

OFFICE OF PLANNING

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BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of)	DOCKET NO. A94-706
)	
KAONOULU RANCH)	OFFICE OF PLANNING'S
)	REBUTTAL LIST OF WITNESSES AND
To Amend the Agricultural Land Use)	REBUTTAL LIST OF EXHIBITS;
District Boundary into the Urban Land Use)	EXHIBITS 10, 11, 12 AND 13;
District for approximately 88 acres at)	CERTIFICATE OF SERVICE
Kaonoulu, Makawao-Wailuku, Island of)	
Maui, Hawai'i, TMKs: 2-2-02: por. Of 15)	
and 3-9-01: 16)	

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LAND USE COMMISSION
STATE OF HAWAII

LAND USE COMMISSION

DOCKET NO./PETITIONER: A94-706 KAONOULU RANCH
PARTY: OFFICE OF PLANNING (OP)

REBUTTAL LIST OF WITNESSES

NAME/ORGANIZATION/POSITION (List in Order of Appearance)	TO BE QUALIFIED AS AN EXPERT IN:	SUBJECT MATTER	WRITTEN TESTIMONY (Yes or No)	EXHIBIT NUMBER(S)	LENGTH OF DIRECT
HEIDI MEEKER, DOE Representative, Planning Section, Facilities Development Branch State Department of Education	Education facilities planning	Education facilities	Yes	12, 13	10 min.

LAND USE COMMISSION

DOCKET NO./PETITIONER: A94-706 KAONOULU RANCH
PARTY: OFFICE OF PLANNING (OP)

REBUTTAL LIST OF EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
12	Resume of DOE Representative, Heidi Meeker, Planning Section, Facilities Development Branch		
13	Written Testimony of Department of Education-Heidi Meeker		

Kaonoulu Industrial Park
(Piilani Promenade)

Kaonoulu Ranch
Motion for a Hearing, Issuance of Order to Show Cause, and Other Relief
Docket Number A94-706

Department of Transportation, State of Hawaii Testimony
Ken Tatsuguchi, Engineering Program Manager, Highways Division, Planning Branch

The State Department of Transportation (DOT) provides the following testimony regarding Docket Number A94-706.

The proposed project is located in the Kihei area at the border of the Wailuku and Makawao Districts on the Island of Maui. The approximately 88 acre property on which this project is proposed is adjacent to the eastern side of State Route No. 31, Piilani Highway.

The successors of the petition, Piilani Promenade North, LLC and Piilani Promenade South, LLC through Eclipse Development Goup, LLC, the developer, has submitted a Traffic Impact Analysis Report (TIAR) dated June 7, 2011, which was subsequently revised, with the latest being the January 30, 2012, revised May 7, 2012 version, prepared by Phillip Rowell and Associates, which analyzes the transportation impacts of the proposed Piilani Promenade development. As of the writing of this testimony, the current version of the TIAR for the proposed Piilani Promenade development has not been accepted by DOT. DOT has been having on-going discussions with the developer's traffic consultant and is awaiting a response that addresses the department's current transportation concerns involving the proposed Piilani Promenade development.

Trip Generation

In 1994, the petitioner, Kaonoulu Ranch, petitioned to construct a 123-lot project known as Kaonoulu Industrial Park. Included in the petition, Kaonoulu Ranch provided a TIAR dated March 1994, prepared by Julian Ng Inc., which analyzed the project's impacts on the area surrounding the proposed location. This TIAR, analyzed the trip generation based on the Institute of Transportation Engineers (ITE) formulas for vehicle trips generated by the Industrial Park land use code. The trip generation analysis of this TIAR resulted in similar projections of vehicle trips (~700's in total vehicle trips) for both the AM and PM peak hours.

In 2011, DOT was notified of a new project known as Piilani Promenade which consisted of approximately 700,000 square feet of leasable retail and commercial space on approximately 75 acres of the originally petitioned 88 acre property. The developer provided the new 2012 TIAR based on the newly proposed project. The new 2012 TIAR included calculations of the vehicular trips generated based on the ITE methods of trip generation calculation. The projected AM and PM peak hour trip generation for Piilani Promenade were calculated utilizing the formula for the ITE Shopping Center land use code. The trip generation calculation for the AM peak hour for the new 2012 TIAR (~700 total vehicle trips) remained similar to the projection in the 1994 TIAR, however the trip generation calculation for the PM peak hour of the shopping center land use (~2,900 total vehicle trips) shows a substantial increase over the original industrial park numbers¹.

The trip generation calculations for the two ITE land use codes show the difference in the potential vehicular impacts of an Industrial Park versus a Shopping Center. Additional parameters related to each development's use will be analyzed to determine the overall transportation impacts to the State Highway System, such as vehicle type, and bicycle and pedestrian activity. For example, an industrial park will usually have higher heavy

¹ Amount of total trips generated without reduction for pass-by trips.

truck activity than passenger vehicle activity and less bicycle and pedestrian activity than a commercial shopping center.

It should also be noted that the vehicular trip generation for the planned 250 unit workforce affordable housing development on the remainder of the originally petitioned area (Honua'ula Partners parcel) is not reflected in the foregoing trip generation calculations for the proposed retail and commercial uses.

Frontage Roads

Condition No. 5 in the Decision and Order of Docket No. A94-706 discusses the condition that the Petitioner shall provide for a frontage road parallel to Piilani Highway and other connector roads within the Petition area, in coordination with other developments. The DOT understands that this condition for a frontage road was a decision made by the Land Use Commission and was not provided by or coordinated with the department. The term "frontage road" has a specific meaning for DOT, and is not simply any local road parallel to a regional roadway. It more correctly refers to an adjacent road to a regional roadway, and is characterized by, among other things, lower speeds and multiple and closely spaced vehicular access to private lots, while limiting direct access interruptions to the highway, thereby allowing the highway to properly function as a principal arterial roadway for regional vehicular movement. Although we understand the term has been used to describe the parallel road makai of Queen Kaahumanu Highway in Kona, that roadway is not a "frontage road" as the term is used by DOT.

Since the imposition of Condition No. 5 as it pertains to the frontage road, Piilani Highway has been widened from two to four lanes, significantly increasing north - south traffic capacity. The land use patterns mauka of Piilani Highway makes it more prudent to provide for an efficient local road network that supports good circulation and parallel connectivity across developments stretching from the entry into Kihei down to Wailea. However, a frontage road that is adjacent to Piilani Highway, would result in the Piilani

Highway and Kaonoulu Street intersection being close in proximity to the frontage road and Kaonoulu Street intersection, which could result in traffic operations and safety issues.

Thus, DOT does not see the feasibility of a frontage road as it relates to the State's Piilani Highway and Kihei Upcountry Highway (Kaonoulu Street Extension). Appropriate local accesses from the development to the State Highway System are currently being addressed in the TIAR without frontage roads.

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To Amend the Agricultural Land Use)	
District Boundary into the Urban Land Use)	
District for approximately 88 acres at)	
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Maui, Hawai'i, TMKs: 2-2-02: por. of 15)	
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**OFFICE OF PLANNING'S
TESTIMONY ON THE ORDER TO SHOW CAUSE HEARING**

The issue before this Commission is not whether Petitioners' proposed project is consistent with county zoning and other county entitlements. It is about whether the proposed project is consistent with the Findings of Fact, Conclusions of Law, and Decision and Order ("D&O") issued over 17 years ago on February 10, 1995. Based on the information known to Office of Planning ("OP"), if Petitioners were to proceed with their proposed Pi'ilani Promenade and affordable housing developments, they would not be acting in accordance with the representations made to the Land Use Commission ("LUC") pursuant to the 1995 D&O.

I. RELEVANT PROCEDURAL HISTORY

By order dated September 10, 2012, this Commission granted Movants Maui Tomorrow Foundation, Inc.; South Maui Citizens for Responsible Growth; and Daniel Kanahale's Motion for a Hearing, Issuance of Order to Show Cause, and Other Relief ("Motion"), in pertinent part, as follows:

. . . to (1) grant the Motion for a Hearing on the basis that there is reason to believe Pi'ilani and Honua'ula, as the successors-in-interest to original Petitioner Kaono'ulu Ranch for all purposes under the Decision and Order filed February 10, 1995, have failed to perform according to the conditions imposed or to the representations or commitments made by Ka'ono'ulu Ranch; and (2) set this matter for a show cause hearing as it pertains to the entire approximately 88-acre Petition Area.

See Order Granting Movants' Motion for a Hearing, Issuance of Order to Show Cause, and Other Relief. Accordingly, the purpose of these hearings is limited to a determination by the LUC as to whether Petitioners have failed to perform according to the conditions imposed or to the representations or commitments made by the 1995 D&O for the entirety of the approximately 88-acre Petition Area.

II. OP'S POSITION

A. Position on this Order to Show Cause ("OSC")

Based on the evidence in the record and documents filed with the LUC, OP finds and concludes that Petitioners have not substantially complied with their representations as required by Condition 15 of the 1995 D&O. Specifically, Petitioners originally represented that the Petition Area would be developed with a "123-lot commercial and light industrial subdivision." See 1995 D&O, Finding of Fact ("FOF") 21. Petitioners are now proposing to develop residential apartments and two shopping centers, with no apparent light industrial activity within the four major lots. This new use was not accounted for in 1995, and consequently, the conditions imposed at the time may not reflect the impacts to issues of statewide concern caused by the new use.

B. Remedies

This is an OSC hearing pursuant to Hawaii Administrative Rules §15-15-93(b), which requires that if the LUC finds and concludes that there has been a failure to perform according to the conditions imposed or representations made by the petitioner, the LUC must next consider the question of reversion. How Petitioners might amend the 1995 D&O is a matter for another hearing and is not the subject of these proceedings.

However, as a matter of record, subsequent to the LUC's order for a hearing and issuance of an OSC, Petitioner Honua'ula Partners took corrective steps to address non-conformance with its representations. On September 14, 2012, Honua'ula Partners filed a Motion to Bifurcate

Docket No. A94-706 and suspend the OSC hearing until a decision is rendered on a motion to amend the 1995 D&O for the residential portion of the development. OP supports their procedural efforts to amend the 1995 D&O. In other district boundary amendment cases, where significant changes have been made to the nature of a proposed development, petitioners have returned to the LUC with a motion to amend. The LUC and the parties are then given an opportunity to review the new proposed use, determine whether the requirements for reclassification have still been met, and consider whether additional or revised conditions should be imposed. Likewise, Petitioner Pi'ilani Promenade South and Pi'ilani Promenade North should file a motion to amend to address the inconsistencies between their proposal and the 1995 D&O to reflect the currently proposed retail use, subdivision plan, and roadway improvements.

III. FACTUAL SUMMARY

In 1994, Petitioner filed a Petition to reclassify approximately 88 acres of land from the state agricultural district to the state urban district. After a one-day hearing in which no public testimony was submitted, the LUC approved the Petition.

The proposed use for the Petition Area was a 123-lot commercial and light industrial subdivision. See Petitioner Pi'ilani Promenade South, LLC and Pi'ilani Promenade North, LLC's (referred to collectively as "Pi'ilani") Ex.2, Paragraph VIII. The supporting documentation focused on the proposed light industrial uses. The 1994 Market Feasibility Study and Economic Report stated that the purpose of the report was to determine the market feasibility of developing the Petition Area "into a light industrial subdivision containing approximately 122 lots." See Pi'ilani Ex. 3, p. 1. Although this market study noted that commercial and apartment uses were allowed under county zoning for light industrial, the analysis was of the light industrial market. The 1994 Project Assessment Report similarly noted that there was "very little light industrial and **service** commercial space available in the Kihei Region Economic activities such as **distribution and light industrial activities** take place primarily in Wailuku-Kahului." (emphasis added) See Pi'ilani Ex. 4, pp. 32-33. The 1994 Traffic Impact Analysis Report was based upon the description of the proposed project as "an industrial park." See OP Ex. 6, p.5.

During the 1994 hearing, Petitioner and its consultants described a number of issues relating to light industrial uses, such as the need for large lots for warehouse space (Tr. 11/1/94 at 25:16-21).

Petitioner also estimated near 100 percent occupancy within nine or ten years (Tr. 11/1/94 at 88:9-12), and full buildout by 2010 (Tr. 11/1/94 at 54:3-4).

When questioned as to why the marketing study did not analyze the rents charged at an adjacent property with approximately eight acres of empty warehouse space, Petitioner's consultant noted that the Petitioner's proposal was for marketing vacant lots as opposed to renting out building space. (Tr. 11/1/94 at 97:8-10).

The LUC did note that the county's light industrial zoning allowed a broad range of activities, even including apartments. (Tr. 11/1/94 at 105:23-106:3). When concerns were expressed about the possibility that there might be a preponderance of commercial uses in the Petition Area, Petitioner's marketing consultant replied that this was possible but unlikely. (Tr. 11/1/94 at 106:5-11). According to the consultant, light industrial businesses preferred their own individual buildings, rather than having to share a building with other potentially conflicting uses. Market forces would restrict the commercial enterprises to those which would service the light industrial complex, such as a hair dresser, restaurant, okazuya or bank branch. (Tr. 11/1/94 at 106:14-24, and 107:7-25). It appears, therefore, that concerns about a predominance of commercial space was addressed through the Petitioner's proposed plan to sell vacant lots as set forth in the conceptual plan rather than construct buildings which would then be leased to individual vendors.

During the hearing, the LUC asked whether it would be prudent to require a "feeder road within the petitioner's properties, adjoining properties, similar to what is being proposed down in Kona." (Tr. 11/1/94 at 70:3-9). The Petitioner's traffic consultant agreed that "some kind of connection . . . between this project and in future projects" could result in less traffic on the highway. (Tr. 11/1/94 at 70:10-17). OP eventually proposed a condition requiring a "frontage road." We note that the "frontage road" in Kona is actually a parallel road makai of Queen Kaahumanu Highway. (Tr. 11/14/94 at 70:3-9).

A residential component within the Petition Area was initially proposed, then specifically removed because of the concerns with having residential units in close proximity to light industrial properties. (Tr. 11/1/94 at 100:9-18).

On February 10, 1995, the LUC issued its D&O reclassifying the Petition Area subject to certain conditions.

On March 20, 1998, the County approved the Community Plan Amendment for Light Industrial uses in the Petition Area.

On May 25, 1999, the Property was zoned to M-1 Light Industrial by Ordinance No. 2772, Bill No. 27 (1999), with four (4) conditions. The M-1 Light Industrial district allows a variety of uses, including light industrial, commercial, and apartments. The County did not place any conditions or restrictions on the amount of commercial use that could be built on the Petition Area. The proposal for the Zoning application was for a 123-lot project, the same as approved by the LUC. See OP Ex. 1 and 2.

On April 8, 2008, the Maui County Council adopted Ordinance No. 3554, Bill No. 22, A Bill for an Ordinance to Repeal Ordinance No. 2171 (1992) And To Establish Kihei-Makena Project District 9 (Wailea 670) Zoning (Conditional Zoning), For Approximately 670 Acres Situated at Paeahu, Palauea, Keauhou, Maui, Hawaii, Condition 5. Under this ordinance, one of the new owners of the Petition Area, Honua‘ula Partners, LLC, was required to provide 250 workforce housing units within the Petition Area. Condition 5 states as follows:

“5. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide workforce housing in accordance with Chapter 2.96, Maui County Code (the "Residential Workforce Housing Policy"); provided that, 250 of the required workforce housing units shall be located at the Kaono'ulu Light Industrial Subdivision and completed prior to any market-rate unit, that 125 of those workforce housing units shall be ownership units, and that 125 of those units shall be rental units. In addition, construction of those workforce housing units shall be commenced within two years, provided all necessary permits can be obtained within that timeframe. Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a minimum two-acre park at the Kaono'ulu Light Industrial Subdivision, which shall be credited toward the requirements of Section 18.16.320, Maui County Code, for that subdivision. “

Consequently, Petitioners were aware as early as 2008 that the County had changed the land use for the Petition Area to include residential units. See OP Ex. 3.

On August 14, 2009, the County approved the Petitioner's request for a four (4) lot subdivision plus a roadway lot as follows: Lot 2A—30.152 acres; Lot 2B—13.129 acres; Lot 2C—18.519 acres; Lot 2D—19.539 acres, and (roadway) Lot 2E—4.898 acres. This subdivision plat differs from the proposal in the zoning application and the map submitted to the LUC in its approval process. See OP Ex. 2.

On April 18, 2012, the Petitioner obtained a grading and grubbing permit. The application for a grading and grubbing permit included a Subsurface Investigation Report, dated August 2011. This is the first public document discovered by OP that describes a proposed shopping center for the Petition Area. Paragraph 2 of the introduction in the Subsurface Investigation Report states that the development is for “Two related shopping center complexes...the shopping centers will house a number of retail shops of varying sizes, including large national retailers.” This proposal for retail shops and the apparent exclusion of light industrial activities differs from the 123-lot, primarily light commercial and industrial subdivision approved by the LUC in 1995.

An updated Traffic Impact Analysis Report (“TIAR”) for Pi’ilani Promenade dated May 7, 2012, analyzed the impacts of retail development only; no industrial or residential uses were assessed. See OP Ex. 7. The State Department of Transportation has not accepted the TIAR and is waiting for Petitioners to address certain specific concerns.

OP is aware of only three of Petitioner’s annual reports filed in the 17 years since the 1995 decision. The first was dated April 7, 2010, and notes that the Petition Area is a large lot subdivision, implying that further subdivisions will occur later. The second faxed on May 19, 2011, similarly notes that the Petition Area is a large lot subdivision, implying that further subdivisions will occur later. Further subdivisions, however, do not appear consistent with the current proposal for two shopping center complexes. In any case, the construction of apartments and two shopping centers and the apparent exclusion of light industrial activities is not mentioned in the two annual reports. Annual reports were filed on October 10, 2012 (after Movants’ OSC motion), which includes the current proposed developments for the first time.

IV. ARGUMENT

The issue before the LUC is not whether the new use is consistent with county planning, zoning or subdivision as suggested by the Petitioners; rather, the issue is whether the new use is consistent with the LUC’s 1995 D&O. Petitioner was clearly and specifically on notice that any development in the Petition Area must be in substantial compliance with its representations. Condition 15 states:

“15. Petitioner shall develop the Property in substantial compliance with the representations made to the Commission. Failure to so develop the Property may result in

reversion of the Property to its former classification, or change to a more appropriate classification.”

Despite this clear notice, Petitioner has deviated substantially from its original representations. A comparison of the development approved in 1995 with the Petitioners’ current proposal is shown in the table below:

LUC Petition Proposed Development	Currently Proposed Development
Kaono’ulu Industrial Park	Pi’ilani Promenade
123-lot subdivision (0.3 to 1.2 ac)	4-lot subdivision (13.1 to 30.1 ac)
Light industrial and commercial use	Two retail shopping center complexes 250-unit affordable housing complex
No residential use	No light industrial uses

A. Uses or Activities

The Petitioner originally proposed to build a commercial and light industrial subdivision. The clear focus of the proposal was on light industrial uses, with the flexibility to include an unspecified number of commercial lots. The market study, assessment report, and TIAR all focused on the project’s light industrial uses.

The Project was named, Kaono’ulu Industrial Park, consistent with the Petitioner’s focus on light industrial uses. See 1995 D&O, FOF 21. The LUC also made a specific determination that the Project “would conform with the proposed Light Industrial designation for the Property. Light industrial uses include warehousing, light assembly, and service and craft-type industrial operations.” See 1995 D&O, FOF 32.

The LUC conditions imposed in 1995 were tailored to address an industrial development. It is widely accepted among development professionals that different land uses (e.g., residential, commercial, industrial, and agricultural) have differing impacts on the economy, environment, and the community. These impacts are what the LUC evaluates when determining whether to grant a district boundary amendment pursuant to the criteria, objectives, and policies under HRS Chapter 205. In 1995, the LUC considered a primarily industrial project, and its imposed conditions are evidence of that. For example, Condition No. 8 goes into careful detail about oil-water separators, precautions on cleaning, repair and maintenance activities, control of industrial

spills, and storage of industrial liquids. Condition No. 16 requires a buffer zone between lands designated for single-family housing in the Kihei-Makena Community Plan to mitigate impacts from the proposed industrial development.

The 1995 D&O and supporting record does not address issues related to traffic, job creation, scenic impacts, energy use, water use, solid waste, or wastewater for apartment buildings and two large shopping centers. For example, the LUC considered a market study which focused on the future needs for additional light industrial uses. The market study did not draw conclusions regarding the Project's ability to fill a need in the residential market or even in the commercial market. The market study is silent on matters related to the current proposal which includes apartment buildings and two large shopping centers. Petitioner minimized concerns about a predominance of commercial uses by arguing that market forces would ensure that only a few commercial uses consistent with the light industrial activities would survive in the industrial park given the proposal to sell vacant lots rather than to lease and share space within buildings.

Condition No. 5 in the D&O provides in part that:

“5. ...Petitioner shall provide for a frontage road parallel to Pi'ilani Highway and other connector roads within the Petition area, in coordination with other developments in the area with the review and approval of the State Department of Transportation and the County of Maui.”

Roadway plans depicted in the 2012 traffic study show that no frontage road is planned as required by Condition No. 5.

The original LUC Petition and 1995 D&O contained no mention of apartment units in the Petition Area. In fact, Petitioner explicitly removed residential use from its project based upon the concerns of placing residential units so close to an industrial park. The addition of apartments would have made a significant difference in the LUC's analysis regarding impacts to, among other things, State educational facilities. Consequently, the 1995 D&O contains no finding or requirement for an educational contribution.

B. Number and Size of Lots

Petitioner proposed to develop 123 lots. The size of the lots would range from approximately 14,000 square feet to 54,000 square feet. See 1995 D&O, FOF 21. The current approved subdivision contains four (4) major lots, ranging in size from 13.129 acres to 30.132 acres, and a roadway lot of 4.89 acres. A comparison of Exhibit No. 7D, labeled, "Conceptual Development Plan Kaono'ulu Industrial Park," with the map attached as an exhibit to the Petitioners' subdivision application demonstrates the significant difference in the lot configuration. See OP Ex. 1 and 2.

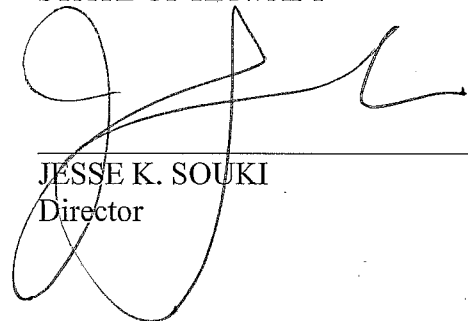
The change from 123 lots ranging in size from 14,000 to 54,000 square feet for sale or lease to two related shopping complexes and apartments impacts the market analysis and economic impact. Petitioner will not be selling lots to a number of small businesses. As discussed above, the number and size of lots significantly impacts the character of the Project. In short, the LUC petition was submitted with one project. The Petitioner is now developing a different project.

V. CONCLUSION

Based on the evidence in the record and documents filed with the LUC, OP finds and concludes that Petitioners have not substantially complied with their representations as required by Condition 15 of the 1995 D&O.

DATED: Honolulu, Hawai'i, this 23rd day of October, 2012.

OFFICE OF PLANNING
STATE OF HAWAI'I



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- Summary:** Planner, writer and administrator for the State of Hawaii for 18 years. Fund-raiser for two universities. Attended local schools, Bachelor's from the University of Hawaii, Master's from Indiana University
- June 2002 to present. **Land Planner**, Facilities and Support Services Branch, Office of Business Services, Department of Education
- Lead staff for the imposition and collection of land and money for public schools from landowners and real estate developers.
 - Prepares department position on State Land Use petitions and application to counties for land use changes.
 - Assists Superintendent, Assistant Superintendent, District Superintendents and Principals on long term planning for schools, boundary questions, and other real property issues
- August 2001 to June 02 **Planner V**, Office of Planning, Department of Business, Economic Development and Tourism
- Prepared State position on State Land Use petitions and applications to counties for land use changes.
 - Drafted Office of Planning legislative testimony.
- 1995 - 01 **Administrative Manager**, Kaho`olawe Island Reserve Commission, Department of Land and Natural Resources
- Fiscal officer for Commission with a budget of \$4 million in 2001 and staff of 15. Prepared budgets, managed investments of \$16 million.
 - Supervised two program assistants
 - Public information contact: press releases, newsletters and event logistics
 - Legislative coordinator, drafted bills, wrote and presented testimony
- 1994 - 95 **Planner V**, Office of State Planning, Office of the Governor
- Staff to interagency Sugar Worker Transition Initiative
 - Designed and coordinated Waialua 2015 Community Planning Project
 - Wrote text to *Waipio to Hilo: A Resource and Interim Planning Document*
- 1990 - 94 **Planning & Policy Analyst**, Office of State Planning
- Worked on a variety of State-Federal issues such as: Native Hawaiian recognition, 1993 centennial observation, sovereignty issues.
 - Primary author of *Governor's Action Plan on Hawaiian Homelands*; wrote script for televised program on Homeland claims;
 - Managed *New Lands for Homelands* public information campaign
 - Coordinator of the State Scanning Project
 - Conducted monthly meetings, wrote monthly reports, quarterly newsletters on trends and innovations and their impact on state government;

- Spoke at the World Futures Conference 1992, speech was published in *The Futurist*, an international publication.
- Special event logistics
- State liaison for White House Staff Office during 1994 Presidential visit
- On-site liaison for First Lady's four-day visit to Hana, 1993.

- 1989-90 **Research Associate**, Community Resources Inc., Honolulu
- Wrote social impact and marketing studies: interviewed community leaders, analyzed demographic and economic data.
- 1989 **Committee Clerk**, Human Service Committee, Hawaii House of Representatives
- 1986-88 **Development Director**, University of Hawaii Foundation
- Marketing Director 1988 Hula Bowl, first game and concert format, ended 10 years of declining attendance.
- 1984-86 **Development Director for the Arts**, Indiana University Foundation, Indianapolis, Indiana
- 1981-83 **Fiscal Analyst**, Indiana State Senate, Indianapolis, Indiana
- 1976-77 **Reporter & Photographer**, *West Hawaii Today*, Island of Hawaii

Education

- 1987-88 Graduate course work in marketing, University of Hawaii - College of Business
- MPA 1981 Master of Public Affairs, Public Finance concentration, School of Public and Environmental Affairs, Indiana University
- BA 1976 Bachelor of Arts, Journalism/Mass Communications, University of Hawaii

Community Contributions

- 1996-2002 Facilitator of focus groups and meetings
- 1994-98 Secretary and Board Member, Hemophilia Foundation of Hawaii
- 1992-94 Secretary and Board Member, Japanese American Citizens League
- 1983-86 Mayoral Appointment to Office of Equal Opportunity Board, City of Indianapolis

October 22, 2012

TESTIMONY OF THE DEPARTMENT OF EDUCATION
A94-706 Ka'ono'ulu Ranch

For: Commissioner Kyle Chock, Chairperson
State Land Use Commission

The Department of Education (DOE) has no historic files on the 1995 proposed plans for a light industrial subdivision in Kihei, Maui. In the Findings of Fact and Decision and Order for the Kihei project (Docket A94-706), the Land Use Commission (LUC) found that since no one knew how many employees of the industrial subdivision would reside in the area, any impacts on educational resources would be addressed when specific residential projects submitted applications. The DOE's assumption was that these specific residential projects would not be located within the industrial subdivision.

In 2009, the DOE did respond to a request for review of the Environmental Impact Statement Preparation Notice of the Honua'ula project in Makawao. In our April 6, 2009 letter to the planning consultants to the Honua'ula project, we observed that 250 residences of the 1,400-unit project were to be located in the Ka'ono'ulu Light Industrial Subdivision and the preparation notice had no maps of the subdivision or any other indication of where the homes would be located within the subdivision. We received a response to our comment letter indicating that the Honua'ula Environmental Impact Statement was focused on the Honua'ula land exclusively.

The DOE had sporadic discussions from 2005 to 2009 with the Honua'ula developers about fair share contributions to the DOE to off-set the school enrollment impacts of the project. The LUC had set a detailed condition in 1994, as to how much must be contributed per unit and when the contribution was to be paid. The DOE drafted an Educational Contribution Agreement for Wailea 670 Associates in 2006 and then resumed discussions in 2008 with Honua'ula Partners LLC. No agreement was executed.

In 2007, the Hawaii State Legislature passed Act 245, which allowed the DOE to collect impact fees in areas that are designated as a School Impact District by the Board of Education (BOE). The 2010 Legislature clarified the law in Act 188. The BOE adopted the Central Maui and West Maui School Impact Districts in November 2010.

In January 2011, the DOE began collecting school impact fees for all residential projects within the West Maui and Central Maui School Impact Fee Districts. Both the Ka'ono'ulu and the Honua'ula projects are located in the districts. The DOE expects to collect impact fees from both projects, as the School Impact Fee law requires that all residential developers or builders seeking a building permit within a school impact district pay the DOE school impact fees.

The DOE believes that the School Impact Fee law dictates what residential developers are required to pay in school impact fees for Central Maui. The law requires an early written impact fee agreement with any residential developer planning more than 50 units to determine whether there is a need to donate land for a school campus or a fee-in-lieu of land. The DOE anticipates having a written school impact fee agreement with Ka'ono'ulu and Honua'ula as soon as possible.

Docket No. A94-706

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.

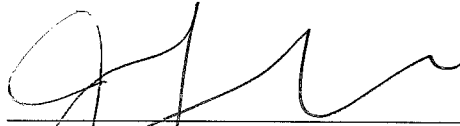
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