

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. A82-543  
THE EPISCOPAL CHURCH IN HAWAII ) THE EPISCOPAL CHURCH  
To Amend the Agricultural Land Use ) IN HAWAII  
District Boundary to Reclassify )  
Approximately 9.36 Acres, TMK: )  
2-4-08: 2 and 30, at Hamakuapoko, )  
Makawao, Island and County of Maui, )  
into the Urban Land Use District )  

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DECISION AND ORDER

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Makawao, Island and County of Maui,	)	
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DECISION

THE PETITION

This matter arises from a Petition for an amendment to the Land Use Commission district boundary filed pursuant to Section 250-4 of the Hawaii Revised Statutes, as amended, and Part VI, Rule 6-1 of the Land Use Commission's Rules of Practice and Procedure and District Regulations by The Episcopal Church in Hawaii which is requesting that the designation of the subject property be amended from the Agricultural to the Urban District. The requested change consists of property comprising approximately 9.36 acres of land, situated at Hamakuapoko, Makawao, Island and County of Maui, State of Hawaii. The subject property is more particularly described as Tax Map Key No. 2-4-08: 2 and 30.

PURPOSE OF THE PETITION

The subject property is presently in use as a private co-educational school, Seabury Hall, serving approximately 185 students in grades 7 through 12. The present educational uses on the subject site were permitted through a Special Use Permit granted by the State Land Use Commission in March of 1964 (SP(T)64-3). The Petitioner

desires the reclassification for purposes of simplifying the handling of future permits for the construction of additional school facilities.

THE PROCEDURAL HISTORY

The Petition was received by the Land Use Commission on November 30, 1982. Due notice of the hearing on this Petition was published on March 23, 1983, in the Maui News and The Honolulu Advertiser. Notice of the hearing was also sent by certified mail to all parties involved herein on March 16, 1983. A written request to give testimony was received by the Land Use Commission from John Bose, II, of the Maui Group, Hawaii Chapter, The Sierra Club, on April 25, 1983. Written testimony was then received by the Land Use Commission from the Maui Group, Hawaii Chapter, The Sierra Club, on May 3, 1983.

THE HEARING

The hearing on this Petition was held on May 3, 1983, in Kahului, Maui, Hawaii.

The Episcopal Church in Hawaii, the Petitioner herein, was represented by Reverend Roger M. Melrose, Headmaster of Seabury Hall; the County of Maui was represented by Guy P. D. Archer, Deputy Corporation Counsel; and the Department of Planning and Economic Development was represented by Daniel Y. Yasui.

The witnesses presented by the aforementioned parties were as follows:

Public Witness:

John Bose, II - Conservation Chair, Maui Group, Hawaii Chapter, The Sierra Club

Petitioner:

Reverend Roger M. Melrose

County of Maui:

Mary Ellen Mitchell

Department of Planning and Economic Development:

Daniel Y. Yasui

POSITION OF THE PARTIES

County of Maui - Approval.

Department of Planning and Economic Development -  
Approval.

APPLICABLE REGULATION

- (1) "U" Urban District. In determining the boundaries for the "U" Urban District, the following standards shall be used:
- (a) It shall include land characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses.
  - (b) It shall take into consideration the following factors:
    - 1. Proximity to centers of trading and employment facilities except where the development would generate new centers of trading and employment.
    - 2. Substantiation of economic feasibility by the petitioner.
    - 3. Proximity to basic services such as sewers, water, sanitation, schools, parks, and police and fire protection.
    - 4. Sufficient reserve areas for urban growth in appropriate locations based on a ten (10) year projection.
  - (c) Lands included shall be those with satisfactory topography and drainage and reasonably free from the danger of floods, tsunami and unstable soil conditions and other adverse environmental effects.

- (d) In determining urban growth for the next ten years, or in amending the boundary, lands contiguous with existing urban areas shall be given more consideration than non-contiguous lands, and particularly when indicated for future urban use on State or County General Plans.
- (e) It shall include lands in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the State or County General Plans.
- (f) Lands which do not conform to the existing standards may be included within this District:
  - 1. When surrounded by or adjacent to existing urban development; and
  - 2. Only when such lands represent a minor portion of this District.
- (g) It shall not include lands, the urbanization of which will contribute towards scattered spot urban development, necessitating unreasonable investment in public supportive services.
- (h) It may include lands with a general slope of 20% or more which do not provide open space amenities and/or scenic values if the Commission finds that such lands are desirable and suitable for urban purposes and that official design and construction controls are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the landscape.

PROPOSED FINDINGS OF FACT

The Panel of the Land Use Commission, after having duly considered the record in this docket, the testimony of the witnesses and the evidence adduced herein, makes the following findings of fact:

- 1. The subject property, owned in fee simple by The Episcopal Church in Hawaii, the Petitioner herein, is located at Hamakuapoko, Makawao, Island and County of Maui, State of Hawaii, and consists of approximately 9.36 acres, more particularly described as Tax Map Key No. 2-4-08: 2 and

30. The subject property is located approximately 0.7 mile southeast of the Eddie Tam Recreational Center near the junction of Olinda Road and Meha Road. The subject property is the site of Seabury Hall, a private co-educational school which consists of structures utilized for administrative offices, a dining hall, two classroom buildings, a chapel, gymnasium, dormitories, swimming pool, tennis court, five faculty housing buildings and other miscellaneous and related school structures. The subject site is the former home of Mrs. Charles B. Cooper, who donated the property to Petitioner for the purpose of establishing the present school.

2. The State Land Use designation of the subject property is agricultural. Seabury Hall is currently under a Special Use Permit issued by the State Land Use Commission in 1964. Lands surrounding the subject property are also classified Agricultural by the State Land Use Commission with the nearest Urban designated property located approximately 1,400 feet northwest of the subject site.

The land use of the immediate surrounding area is a mixture of agricultural and agricultural residences. Development immediately surrounding the subject property includes the following uses:

North - Haleakala Ranch pasture land on loan to the school for a playfield

South - pasture land, single family residences, Hanamu Road

East - single-family residences and pasture land, Olinda Road

West - pasture land, Meha Road

3. The conceptual nature of the official Makawao-Pukalani-Kula General Plan designates the area of the subject property as "General Agriculture." The proposed Makawao-Pukalani-Kula Community Plan designates the subject property as Public/Quasi Public (P). Said designation includes schools, libraries, fire/police stations, government buildings, public utilities, hospitals, churches, cemeteries and community centers. It is the position of the Maui County Planning Department that the subject Petition is consistent with the policies and recommendations of the proposed Makawao-Pukalani-Kula Community Plan.

4. The subject property has an elevation of approximately 1,800 feet and has a slope ranging from 7% to 15%. Existing drainage for the site is accommodated by a small natural gulch running approximately east-west through the south half of the property. The U.S.D.A. Soil Conservation Service, Soil Survey classifies the soils of the subject property as Haliimaile silty clay loam. According to the University of Hawaii's Land Study Bureau Bulletin No. 7 - "Detailed Land Classification - Island of Maui," soils associated with that found on the subject site have an agricultural productivity rating of C.

Although the subject property is classified Other Important Agricultural Land according to the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system, there are no current agricultural uses occurring at the subject property. Potential on-site agricultural uses were curtailed by the granting of the Special Use Permit for the school. The reclassification of the site will therefore not affect on-site agricultural resources. Agricultural

activities in the vicinity of the site include cattle grazing.

The subject site is not situated in any designated flood plain but rather in an area of minimal flooding of Zone C designation according to the Federal Insurance Study for the Island of Maui, prepared by the Federal Insurance Administration. Zone C areas are not regulatory flood plain or special flood hazard areas.

5. The State Department of Land and Natural Resources has indicated that this property is not listed on the Hawaii Register or the National Register of Historic Places, nor has it been determined eligible for inclusion on the National Register of Historic Places. However, due to the lack of archaeological surveys in the vicinity of the site, the Department has requested that in the event that any previously unidentified sites or remains such as artifacts, shell, bone or charcoal deposits; human burials; rock or coral alignments, pavings, or walls are encountered, to please stop work and inform the Department.

6. Petitioner's present facilities at Seabury Hall, which were constructed in 1964, currently accommodate 185 students between grades 7 through 12. Petitioner anticipates that enrollment at the school will increase to 250 students by 1988. Although no present physical improvements are contemplated, the Petitioner desires to obtain the requested boundary amendment to Urban to facilitate future physical expansion plans the school must undergo to accommodate its increasing student enrollment.



7. Reclassification of the subject property will not unreasonably burden public agencies to provide necessary urban amenities, services and facilities because the subject property is presently being used as intended and is presently being serviced by existing amenities, services and facilities.

8. In analyzing the subject Petition, the Maui County Planning Department has concluded that the reclassification requested is consistent with the Land Use Regulations because:

- a. Seabury Hall is an existing facility which currently utilizes public facilities and services and will not adversely burden governmental agencies to provide additional facilities and services.
- b. The site is not associated with severe topographic and drainage constraints and is reasonably free from danger of floods and unstable soil conditions.
- c. The site has historically not been used for agricultural purposes.
- d. The school provides a needed service by offering an alternative to secondary education on Maui.
- e. The boundary amendment is reasonably necessary to accommodate existing development and no significant adverse effects upon agricultural, environmental, recreational, scenic, historic or other resources of the area are anticipated.
- f. The school constitutes a self-contained urban center.
- g. The boundary amendment is included in the proposed Makawao-Pukalani-Kula Community Plan which is currently pending before the Maui County Council.

9. Based on a review of the Petition, the evidence adduced at the hearing, and the provisions of

Chapter 205, Hawaii Revised Statutes, the County of Maui and the Department of Planning and Economic Development have recommended that the reclassification of the subject property be approved.

CONCLUSIONS OF LAW

Reclassification of the subject property, consisting of approximately 9.36 acres of land, situated at Hamakuapoko, Makawao, Island and County of Maui, State of Hawaii, from the Agricultural District to the Urban District and an amendment to the district boundaries accordingly is reasonable and non-violative of Section 205-2 of the Hawaii Revised Statutes.

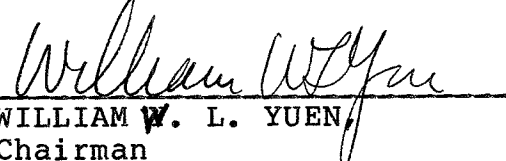
ORDER

FOR GOOD CAUSE APPEARING, it is hereby ordered that the property which is the subject of the Petition in this Docket No. A82-543, consisting of approximately 9.36 acres of land, situated at Hamakuapoko, Makawao, Island and County of Maui, State of Hawaii, identified as Tax Map Key No. 2-4-08: 2 and 30, shall be and hereby is reclassified from the Agricultural District to the Urban District and the district boundaries are amended accordingly.

DONE at Honolulu, Hawaii, this 20<sup>th</sup> day of July, 1983, per Motion on June 27, 1983.

LAND USE COMMISSION  
STATE OF HAWAII

By

  
WILLIAM W. L. YUEN,  
Chairman

By *Richard B. F. Choy*  
RICHARD B. F. CHOY,  
Vice-Chairman

By *Lawrence F. Chun*  
LAWRENCE F. CHUN,  
Commissioner

By *Shinsei Miyasato*  
SHINSEI MIYASATO,  
Commissioner

By *Winona E. Rubin*  
WINONA E. RUBIN,  
Commissioner

By *T. P. Tacbian*  
TEOFILO PHIL TACBIAN,  
Commissioner

By *Robert S. Tamaye*  
ROBERT S. TAMAYE,  
Commissioner

By *Frederick P. Whittemore*  
FREDERICK P. WHITTEMORE,  
Commissioner

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CERTIFICATE OF SERVICE


I hereby certify that a copy of the Land Use Commission's Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

KENT KEITH, Director  
Department of Planning and Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

TOSH ISHIKAWA, Planning Director  
Planning Department  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

THE RT. REVEREND EDMOND L. BROWNING  
President, The Episcopal Church in Hawaii  
Diocesan Offices  
Queen Emma Square  
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 22nd day of July, 1983.

  
GORDAN Y. FURUTANI  
Executive Officer

DOCKET NO. A82-543 - THE EPISCOPAL CHURCH IN HAWAII

A certified copy of the Land Use Commission's Decision and Order was served by regular mail to the following on July 22, 1983.

ANNETTE CHOCK, Deputy Attorney General  
Department of Attorney General  
State of Hawaii  
4th Floor, State Capitol  
Honolulu, Hawaii 96813

H. RODGER BETTS, Corporation Counsel  
Office of the Corporation Counsel  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793