subject to two (2) conditions:

1. That, the State Department of Education (DOE) shall submit to the Department of Public Works for review and comment any Traffic Impact Analysis Reports, pedestrian route studies, and/or any related reports or studies at the same time they are submitted to the State Department of Transportation.
2. That, within six (6) months of the DOE's initiation of the design process for Phase 1 of the Kihei High School or the State's execution of a contract with a designer-builder for the school, whichever occurs earlier, the DOE and/or its designer-builder, as appropriate, shall begin to work with the

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Robert Carroll, Chair
October 4, 2013
Page 3

Department of Planning (Department) on the design of the following improvements to the Kihei High School campus, which shall subsequently be implemented to the satisfaction of the Department during the permitting process in accordance with Condition No. 16 of the Decision and Order by the State Land Use Commission granting the DOE's Petition for a Land Use District Boundary Amendment (LUC Docket No. A11-794):

- 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 County of Maui 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 Piilani Highway.

Inasmuch as Council approval is required for the CPA, and CIZ, the Department respectfully transmits the subject records to the Council for consideration. Accordingly, attached for your review are the following documents:

1. Proposed bill entitled, "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-2-002:081, FOR THE PROPOSED KIHEI HIGH SCHOOL";
2. Proposed bill entitled, "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-2-002:081 (POR.), FOR THE PROPOSED KIHEI HIGH SCHOOL";

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Robert Carroll, Chair
October 4, 2013
Page 4

3. Community Plan Map No. 538;
4. Land Zoning Map No. 5119;
5. Department's Report to the Commission, dated July 23, 2013;
6. Department's Recommendation to the Commission, dated July 23, 2013;
7. Exhibit Nos. 1 through 87 to the Department's Report to the Commission, dated July 23, 2013, including selected Agency Comments;
8. Minutes of the July 23, 2013 Commission Meeting;
9. Letter dated July 16, 2013, and exhibits, from Mark Hyde to the Commission;
10. Letter dated August 13, 2013, notifying DOE of the Commission's action on July 23, 2013; and
11. Compact Disk of Final Environmental Impact Statement for the Kihei High School.

Thank you for your attention to this matter. Should further clarification be necessary, please contact Current Planning Supervisor Jeffrey Dack at Ext. 6275.

Sincerely,



WILLIAM SPENCE
Planning Director

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Robert Carroll, Chair
October 4, 2013
Page 5

Attachments

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)
Jeffrey P. Dack, Current Planning Supervisor (PDF)
Maui Planning Commission Members
Daniel Orodenker, Executive Officer, Land Use Commission
Jesse Souki, Director, Office of Planning
Christine Ruotola, Group 70 International, Inc.
Karlynn Fukuda, Munekiyo & Hiraga, Inc.

WRS:JPD:nt

Project File
General File

K:\WP_DOCS\PLANNING\Cpa\2013\0002_KiheiHighSchool\StaffReportApproval\TransmittalToCouncil.doc

ORDINANCE NO. _____

BILL NO. _____ (2013)

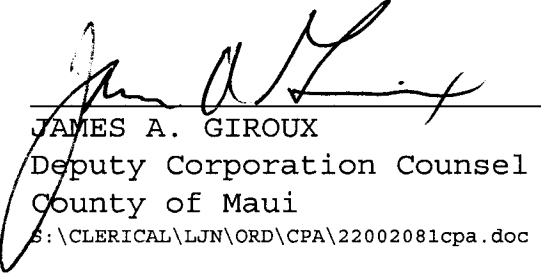
A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA
COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO
PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII,
TAX MAP KEY NUMBER (2) 2-2-002:081 (POR.),
FOR THE PROPOSED KIHEI HIGH SCHOOL

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Kihei-Makena Community Plan and Land Use Map is hereby amended from Agriculture to Public/Quasi-Public for property situated at Kihei, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 2-2-002:081 (por.), comprising approximately 29.175 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map No. CP-538, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

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

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

S:\CLERICAL\LJN\ORD\CPA\22002081cpa.doc

DESCRIPTION

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

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

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

11,695.40 feet North

21,731.05 feet West

and running by azimuths measured clockwise from True South:

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

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

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

This work was prepared by me
or under my supervision.



RONALD M. FUKUMOTO ENGINEERING, INC.

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

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960

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

KR01

ORDINANCE NO. _____

BILL NO. _____ (2013)

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


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

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from Agricultural District to P-1 Public/Quasi Public District (Conditional Zoning) is hereby granted for that certain parcel of land situated at Kihei, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 2-2-002:081, comprising approximately 77.182 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-5119, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof; and

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit "B", attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit "C".

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

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

S:\CLERICAL\LJN\ORD\CIZ\22002081.ciz with cond Kihei High School.doc

DESCRIPTION

KIHEI HIGH SCHOOL CONSOLIDATION

LOT 1

Being portions of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56), Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole, and Grant 9325, Apana 1 to Haleakala Ranch Company situated at Kaonoulu, Koheo 1 & 2, Waiohuli, Makawao, Kihei, Island and County of Maui, State of Hawaii.

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

12,012.21 feet North

21,807.61 feet West

and running by azimuths measured clockwise from True South:

1. 256° 48' 615.00 feet along Lot 1-A-2 of the Kaonoulu Ranch-Water Tank Subdivision (Subdivision File No. 2.3124), being also the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, (Certificate of Boundaries No. 56) to a 1/2-inch pipe;
2. Thence along same on a curve to the right with a radius of 1,000.00 feet, the chord azimuth and distance being:
265° 18' 295.62 feet to a PK nail;
3. 273° 48' 1330.50 feet along same to a 1/2-inch pipe;
4. 0° 00' 1712.42 feet along Lot 1-A-2 of the Kaonoulu Ranch-Water Tank Subdivision (Subdivision File No. 2.3124), and Lot 2-B of the Anawio Subdivision (Subdivision File No. 2.3129), being also the remainders of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56), Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole and Grant 9325, Apana 1 to Haleakala Ranch Company to a PK nail;
5. 102° 30' 804.53 feet along Lot 2-B of the Anawio Subdivision (Subdivision File No. 2.3129), being also the remainder of Grant 9325, Apana 1 to Haleakala Ranch Company to a 1/2-inch pipe;
6. 86° 30' 200.00 feet along same to a 1/2-inch pipe;

7. 70° 42' 02" 739.62 feet along same to a 1/2-inch pipe;
8. 160° 42' 02" 791.42 feet along the Easterly side of Piilani Highway [Federal Aid Project No. RF-031-1(5)] to a 1/2-inch pipe;
9. 250° 42' 02" 20.00 feet along same to a 1/2-inch pipe;
10. 160° 42' 02" 120.53 feet along same to a 1/2-inch pipe;
11. Thence along same on a curve to the right with a radius of 6,920.19 feet, the chord azimuth and distance being:
161° 23' 31.5" 167.04 feet to a 1/2-inch pipe;
12. Thence along same on a curve to the right with a radius of 6,920.19 feet, the chord azimuth and distance being:
162° 24' 54" 80.05 feet to a 1/2-inch pipe;
13. Thence along same on a curve to the right with a radius of 6,920.19 feet, the chord azimuth and distance being:
162° 47' 07.5" 9.43 feet to a 1/2-inch pipe;
14. 72° 49' 28" 15.00 feet along same to a 1/2-inch pipe;
15. Thence along same on a curve to the right with a radius of 6,935.19 feet, the chord azimuth and distance being:
164° 48' 44" 481.11 feet to a 1/2-inch pipe;
16. 166° 48' 151.65 feet along same to the point of beginning and containing an area of 77.182 Acres.

Vehicle access will not be permitted into and from Piilani Highway, Federal Aid Project No. [RF-031-1(5)] over and across courses 8, 9, 10, 11, 13, 14, 15 and 16 of the above described Lot 1.

Vehicle access will be permitted into and from Piilani Highway, Federal Aid Project No. [RF-031-1(5)] over and across 12 of the above described Lot 1.

This work was prepared by me
or under my supervision.



RONALD M. FUKUMOTO ENGINEERING, INC.

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

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires 4/30/2014

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
July 5, 2013

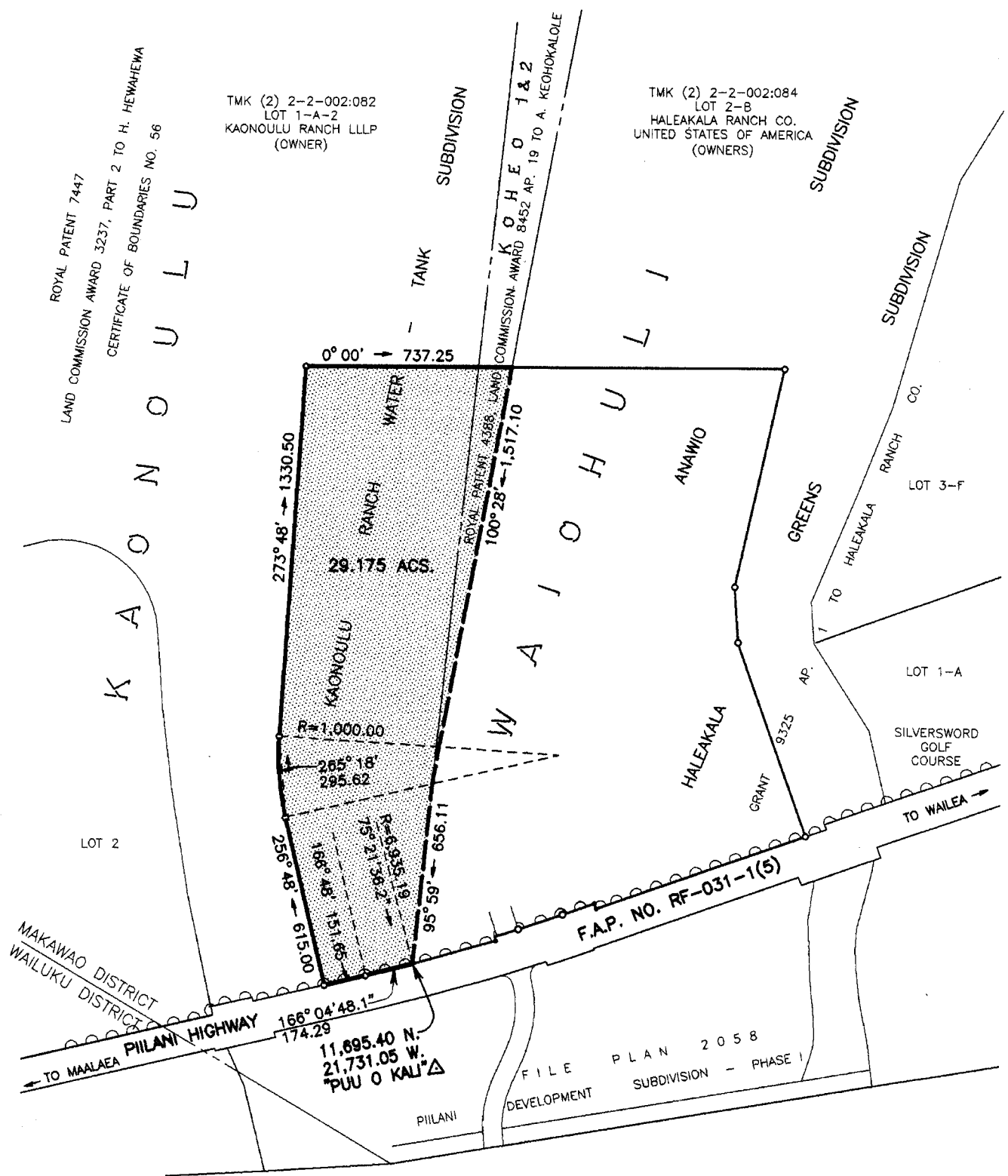
GR7002

EXHIBIT "B"

CONDITIONS OF ZONING

1. That the State Department of Education (DOE) shall submit to the Department of Public Works for review and comment any Traffic Impact Analysis Reports, pedestrian route studies and/or any related reports or studies at the same time they are submitted to the State Department of Transportation.
2. That, within six months of the DOE's initiation of the design process for Phase 1 of the Kihei High School or the State's execution of a contract with a designer-builder for the school, whichever occurs earlier, the DOE and/or its designer-builder, as appropriate, shall begin to work with the County of Maui Department of Planning on the design of the following improvements to the Kihei High School campus, which shall subsequently be implemented to the satisfaction of the Department of Planning during the permitting process in accordance with Condition Number 16 of the Decision and Order by the State Land Use Commission granting the DOE's Petition for a Land Use District boundary Amendment (Land Use Commission Docket No. A11-794):
 - 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 County of Maui 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 basis, overflow parking and CPTED design elements, a landscaped buffer on the campus fronting Pi'ilani Highway.

TRUE NORTH
SCALE: 1 IN. = 500 FT.



TAX MAP KEY
2ND DIV. 2-2-002:PORTION OF 081 AGRICULTURAL (AG) TO PUBLIC/QUASI-PUBLIC (P) = 29.175 ACRES

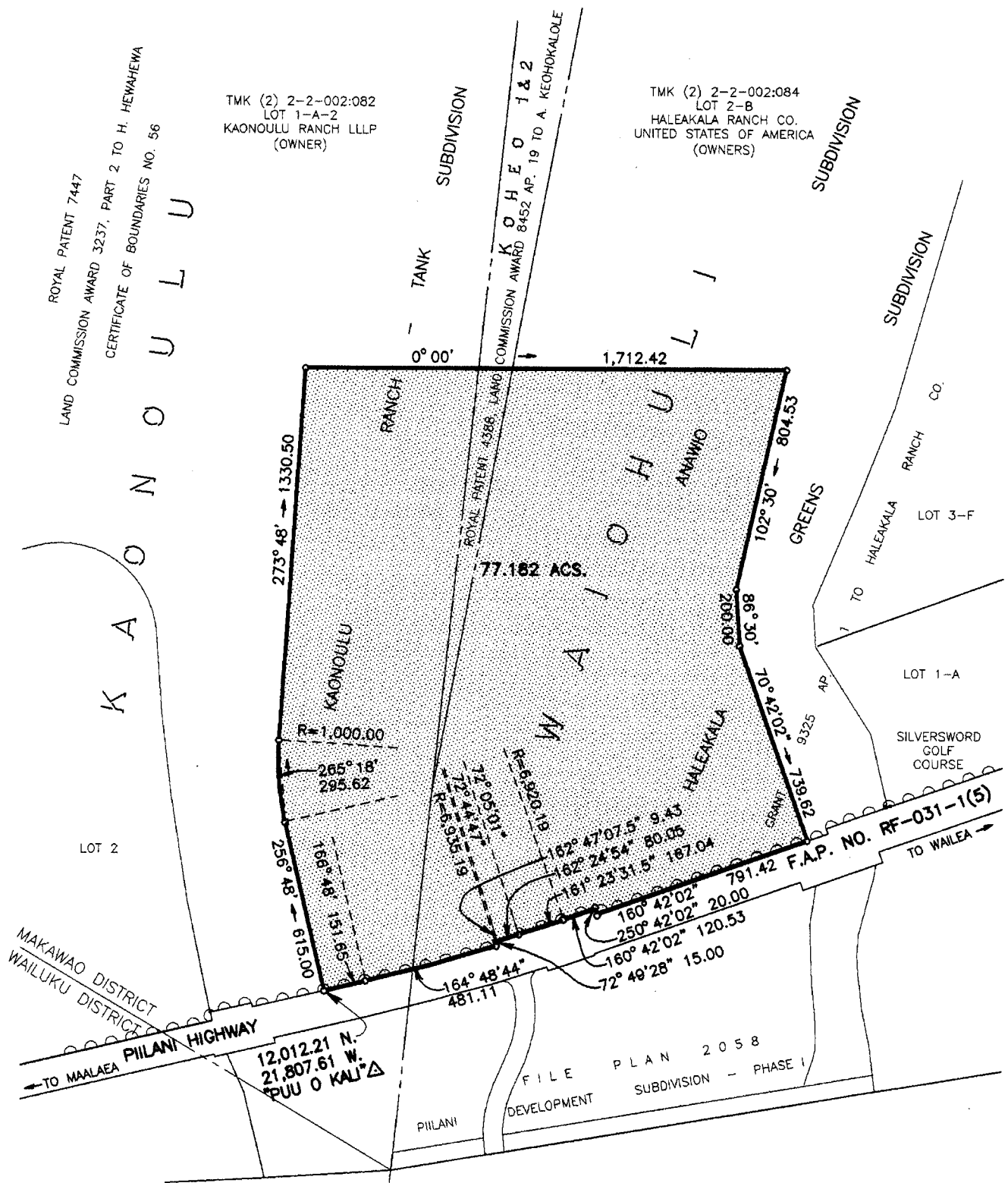
COMMUNITY PLAN MAP NO. CP-538
COMMUNITY PLAN AMENDMENT -
KAONOULU, KOHEO 1 & 2, KIHEI, MAUI, HAWAII
FROM: AGRICULTURAL (AG) TO: PUBLIC/QUASI-PUBLIC (P)

APPROVED:	COUNTY CLERK	DATE	PUBLIC HEARING:	July 23, 2013
APPROVED:	<i>[Signature]</i>	9/27/13	ADOPTED - COUNCIL:	_____
	PLANNING DIRECTOR	DATE	ADOPTED - MAYOR:	_____
			ORDINANCE: NO	_____
			DATE: SEPTEMBER 13, 2013	SCALE: 1" = 500'

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

CP-538

TRUE NORTH
SCALE: 1 IN. = 500 FT.



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

AGRICULTURAL (AG) TO PUBLIC/QUASI-PUBLIC (P) = 77.182 ACS.

LAND ZONING MAP NO. L-5119
CHANGE IN ZONING -
WAILOHULI, KAONOULU, KOHEO 1 & 2, KIHEI, MAUI, HAWAII
FROM: AGRICULTURAL (AG) TO: P-1 PUBLIC/QUASI-PUBLIC (P)

APPROVED: _____
 COUNTY CLERK DATE

APPROVED: *William Spurr* 9/23/13
 PLANNING DIRECTOR DATE

PUBLIC HEARING: JULY 23, 2013
 ADOPTED - COUNCIL: _____
 ADOPTED - MAYOR: _____
 ORDINANCE: NO. _____
 DATE: SEPTEMBER 13, 2013 SCALE: 1" = 500'

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

L-5119

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Maui County Council Resolution
No. 13-34 to Facilitate a New High School
Proposed by the

STATE OF HAWAII, DEPARTMENT
OF EDUCATION

By Amending the Kihei-Makena Community
Plan to Change the Approximately 29.175 acre
TMK (2) 2-2-002:081 From Agriculture Land Use
to Public/Quasi-Public and to Change the
Zoning for the Entire Approximately 77.2
Property From The Agricultural District to the P-
1 Public Quasi-Public District at Maui Tax Map
Key Nos. (2) 2-2-002:081 and 083, Kihei, Maui,
Hawaii

DOCKET NOS. CPA 2013/0002, and CIZ
2013/0004

State Of Hawaii, Department
Of Education, Kihei High School

(JPD)

MAUI COUNTY PLANNING DEPARTMENT'S REPORT
TO THE MAUI PLANNING COMMISSION
JULY 23, 2013 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
250 S. HIGH STREET
WAILUKU, MAUI, HI. 96793

Community Plan Amendment and Change in Zoning
K:\WP_DOCS\PLANNING\Cpa\2013\0002_KiheiHighSchool\DepartmentReport.doc

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Maui County Council Resolution
No. 13-34 to Facilitate a New High School
Proposed by the

STATE OF HAWAII, DEPARTMENT
OF EDUCATION

By Amending the Kihei-Makena Community
Plan to Change the Approximately 29.175 acre
TMK (2) 2-2-002:081 From Agriculture Land Use
to Public/Quasi-Public and to Change the
Zoning for the Entire Approximately 77.2
Property From The Agricultural District to the P-
1 Public Quasi-Public District at Maui Tax Map
Key Nos. (2) 2-2-002:081 and 083, Kihei, Maui,
Hawaii

DOCKET NOS. CPA 2013/0002, and CIZ
2013/0004

State Of Hawaii, Department
Of Education, Kihei High School

(JPD)

DESCRIPTION OF THE PROJECT

The State of Hawaii Department of Education (project proponent) proposes to develop a new high school campus (project) in Kihei on 77.2 acres of undeveloped land (the property) mauka of Piilani Highway in Kihei between Kulanihakoi and Waipuilani Gulches. According to the Environmental Impact Statement (EIS) prepared by the project proponents and their consultants,

The proposed school will serve grades 9-12 in the South Maui Region. Site improvements would include construction of approximately 215,000 square feet of buildings to support an enrollment capacity of 1,650 students and approximately 206 supporting faculty and staff. The high school will be constructed to meet or exceed the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Silver certification, or comparable rating system. The campus also will include athletic fields (e.g., tennis, track and field, football, soccer, baseball and softball fields, and swimming pool) and associated infrastructure improvements (e.g., new roadways, utilities, drainage, wastewater and water systems). An extension of Kulanihakoi Street mauka of Piilani Highway will serve as the main campus access road.

The EIS States that:

It is a goal of the proposed development that the school will not only serve the enrolled youth, but be a center for the Kihei community. Kihei High School will provide opportunities for employment (both short and long-term) within the Kihei-

Makena area. Approximately 930 people are anticipated on campus at the end of Phase I, including 800 students, 120 staff and 10 visitors per day. With the construction of Phase II, the campus population is expected to total 1,941 people, including 1,650 students, 206 staff and 85 visitors.

Following is the section of the EIS describing the site plan.

The following description of the high school campus is based on the conceptual site plan and does not necessarily reflect the final project design. The high school will be constructed through a Design-Build (DB) process. Detailed project design will be determined by [the Department of Education (DOE)] and the Kihei High School DB developer chosen through the Request for Proposal (RFP) process. The conceptual site plan (Figure 2-1) [(**Exhibit 1**)] was conceived to respond to DOE space program requirements, preferred school design strategies, desired functional relationships for campus facilities, site topography and climate. The gently sloping 77-acre Kihei High School campus site will be graded with several tiers. As shown in Figure 2-1, academic buildings are clustered on the upper-level; the stadium, athletics and physical education facilities are located on the mid-level; and the lower-level adjacent to Piilani Highway features athletics fields, landscaping and open space.

The upper campus is the area mauka of the stadium and is conceived to include two (2) primary zones, the Campus Green and Academy Mall. The Campus Green, with support buildings such as the Administration/Student Center, Cafeteria and possible future Auditorium, is envisioned as the more "public" part of the upper campus, accessible to parents and the community. The Academy Mall focuses on instruction and will potentially include classroom buildings, the Tech/Electives Center and Library.

The lower campus will potentially accommodate indoor and outdoor physical education and athletics facilities. The Physical Education Locker Building, grassed playfield, outdoor basketball courts, and tennis courts would support the physical education program. The Athletics Locker Facility, Gymnasium, sports stadium, softball, baseball, practice fields, and space for a possible future pool also support the physical education program and the athletics program.

As shown on the conceptual site plan, the softball, practice and baseball fields are situated on the lowest part of the gently sloping lower campus. The sports stadium, bleachers, and Athletic Locker Facility are shown at the center of the lower campus at a slightly higher elevation than the practice fields. To the north of the stadium is the Gymnasium and Events Plaza.

The Kihei High School campus is envisioned as a place for the community to gather. Athletic fields on the lower campus will potentially be accessible for public use during non-school hours. For example, local sports teams could use the fields for practice and games, or local organizations could use the open space for meetings and picnics.

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

The conceptual parking layout is shown in **Exhibit 3**, and **Exhibit 4** is a conceptual perspective rendering.

DESCRIPTION OF THE PROPERTY

1. The Property which is approximately 77.2 acres is located at Tax Map Keys (2) 2-2:081 and 083, Kihei, Island of Maui, Hawaii, adjoining the north side of Piilani Highway between Waipuilani and Kulanihakoi Gulches. (See attached maps, **Exhibits 5 and 6**)
2. Land Use Designations --
 - a. State Land Use District -- Agricultural
 - b. Maui Island Plan -- Within Urban Growth Boundary
 - c. Kihei-Makena Community Plan -- 29.175 acres as Agriculture, and 48.007 acres as Public Quasi-Public
 - d. County Zoning -- Agricultural
3. Surrounding Uses --

North --	Kulanihakoi Gulch and vacant land proposed for development
East --	Vacant grazing land
South --	Waipuilani Gulch, golf course and vacant grazing land
West --	Piilani Highway and single family residences makai of the Highway
4. The EIS describes the property as follows.

Topography over the majority of the site is composed of gently sloping smooth terrain with occasional weathered basalt outcrops. It lies upland between Waipuilani and Kulanihakoi Gulches. The existing site generally slopes downward to the west

and southwest with an average slope of approximately 11%. Onsite ground elevations range from approximately 40 feet Average Mean Sea Level (AMSL) in the southwest to an elevation of approximately 110 feet AMSL at the northeast boundary. The soils on the project site are classified as Waiakoa extremely stony silty clay loam (WID2), and Alae sandy loam (AaB) by the US Department of Agriculture Natural Resources Conservation Service. [(**Exhibit 7**)]

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

BRIEF HISTORY OF APPLICATION

1. On December 16, 2011, a representative of the State Department of Education signed a petition to the State Land Use Commission (LUC) to amend the boundaries of the state land use district applicable to the property from Agriculture to Urban (Petition).
2. On December 22, 2011, attorneys for the Department of Education (Petitioner) mailed the Petition to the Maui County Planning Director.
3. On December 23, 2011, the Office of Environmental Quality Control (OEQC) published in The Environmental Notice a notice of availability of a Draft Environmental Impact Statement (DEIS) in support of the project.
4. On February 14, 2012, the Maui Planning Commission reviewed and commented upon the DEIS (**Exhibit 8**).
5. On September 9, 2012, the Office of Environmental Quality Control published in The Environmental Notice a notice of availability of the Final EIS. The EIS included a letter dated September 5, 2012 responding to the Commission's comment letter (**Exhibit 9**). A .pdf digital file containing the EIS has been provided separately to the Commissioners.
6. On March 20, 2013, the Planning Director sent to the LUC a written Position statement of the Maui County Planning Department (Planning Department) supporting the Petition with conditions (**Exhibit 10**).
7. On March 22, 2013, the State Office of Planning (OP) sent to the LUC a written Statement of Position supporting the Petition with conditions, and including letters from the Department of Land and Natural Resources Commission on Water Resources Management, Department of Agriculture, and State Department of Transportation (**Exhibit 11**).

8. On May 16, 2013, the Planning Director sent to the LUC written Testimony of the Maui County Planning Department supporting the Petition with conditions, As the written testimony is 39 pages long and most of it is repetitive with this Maui County Planning Department's Report to the Maui Planning Commission, only its last two pages that include the updated Position of the Maui County Planning Department that lists recommended conditions is included as an exhibit (**Exhibit 12**). The Planning Department's full written testimony is on file and available within the Planning Department. Also on May 16, 2013, the Planning Director sent to the LUC written testimony from Director of Environmental Management Kyle Ginoza dated May 8, 2013, from Deputy Director of Public Works Rowena Dagdag-Andaya dated May 15, 2015, and from Deputy Director of Water Supply Paul Meyer dated May 16, 2013 (**Exhibits 13-15**).
9. On May 23, 2013, OP sent to the LUC the OP's Testimony in Support of Petition recommending approval of the Petition subject to conditions (**Exhibit 16**).
10. On June 11, 2013, OP provided to the LUC the written State of Hawaii, Department of Transportation Revised Testimony (**Exhibit 17**) and a letter from the State Historic Preservation Division (**Exhibit 18**).
11. On June 13 and 14, 2013, the State Land Use Commission held a hearing on the petition by the project proponent to amend the boundaries of the state land use district applicable to the property from Agriculture to Urban and took testimony from a number of expert witnesses for the Petitioner, OP and the County.
12. Between June 17 and June 26, 2013, the Petitioner, OP and the County, largely through their respective counsels, held a series of conference calls and reviewed various documents in working toward a consensus regarding the issues they had previously identified regarding the project. The consensus which was achieved was memorialized in a set of mutually recommended Findings of Fact, Conclusions of Law, Decision and Order for the consideration of the Land Use Commission at its June 27, 2013 meeting, including conditions of approval starting on page 50. (**Exhibit 19**).
13. On June 27, 2013, the State Land Use Commission voted to approve the Petitioner's requested amendment to the boundaries of the state land use district for the property from Agriculture to Urban and to use the use the Findings of Fact, Conclusions of Law, Decision and Order as recommended by the Petitioner, OP and the County as their staff would modify these, including conditions of approval, to accommodate one Commission introduced extra condition. That extra condition requires that an above or below ground pedestrian access crossing of Piilani Highway be constructed prior to the opening of the high school's Phase 1. As of the writing of this report, the final wording of this extra condition and any conditions affected by it (most likely just LUC Condition 1.) were not yet available, but were planned to be provided separately to the Planning Commission if they were available by the time of the Planning Commission's meeting (**Exhibit 20**).

APPLICABLE REGULATIONS

Community Plan Amendments

A community plan amendment initiated by the County Council is reviewed pursuant to Title 2,

Administration and Personnel, Chapter 2.80B General Plan and Community Plans; Section 2.80B.100 Non-decennial amendments to community plans proposed by the director of planning or the council, Maui County Code, 1980, as amended. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.

Change In Zoning

Pursuant to Title 19, Chapter 19.510, Section 19.510.040 Change in Zoning of the Maui County Code, the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The County Council may grant a change in zoning if all the following criteria are met:

1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;
2. The proposed request is consistent with the applicable community plan land use map of the county;
3. The proposed request meets the intent and purpose of the district being requested;
4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements;
5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and
6. If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the United States Soil and Conservation Service.

PROCEDURAL MATTERS

1. On April 12, 2013, the Planning Director received Maui County Council Resolution No. 13-34 adopted on April 5, 2013, initiating and referring to the Maui Planning Commission proposed bills to change the zoning for the entire property from the Agricultural District to the P-1 Public Quasi-Public District and for a Community Plan Amendment to change the approximately 29.175 TMK (2) 2-2-002:081 from an Agriculture land use designation to Public/Quasi-Public (**Exhibit 21**).

2. On June 5, 2013, the Planning Department received a letter from the project proponent with a "request that the hearing for the proposed Kihei High School be heard by the Maui Planning Commission on July 23, 2013. This request will allow key team members to attend the meeting and results of the LUC meeting will be known and transmitted by this time to the MPC to facilitate decision making." (**Exhibit 22**)

3. On June 21, 2013, a notice of hearing on the application was published in the Maui

News by the Department of Planning.

REVIEWING AGENCIES

All agency comments and responses by consultants for the project proponent regarding this project have been received by the Planning Department through the EIS process and/or the more recent submission to the LUC of written testimony by some State and County agencies regarding the project proponent's Petition for a district boundary amendment. The .pdf digital file containing the EIS includes approximately 115 pages of such written agency and public comments and responses, with two comment letter sheets copied per page (see Chapter 8, Agencies and Parties Consulted, starting on .pdf page 269). Also, the Planning Commission had previously received as part of the DEIS the entire initial round of written agency comments and responses by consultants for the project proponent as these were received in the context of reviewing the project proponent's Environmental Impact Statement Preparation Notice (EISPN). In order to achieve some brevity in the set of agency and public comments included as exhibits to this Report to the Maui Planning Commission, only the following sets of comments and responses from within the EIS are also included as exhibits here: all County agency, federal agency, and public comments on the DEIS along with responses, and comments on the DEIS by state agencies which have subsequently commented again as part of the LUC's district boundary amendment process.

County Agencies:	Comment	Exhibit Number
Department of Housing and Human Concerns	Yes	23
Proponent's Response		24
Department of Police	Yes	25
Proponent's Response		26
Department of Parks and Recreation	Yes	27
Proponent's Response		28
Department of Fire and Public Safety	Yes	29
Proponent's Response		30
Department of Water Supply	Yes	31
Proponent's Response		32
Department of Planning	Yes	33
Proponent's Response		34
Department of Public Works	Yes	35
Proponent's Response		36
Department of Transportation	No	37
Proponent's Response		38

State Agencies:	Comment	Exhibit Number
Office of Planning	Yes	39
Proponent's Response		40
Department of Transportation	Yes	41
Proponent's Response		42

Federal Agencies:	Comment	Exhibit Number
US Geological Survey	Yes	43
Applicant's Response		44
US Fish and Wildlife Service	Yes	45
Proponent's Response		46

Others:	Comment	Exhibit Number
Victoria Huffman	Yes	47
Proponent's Response		48
Mark Hyde	Yes	49
Proponent's Response		50
Mark Hyde	Yes	51
Proponent's Response		52
Hawaii Nutrition an Physical Activity Coalition	Yes	53
Proponent's Response		54
Kihei Community Association	Yes	55
Proponent's Response		56
Haleakala Ranch	Yes	57
Proponent's Response		58
Kaonoulu Ranch LLP	Yes	59
Proponent's Response		60
Andrew Beerer	Yes	61
Proponent's Response	N	62

ANALYSIS

LAND USE

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

§226-4 State Goals

§226-5 Objective and policies for population

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Furthermore, following are headings of sections of HRS that list categories of priority guidelines of the Hawaii State Plan for which the project supports one of more of the priority guidelines listed in that section.

§226-103 Economic priority guidelines

§226-104 Population growth and land resources priority guidelines

§226-105 Crime and criminal justice

§226-107 Quality education

§226-108 Sustainability

2. The subject property is in the State Urban District. The proposed use for a high school is consistent with the recent Urban District designation of the property.

3. As stated in the Maui County Charter, as amended in 2002:

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

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

1. A vision statement and core values for the County to the year 2030
2. An explanation of the plan-making process
3. A description and background information regarding Maui County today
4. Identification of guiding principles
5. A list of countywide goals, objectives, policies, and implementing actions related to the following core themes:
 - A. Protect the Natural Environment
 - B. Preserve Local Cultures and Traditions
 - C. Improve Education
 - D. Strengthen Social and Healthcare Services

- E. Expand Housing Opportunities for Residents
- F. Strengthen the Local Economy
- G. Improve Parks and Public Facilities
- H. Diversify Transportation Options
- I. Improve Physical Infrastructure
- J. Promote Sustainable Land Use and Growth Management
- K. Strive for Good Governance

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

THEME: Protect the Natural Environment

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

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

Policies:

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

THEME: Preserve Local Cultures and Traditions

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

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

Policies:

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

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

Policies:

- a. Acknowledge the Hawaiian culture as the host culture, and foster respect and humility among residents and visitors toward the Hawaiian people and their practices.
- b. Perpetuate a respect for diversity, and recognize the historic blending of cultures and ethnicities.