

**BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII**

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|--|---|---------------------------|
| In the Matter of the Petition of |) | |
| |) | Docket No. A07-773 |
| EMMANUEL LUTHERAN CHURCH |) | |
| OF MAUI |) | |
| |) | |
| To Reclassify Approximately 25.263 Acres |) | |
| of Land Currently in the Agricultural District |) | |
| into the Urban District at TMK 3-5-002:011, |) | |
| <u>Wailuku, Maui, Hawaii</u> |) | |

TESTIMONY OF THE MAUI PLANNING DEPARTMENT

The County of Maui Department of Planning (hereinafter referred to as "MPD") recommends approval of the petition by the Emmanuel Lutheran Church of Maui (hereinafter referred to as "Petitioner"), to reclassify approximately 25.263 acres of land currently in the Agricultural District into the Urban District at Wailuku, Hawaii.¹

It is important to note that the Maui County Council and the Maui Planning Commission have not acted on the County land use applications and, as such, the position of the County may change. Through the Conditional Zoning provisions of the Maui County Code, any necessary conditions to mitigate impacts of the project not addressed by the Land Use Commission may be included in a zoning action by the County.

The Maui County Council has previously provided the Petitioner's site with a Public/Quasi-Public land use designation for the site in the 2002 Wailuku-Kahului Community Plan. This designation would permit the Petitioner's proposed land use. However, MPD would still have preferred to know the position of the County Council on the companion Change in Zoning request for the site before the Petition for District

¹ Although individual passages will not be cited, MPD acknowledges that, after review, much of the information within this testimony is taken from the Petitioner's Project Assessment Report.

Boundary Amendment was filed with the Land Use Commission. Although the MPD supports the proposed Emmanuel Lutheran Church and School, MPD cannot speak for the Maui Planning Commission and the Maui County Council. This District Boundary Amendment is also preceding the County of Maui General Plan Update Process which will establish more definitive and updated determinations of where growth in the Wailuku-Kahului region should occur.

If the County Council does not approve the Change in Zoning applications for the proposed Emmanuel Lutheran Church and School, the County may initiate a Petition to revert the site back to the Agricultural District.

APPLICABLE REGULATIONS:

Standards for reviewing a Land Use Commission Urban District Boundary Amendment are found under Title 15, Subtitle 3 State Land Use Commission, Chapter 15 Land Use Commission Rules, Subchapter 2, § 15-15-18 of the Hawaii Administrative Rules as follows:

- (1) It shall include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses;
- (2) It shall take into consideration the following specific factors:
 - (A) Proximity to centers of trading and employment except where the development would generate new centers of trading and employment;
 - (B) Availability of basic services such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, and police and fire protection; and
 - (C) Sufficient reserve areas for foreseeable urban growth;
- (3) It shall include lands with satisfactory topography, drainage and reasonably free from the danger of flood, tsunami, unstable soil condition, and other adverse environmental effects;
- (4) Land contiguous with existing urban areas shall be given more consideration than non-contiguous land, and particularly when indicated for future urban use on state or county general plans;
- (5) 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 and county general plans;
- (6) It may include lands which do not conform to the standards in paragraphs (1) to (5):
 - (A) When surrounded by or adjacent to existing urban development; and
 - (B) Only when those lands represent a minor portion of this district;
- (7) It shall not include lands, the urbanization of which will contribute toward scattered spot urban development, necessitating unreasonable investment in public infrastructure or support services; and
- (8) It may include lands with a general slope of twenty percent or more if the commission finds that those lands are desirable and suitable for urban

purposes and that the design and construction controls, as adopted by any federal, state, or county agency, are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the landscape.

Pursuant to §15-15-77 Decision-making criteria for boundary amendments:

- (a) The commission shall not approve an amendment of a land use district boundary unless the commission finds upon the clear preponderance of the evidence that the proposed boundary amendment is reasonable, not violative of section 205-2, HRS, and consistent with the policies and criteria established pursuant to sections 205-16, 205-17, and 205A-2, HRS.
- (b) In its review of any petition for reclassification of district boundaries pursuant to this chapter, the commission shall specifically consider the following:
 - (1) The extent to which the proposed reclassification conforms to the applicable goals, objectives, and policies of the Hawaii state plan and relates to the applicable priority guidelines of the Hawaii state plan and the adopted functional plans;
 - (2) The extent to which the proposed reclassification conforms to the applicable district standards;
 - (3) The impact of the proposed reclassification on the following areas of state concern:
 - (A) Preservation or maintenance of important natural systems or habitats;
 - (B) Maintenance of valued cultural, historical, or natural resources;
 - (C) Maintenance of other natural resources relevant to Hawaii's economy including, but not limited to, agricultural resources;
 - (D) Commitment of state funds and resources;
 - (E) Provisions for employment opportunities and economic development; and
 - (F) Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups;
 - (4) In establishing the boundaries of the districts in each county, the commission shall give consideration to the general plan of the county in which the land is located;
 - (5) The representations and commitments made by the petitioner in securing a boundary change, including a finding that the petitioner has the necessary economic ability to carry out the representations and commitments relating to the proposed use or development; and
 - (6) Lands in intensive agricultural use for two years prior to date of filing of a petition or lands with a high capacity for intensive agricultural use shall not be taken out of the agricultural district unless the commission finds either that the action:
 - (A) Will not substantially impair actual or potential agricultural

- production in the vicinity of the subject property or in the county or State; or
- (B) Is reasonably necessary for urban growth.

DESCRIPTION OF THE PROPERTY

1. The Property which is approximately 25.263 acres is located makai of Honoapiilani Highway, mauka of Waiale Road, and south of Kuikahi Drive between Wailuku and Waikapu.

2. Emmanuel Lutheran Church Of Maui is the owner of the property, TMK 3-5-002:011

3. **Land Use Designations —**

- a. **State Land Use District -- Agriculture**
- b. **Wailuku-Kahului Community Plan -- Public/Quasi-Public**
- c. **County Zoning -- Agricultural**
- d. **SMA - Project is not within the SMA Area**

4. **Surrounding Uses –**

- North – Vacant land on both sides of Kuikahi Drive, with a shopping center now under planning north of Kuikahi Drive
- East – Vacant land across Waiale Road between the site and Maui Lani lands (Wailuku-Kahului Project District 1) now under planning for mixed residential and commercial
- South – Vacant land between the subject site and the new approximately 440 unit Wailuku Affordable Housing subdivision
- West – Vacant land across Honoapiilani Highway

4. The subject property extends generally north-south between Honoapiilani Highway and Waiale Road. The property varies in depth (mauka/makai) from approximately 650 to 900 ft. and in width (north/south) from approximately 1,400 to 1,600 feet. The site has approximately 1,380 lineal feet of highway frontage on Honoapiilani Highway, and approximately 1,700 lineal feet of frontage on Waiale Road.

Elevations of the site range from approximately 323 ft. to approximately 384 ft. Mean Sea Level (MSL). It is moderately sloping with an average slope of 6.2%. The Kama Ditch crosses the southwest portion of the subject property. A drainage channel crosses the property along its north and east boundaries, isolating approximately three (3) acres abutting Waiale Road from the rest of the site.

EXISTING SERVICES

1. **Water** – No waterlines currently serve the subject property. However, there presently are 12-inch lines along Honoapiilani Highway and Waiale Road to the north. The line along Honoapiilani Highway terminates at Kehalani Makai Parkway and the line along Waiale Road terminates at its intersection with Kuikahi Drive.

Water storage in this area of Maui is provided by a 3.0 million gallon reservoir located at the intersection of West Alu Road, Iao Valley Road, and Main Street. The water sources for the project are from the Central System of the Department of Water Supply ("DWS"). The Central System includes wells, tunnels, and surface water sources located in the Iao and Waihee Aquifers. Daily demand of the project at full build out, using DWS system standards, is estimated at about 43,000 gallons per day, of which 32,000 gallons per day would be potable.

2. **Sewers** – The existing sewer system begins as an 8-inch sewer line at Waiko Road, heads north towards the intersection of Kuikahi Drive with Waiale Road and increases to 12-inches in size. This 12-inch sewer line traverses the southeastern corner of the project site.

Wastewater collected in the Waikapu area is transported to the Kahului-Wailuku Wastewater Reclamation Facility in Nāhā. According to the Wastewater Reclamation Division, as of June 30, 2005, the cumulative flow allocated to that facility was 6.3 million gpd and the average daily flow was 4.64 million gpd; the design capacity for the facility is 7.9 million gpd.

3. **Drainage** – The subject property is located in Zone (C), an area of minimal flooding, as indicated by the Flood Insurance Rate Map, which defines areas of the 100-year flood with base flood elevations and flood hazard factors.

A drainage channel crosses the property along its north and eastern boundaries. Runoff from approximately 9.35 acres of the site sheet flows into this channel. The Preliminary Engineering Report for the proposed project estimates the rate of this runoff at 11.30 cubic feet per second (cfs). The remaining runoff, from the more southerly portion of the site, is estimated at 17.42 cfs and sheet flows onto the Waiale Road extension. Total onsite runoff sheet flowing onto Waiale Road is estimated at 19.30 cfs, including runoff from the makai portion of Honoapiilani Highway, which flows across the project site.

Estimated present on-site runoff for a 50-year, one-hour storm is 30.60 cfs from the entire project site.

4. **Roadways, Curbs, Gutters and Sidewalks** – The project site is located immediately to the east of Honoapiilani Highway, a two-way, two-lane undivided

highway in the project vicinity, with posted speed limits ranging from 30 to 55 miles per hour (mph). The highway is the major thoroughfare nearest to the project site. Honoapiilani Highway connects West Maui with the central part of the island, running from Wailuku Town in the north to Ma`alaea in the south and then west to the Lahaina region. There is an existing left turn pocket from the Highway onto Kuikahi Drive.

Kuihelani Highway is located approximately one (1) mile southeast of the project site. Kuihelani Highway is a two-way, four-lane State arterial roadway with posted speed limits ranging from 30 to 55 mph. This highway runs in a generally southwest to northeast direction from its intersection with Honoapiilani Highway to the point at which it merges with Dairy Road in Kahului. A traffic signal controls access to the highway from East Waiko Road.

East Waiko Road is a two-way, two-lane State roadway connecting Honoapiilani Highway and Kuihelani Highway with a posted speed limit of 20 mph. East Waiko Road serves residential developments below Honoapiilani Highway.

Waiale Road is a recently improved two-way, two-lane former cane haul road in its segment running north from Waiko Road to Kuikahi Drive. Beyond that point it continues north into urban Wailuku until it merges with Lower Main Street.

5. **Electrical, Telephone and Cable** – There are existing power, telephone, and cable television transmission facilities along Honoapiilani Highway. 25-foot wide electrical easements exist along the western and northern boundaries of the property. Existing overhead power lines traverse the property within those easements.
6. **Parks** – The Wailuku-Kahului area is serviced by several recreational facilities, such as the War Memorial Stadium Complex, featuring a 20,000-seat stadium, a gymnasium, and a swimming pool; the 110-acre Ke`opuolani Regional Park; the recently renovated and enlarged small boat launch ramp at Kahului Harbor; the Maui Botanical Garden; and several smaller parks and beaches. The Waikapu Community Center is also located near the project site.
7. **Schools** – Public education in the project area is provided by the State of Hawaii's Department of Education (DOE). The project area is located within the DOE's Baldwin Complex, which is part of the larger Baldwin-Kekaulike-Maui Complex Area. Schools in the Maui Complex include Waihee Elementary (2005-2006 enrollment of 784 students), Wailuku Elementary (2005-2006 enrollment of 875), Iao Intermediate (2005-2006 enrollment of 742 students), and Baldwin High School (2005-2006 enrollment of 1349 students). The new Pomaika'i Elementary School in the Maui Lani Project District is opening in August, 2007, with an estimated enrollment of around 290 to 300 students.

Private schools in the project area include the existing Emmanuel Lutheran School,

serving grades pre-K through 8 (estimated enrollment of 213 students); Christ the King, serving grades pre-K through 6 (estimated enrollment of 165 students); Victory Christian Academy, serving grades pre-K through 12 (estimated enrollment of 90 students); and St. Anthony's schools, serving grades K through 12 (estimated enrollment of 565 students).

8. **Solid Waste** – The nearest landfill site is the Central Maui Sanitary Landfill in Puunene.
9. **Public Services** – The County of Maui's Police Department is headquartered in Wailuku. The project site is served by the Wailuku Patrol, District 1. The Department of Fire and Public Safety provides fire prevention, suppression, and protection services and is headquartered in Kahului. The project site is served by the Wailuku Station, No. 1. The nearest library is the Wailuku Public Library on High Street.

The nearest hospital is Maui Memorial Hospital located in Wailuku providing acute, general and emergency care services from its 231 bed facility. The Maui Medical Group and Kaiser Permanente are also located in the Wailuku-Kahului area along with various private medical offices and facilities.

DESCRIPTION OF THE PROJECT

The Petitioner is proposing to reclassify approximately 25.263 acres of land currently in the Agricultural District into the Urban District in order to develop a new campus for the Emmanuel Lutheran Church and School.

The Petitioner plans to implement the project in three steps, designated as Phase I, Phase IA, and Phase II. Phase I is preliminarily estimated to commence in late 2008 and to be completed in late 2009. Succeeding phases are dependant upon fund-raising by the Petitioner and cannot be adequately forecast at present. The project, in its entirety, is a long-term Master Plan. All church and school functions will be transferred from the existing site in Kahului to the new campus upon completion of Phase I.

The master plan calls for a low-density village concept, with substantial open space and existing view corridors maintained. Buildings are one or two stories and are planned to be sited around a village green, which is intended to provide the campus with a sense of place. The majority of parking would be located outside of the pedestrian areas, with visitor and accessible parking located closer. Classroom size in the new campus is proposed to accommodate approximately 25 students per class in grades K-8, while the pre-school would serve approximately 40 students in total.

Description of the specific project elements proposed in each phase follows:

Phase I. The initial project phase would provide 12 regular classrooms,

specialty classrooms for art and music, a pre-school building, athletic and recreation areas, and a multi-purpose complex that would allow for athletics and assembly (including church) uses. This phase involves approximately 30,000 gross square feet (sf) of school space and would allow the school to accommodate an increase in enrollment of 30 percent, for a total of 265 students. 120 parking stalls are proposed. Planned infrastructure improvements include water and sewer lines, as well as an access road from Waiale Road.

Phase IA. This phase is planned to provide approximately 8,000 sf of space, including a library and technology center and a science lab.

Phase II. The final phase is proposed to include six (6) additional classrooms and a church sanctuary, which would accommodate 450 people. It would create an additional 14,000 gross square feet of school space and is expected by the Petitioner to accommodate an increase in student population to 490 students in grades pre-K through 8. 60 additional parking stalls would be provided as well.

It should be noted that the project is still in the conceptual stages of design. Final site plan layout, architectural design, landscaping, etc. may differ slightly from that described.

PETITIONER'S FINANCIAL CONDITION

The Petitioner has provided a "Current Balance Sheet and Income Statement for Emmanuel Lutheran Church of Maui" as one of its exhibit to the Petition.

ANALYSIS

NEED FOR THE PROJECT

The Petitioner's current school facility in Kahului comprises approximately 16,000 sf of building space, which accommodates 213 students in grades pre-K through 8. The Petitioner states that this facility is over-utilized and is not adequate to meet the needs of the current and projected student population.

The proposed project is intended to allow the school to meet an expanding student enrollment and improve the adequacy of classrooms, as well as expand the size of the congregation. Classroom sizes would be increased and urgently needed storage space would be incorporated.

LAND USE

State Plan:

The proposed project is in conformance with the goals, objectives and policies of the **Hawaii State Plan**. It will particularly support the Sec. 226-21 objectives and policies for socio-cultural advancement—education, which include: “support educational programs and activities that enhance personal development, physical fitness, recreation, and cultural pursuits of all groups” and “ensure the provision of adequate and accessible educational services and facilities that are designed to meet individual and community needs.” The project is also meeting other objectives and policies of the State Plan, including those regarding population and the physical environment, such as: “plan the development and availability of land and water resources in a coordinated manner so as to provide for the desired levels of growth in each geographic area”, “take into account the physical attributes of areas when planning and designing activities and facilities”, and “promote the preservation of views and vistas...”

GENERAL PLAN OF THE COUNTY OF MAUI

The **Maui County General Plan** (1990) sets forth broad objectives and policies to help guide the long-range development of the County. As stated in the Maui County Charter:

“The purpose of the General Plan is to recognize and state major problems and opportunities concerning the needs and the development of the County and the social, economic and environmental effects of such development and set forth the desired sequence, patterns and characteristics of future development.”

The General Plan identifies five major themes as follows:

1. Protect Maui county’s agricultural lands and rural identity
2. Prepare a directed and managed growth plan
3. Protect Maui County’s shoreline and limit visitor industry growth
4. Maintain a viable economy that offers diverse employment opportunities for residents
5. Provide for needed residential housing

The following are a number of General Plan objectives and policies that are applicable to the Emmanuel Lutheran Church and School Campus:

Population

Objective 1: *To plan the growth of resident and visitor population through a directed and managed growth plan so as to avoid social, economic and environmental disruptions.*

Policy b: *Balance population growth by achieving concurrency between the resident employee work force, the job inventory created by new industries, affordable resident/employee housing, constraints on the environment and its natural resources, public and private infrastructure, and essential social services such as schools, hospitals, etc.*

Land Use

Objective 1: *To preserve for present and future generations existing geographic, cultural and traditional community lifestyles by limiting and managing growth through environmentally sensitive and effective use of land in accordance with the individual character of the various communities and regions of the county.*

Policy b: *Provide and maintain a range of land use districts sufficient to meet the social, physical, environmental and economic needs of the community.*

Urban Design

Objective: *To see that all developments are well designed and are in harmony with their surroundings.*

Policy a: *Require that appropriate principles of urban design be observed in the planning of all new developments.*

Education

Objective: *To provide Maui residents with continually improving quality educational opportunities which can help them better understand themselves and their surroundings and help them realize their ambitions.*

Policy c: *Seek continual improvement in the quality of education at all levels for all residents.*

The County of Maui is currently working on a comprehensive update to the General Plan. General Plan Advisory Committees (GPAC) appointed for the Islands of Lanai, Maui and Moloka'i have recently forwarded to their respective Planning Commissions' recommendations on a "Countywide Policy Plan". The draft Countywide Policy Plan language includes a series of broad themes and goals, supported by more specific objectives and policies. Given the long process still remaining before such a draft plan could become adopted policy, it would be inappropriate to try to compare a particular project proposal to the details of such a plan. However, it is quite likely that most or all of the broad themes will remain in the final plan in some form. One of these, to "Improve Education", is particularly supported by the Petitioner's proposal, and none of them would

be contravened by the proposal.

The Maui GPAC is now launching into a process of orientation to prepare it for its review and recommendations on an overall "Maui Island Plan". Such a plan is anticipated to include mapped elements of generalized land uses as well as some special designations and types of urban form. In the vicinity of Waikapu and southerly Wailuku and Kahului such elements could, among other things, include urban expansion and/or new town areas, balanced by greenways, regional park land, and continued agriculture and grazing, which might in turn be supported by means such as being in transfer of development rights sending areas. One of the areas where a greenway could be appropriate involves part of Honoapiilani Highway, including that alongside the Petitioner's project area.

WAILUKU-KAHULUI COMMUNITY PLAN

The Wailuku-Kahului Community Plan designates the Emmanuel Lutheran Church and School site as Public/Quasi-Public. The Petitioner's proposed uses for the site are consistent with this current community plan designation. With one exception, all of the immediately contiguous parcels currently have Agriculture land use designations in the Community Plan. However, most of the parcels just beyond those immediately contiguous are either under development as affordable housing or have non-Agriculture designations, including principally Project District and Single Family Residential designations.

The Petitioner's proposed use of the site is consistent with the following goals, objectives, policies, and implementing actions of the Wailuku-Kahului Community Plan:

ENVIRONMENT

Goal:

A clean and attractive physical and natural environment in which man-made developments or alterations to the natural environment relate to sound environmental and ecological practices, and important scenic and open space resources are maintained for public use and enjoyment.

Objectives and Policies

1. *Preserve agricultural lands as a major element of the open space setting that which borders the various communities within the planning region. The close relationship between open space and developed areas is an important characteristic of community form.*

Although the most recent active use of the site was as agriculture, the site of the proposed Emmanuel Lutheran Church and School does not represent a portion of "a major element of the open space setting that which borders the various communities". Instead, within a regional context, the site is part of a relatively smaller area of lands makai of Honoapiilani Highway between the urban areas of Waikapu, Wailuku and Kahului which temporarily

remain in open space while they are transitioning to become part of the urban land use pattern which surrounds them. Nor is the site part of any designated open space buffer between these urbanized communities.

Parenthetically, and as listed in the "Position of the Maui Planning Department" submitted earlier, the MPD also does at this time support the retention of the State Agricultural District designation between Waikapu and Wailuku mauka of Honoapiilani Highway. As requested by the Executive Officer, an exhibit of State Land Use Districts including this latter area is provided. ("EXHIBIT 2")

CULTURAL RESOURCES

Goal:

Identification, protection, preservation, enhancement, and where appropriate, use of cultural practices and sites, historic sites and structures, and cultural landscapes and view planes...

Objectives and Policies

2. *Recognize the importance of historically and archaeologically sensitive sites and encourage their preservation through development project review.*
5. *Require development projects to identify all cultural resources located within the project area as part of initial project studies. Further, require that all proposed activity include recommendations to mitigate potential adverse impacts on cultural resources.*

An archaeological field inspection was performed for the subject property and a report prepared. The inspection included a pedestrian survey and backhoe trenching for subsurface deposits. One surface site, the Kama Ditch, was identified. No subsurface deposits were discovered. The report notes that the project site has been extensively disturbed through years of intensive agricultural activities.

No further archaeological investigation was recommended for the project site. Given the subject property's history, there is little likelihood of uncovering any archaeological deposits. However, the report recommends archaeological monitoring during construction-related activities.

There are no known cultural activities or historical associations connected with the site.

LAND USE

Goal:

An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a

manner that provides for the stable social and economic well-being of residents and the preservation and enhancement of the region's environmental resources and traditional towns and villages.

Objectives and Policies

1. *Ensure that adequate lands are available to support the region's present and future agricultural activities.*
2. *Identify prime or productive agricultural lands, and develop appropriate regulations for their protection.*
6. *Establish an adequate supply of urban land use designations to meet the needs of the community over the next 20 years.*
8. *Maintain a project district approach for the major residential growth areas adjacent to Wailuku, Kahului, and Waiehu to allow flexibility in master planning. These project districts may contain a variety of residential unit types as well as supporting community services, including business, public, recreational and educational facilities.*
14. *Maintain physical separation between traditional towns and villages in the region. Where possible, provide specific design or landscape elements, such as open space buffers or changes in streetscape, to clearly delineate the boundary between Kahului and Wailuku. Maintain open space around traditional rural areas, such as Waikapu and Waihe'e, to provide a sense of community and to prevent envelopment of these areas by urban expansion.*
15. *Provide a substantial greenway or greenbelt to serve as a buffer zone, line of demarcation, or definition between Wailuku and Waikapu, and between Waikapu and Ma'alaea, in order to prevent the continuation of urban sprawl. Changes in streetscapes could include landscaping and agricultural planting materials that reflect the character of each community, and are utilized to delineate a substantial boundary between Kahului and Wailuku.*
16. *Upon adoption of this plan, allow no further development unless infrastructure, public facilities, and services needed to service new development are available prior to or concurrent with the impacts of new development.*

At 25.263 acres, the site of the proposed Emmanuel Lutheran Church School and Campus represents approximately one hundredth of one percent of the estimated 244,726 acres in Maui County currently designated as "Agricultural" by the State Land Use Commission. The Agricultural Lands of Importance to the State of Hawaii (ALISH) system classifies the

Petitioner's site as within the "Prime Agricultural Land" category of ALISH lands. The Department of Agriculture has estimated that statewide, approximately half of all lands in the State Agriculture District are ALISH lands. Assuming this estimate is also at least roughly accurate for Maui County, the Petitioner's site represents approximately two hundredths of one percent of the County's lands which are considered to be "Agricultural Lands of Importance to the State of Hawaii." Since this site represents such a small part of Maui County's inventory of agricultural lands, its conversion to urban uses will not affect the availability of adequate lands to support present and future agricultural activities.

As indicated in the discussion of the need for the project, it is needed to meet an expanding student enrollment and improve the adequacy of classrooms, as well as allow for expansion of the size of the congregation. Providing urban land use designations for the site will allow the new facilities proposed upon it to provide urban based services for the expanding urban populations of Wailuku, Kahului and other communities.

Similarly, the Petitioner's request will help provide supporting community services for the Maui Lani Project District in Kahului (Wailuku-Kahului Project District 1) and the Kehalani Project District in Wailuku (Wailuku-Kahului Project District 3).

The great majority of the "traditional" area of Waikapu lies mauka of Honoapiilani Highway. As indicated above, the MPD at this time supports the retention of the State Agricultural District designation between Waikapu and Wailuku mauka of Honoapiilani Highway, which will provide an open space buffer and which could be viewed as akin to a "greenbelt" maintaining a physical separation between Wailuku and the great majority of Waikapu. Redesignation of the site of the proposed Emmanuel Lutheran Church School and Campus from the State Agricultural District to State Urban would not impact the principal buffer maintaining a physical separation between the Wailuku area and the great majority of Waikapu.

The physical infrastructure needed to serve the Petitioner's project site will be provided prior to or concurrent with the proposed development on the site.

DRAINAGE

Objectives and Policies

2. *Respect natural drainageways as part of good land development.*
4. *Ensure that storm water run-off and siltation from proposed development will not adversely affect the marine environment and nearshore and offshore water quality. Minimize the increase in discharge of storm water runoff to coastal waters by preserving flood storage capacity in low-lying areas, and encouraging infiltration of runoff.*

A drainage channel which crosses the property along its north and east boundaries will not be affected by the planned site development, which is proposed be on the southerly portion of the site. The Petitioner plans for onsite runoff to be collected by grated catch basins located at appropriate intervals along driveways and landscaped areas, and then be conveyed to onsite retention basins located within proposed play fields and landscaped areas. Offsite runoff from Honoapiilani Highway onto the project site would be intercepted by the project's drainage systems and conveyed to the retention basins which would be sized to accommodate the increase in runoff from a 50-year, one-hour storm. All such measures will lead to no increase in runoff sheet flowing into the drainage channel or onto Waiale Road.

URBAN DESIGN

Goal

An attractive and functionally integrated urban environment that enhances neighborhood character, promotes quality design, defines a unified landscape planting and beautification theme along major public roads and highways, watercourses, and at major public facilities, and recognizes the historic importance and traditions of the region.

Objectives and Policies for the Wailuku-Kahului Region in General

2. *Maintain a design quality for commercial and public projects and large-scale master planned developments.*

The Emmanuel Lutheran Church School and Campus "Master Plan" prepared by the project architects demonstrates that a high quality of design is planned for site development.

ZONING

The site of the proposed Emmanuel Lutheran Church School and Campus is located within the County Agricultural District. In accordance with the site's current Public/Quasi-Public land use designation in the Wailuku-Kahului Community Plan, the Petitioner is also requesting a Change in Zoning from the County Agricultural District to the Public/Quasi-Public District.

Before the County can rezone the property, a District Boundary Amendment must be approved by the State Land Use Commission.

Chapter 19.30 A of the Maui County Code establishes criteria for rezoning of County Agricultural Lands. Section 19.30A.020, MCC states:

"Agricultural lands that meet at least two of the following criteria should be given the highest priority for retention in the agricultural district:

- A. Agricultural Lands of Importance to the State of Hawaii (ALISH);
- B. Land not classified by the ALISH system whose agricultural land suitability, based on soil, topographic, and climate conditions, supports the production of agricultural commodities, including, but not limited to coffee, taro, watercress, ginger, orchard and flower crops and non-irrigated pineapple. In addition, these lands shall include lands used for intensive animal husbandry, and lands in agricultural cultivation in five of the ten years immediately preceding the date of approval of this chapter; and
- C. Lands which have seventy-five percent or more of their boundaries contiguous to lands within the agricultural district."

The ALISH map for the region containing the site shows it and adjoining lands as within the "Prime" category of Agricultural lands. Also, all of the lands contiguous to the Petitioner's site are presently zoned Agriculture. Therefore, the Petitioner's site meets the necessary criteria such that, for local zoning purposes, it "should be given the highest priority for retention in the agricultural district."

In the hierarchy of land use regulatory systems, zoning is supposed to be consistent with general and community plans in order to serve its role as a principle tool for implementation of these plans. Although the County regularly carries out updates to its general and community plans, rezoning to meet these plans is often carried out in a less comprehensive manner at the time of actual proposals for development which are consistent with the general and community plans. That is the case here.

It is also an important factor that the existing and proposed land uses in the near vicinity of the project site are very largely urban in nature. In the "Site Analysis" section of the Emmanuel Lutheran Church and School Master Plan dated February 15, 2006, the Petitioner's architects have prepared an exhibit which shows various land uses and projects proposed or underway in the near vicinity of the project site. Four of the most significant of these in terms of overall land uses already have some important levels of approvals in place. These include the Maui Lani project district development to the east and northeast of the site, the Kehalani project district development to the north and northwest, including the site shown on the exhibit as "Mixed Residential & Commercial - Towne Realty Planning Stage", as well as the Waiolani and Waikapu Affordable Housing single family residential developments to the south and southwest of the Petitioner's site. The MPD anticipates that it is likely that it will support proposed development and necessary land use amendments for the site adjoining immediately to the south, which is labeled on the exhibit "Church 'Valley Isle Fellowship' Planning Stage", as well as supporting some eventual form of urban land use on the site adjoining immediately to the north, which is labeled on the exhibit as "Unknown". Thus, as requested by the Executive Officer, this exhibit also shows the "fairly narrow corridor of urban land uses...connecting Wailuku and Waikapu between Honoapiilani Highway and Waiale Road" which the MDP's

earlier “Position of the Maui Planning Department” indicated the MDP has been generally willing to support. (“**EXHIBIT 3**”)

Achieving consistency of the zoning with the Wailuku-Kahului Community Plan land use designation for the Petitioner’s site, as well as the clear context of supported urban development to be occurring in the near vicinity of the project site in large part lead the MPD to support the site’s rezoning from Agriculture even given it status under Section 19.30A.020 of the Maui County Code’s zoning ordinance.

AGRICULTURE

The US Department of Agriculture Soil Conservation Service (USDA-SCS) classifies the soil of the project site into the Pulehu-Ewa-Jaucas soil association. The soils within the project site are classified as lao clay (laA and laB). lao clay is characterized as having slow runoff and not more than slight erosion hazard for 0 to 3 percent slopes; moderately slow permeability, medium runoff and slight to moderate erosion hazard for 3 to 7 percent slopes; and medium runoff and moderate erosion hazard for 7 to 15 percent slopes.

As mentioned above, the University of Hawaii’s Land Study Bureau Detailed Land Classification classifies the lands of the site as A and the Agricultural Lands of Importance to the State of Hawaii (ALISH) system classifies the lands as “Prime Agricultural Land”. When utilized with modern farming methods, “Prime” agricultural lands have a soil quality, growing season, and moisture supply necessary to produce sustained crop yields economically.

The Petitioner’s consultant reports that the agricultural operations of Wailuku-Agribusiness on the site ceased in 2003. Some small scale tenant farming was then carried out on some of it, which in turn ceased in 2004.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

This was addressed in the section above discussing the consistency of the Petitioner’s proposal with the goals, objectives, and policies of the cultural resources section of the Wailuku-Kahului community plan.

INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

1. **Water** – A preliminary engineering report prepared for the project by the Petitioner’s engineer estimates domestic water demand for the project at approximately 42,947 gallons per day (gpd), as determined by land area, and 29,400 gpd, as determined by the maximum number of 490 students. The engineer considers the latter to be the more accurate estimate since the Petitioner has an agreement with Wailuku Agribusiness for the provision of irrigation water from their non-potable source. The Maui County Department of Water Supply (DWS) anticipates that potable water demand would be

approximately 32,000 gallons per day.

A letter from the DWS reports that "The project site is served by the Cental Maui System. The main sources of water for this system are the designated Iao aquifer, Waihee aquifer, the Iao tunnel and Iao-Waikapu Ditch. The Department will not issue temporary construction meters for Cental Maui projects. There is currently no restriction on obtaining meters in Cental Maui. New source development projects include Waikapu South well and Maluhia well." Although there are currently no restrictions on obtaining meters in Central Maui, meters are issued on a "first come, first serve" basis and no water meter reservations are being taken. DWS cannot guarantee that water will be available for future projects. Therefore, DWS encourages developers to participate in source development.

The Petitioner's engineer continues that "According to the Department of Water Supply, there is storage available in the 3.0 million gallon reservoir for new projects. Hawaii Land & Farming, Inc. (HLFI) is currently constructing a 1.5 million gallon mid-level tank on Kuikahi Drive."

The DWS letter continues that "There is an 18-inch waterline on the east side of the parcel. The applicant will be required to provide domestic, fire and irrigation services in accordance with system standards." In this light, the Petitioner's engineer then reports that "In accordance with Department of Water Supply standards, the fire flow demand for schools is 2,000 gallons per minute for two (2) hour duration. Fire hydrants will be installed with a maximum spacing of 250 feet."

2. Sewers -- As mentioned above, the existing sewer system which would serve the Petitioner's site begins as an 8-inch sewer line at Waiko Road, heads north towards the intersection of Kuikahi Drive and Waiale Road, and increases to 12-inches in size. The 12-inch sewer line traverses the southeastern corner of the project site. The project's preliminary engineering report estimates that full buildout of the campus will generate an estimated wastewater flow of 10,050 gpd. This wastewater would be collected onsite by a gravity sewer system connected to the existing 12-inch line. The preliminary engineering report concludes that "the existing area system and the Kahului-Wailuku Wastewater Reclamation Facility are of sufficient capacity to accommodate the project's wastewater flows."

The Maui County Department of Public Works and Environmental Management (DPWEM) says that although wastewater system capacity is currently available, "capacity can not be ensured until the issuance of the building permit." They also say the Petitioner will need to "pay assessment fees for treatment plant expansion", "to fund any necessary off-site improvements to collection system and wastewater pump stations", and to "show the installation of a service manhole near the property line."

3. Drainage -- Site drainage was addressed in the section above discussing the consistency of the Petitioner's proposal with the goals, objectives and policies of the drainage section of the Wailuku-Kahului community plan.

4. Roadways, Curbs, Gutters and Sidewalks – A traffic impact analysis report (TIAR) was prepared for the project by Philip Rowell and Associates. The TIAR analyzed traffic operations at eight intersections in the vicinity of the subject property, four along Honoapiilani Highway and four along Waiale Road.

During the week, the new school is anticipated to generate 460 trips, in- or out-bound, during the AM peak period and 305 trips during the PM peak period. At the same time, the new church facility is anticipated to generate 10 trips, in- or out-bound, during both the AM and PM peak periods. On Sundays, the school will be closed and church activity will increase. The church is anticipated to generate 60 trips, in- or out-bound, during the Sunday peak period.

Vehicular access to the new church and school will be through a driveway off of Waiale Road, approximately midway between Kuikahi Drive and the north boundary of the Waikapu Affordable Housing subdivision. Interior roadways and parking will comply with applicable County requirements, such as a 24 foot roadway width and paved parking stalls.

In order to gauge the project's traffic impacts, the TIAR analyzed applicable LOS in the Year 2010 both with and without the project implementation,. Both general traffic growth rates and area-specific data were used to estimate traffic increases. It found that, in general, the project is not anticipated to produce substantial adverse impacts to traffic movements. All of the intersections analyzed in the TIAR are expected to operate at the same LOS with and without the project, with the following exceptions:

- **Honoapiilani Highway and East Waiko Road**
Approaches during the AM peak period would deteriorate from LOS C to D.
- **Honoapiilani Highway and Pilikana Road**
Southbound through movements during both the AM and PM peak periods would deteriorate from LOS C to D.
- **Honoapiilani Highway and Waiolu Road**
Southbound, left turns during the AM peak period would deteriorate from LOS A to B.
- **Waiale Road and Kuikahi Drive**
Northbound, left turns during the AM peak period would deteriorate from LOS A to B.
Eastbound, right turns during the AM peak period would deteriorate from LOS A to B.
Eastbound, left turns during the Sunday peak period would deteriorate from LOS E to LOS F.

The traffic analysis found that all movements at signalized intersections will operate at LOS D or better. As LOS D is the minimum acceptable level-of-service, the TIAR concluded that no mitigation of the signalized intersections is required. With the exception of the intersection of Waiale Road and Kuikahi Drive, it further found that all controlled lane groups will operate at LOS C or better during all peak periods.

At the intersection of Waiale Road and Kuikahi Drive, the eastbound to northbound left turn will operate at LOS F during both weekday peak periods, even without project implementation. Mitigation will be required for this intersection to operate at an acceptable LOS. The traffic report discussed three potential mitigation measures, intersection widening, signalization, or a roundabout. It concluded that only the signalization alternative was viable.

The report further recommends that a separate left turn lane along northbound Waiale Road would be warranted at the project entrance. The widening required for the left turn lane would also provide widening for a left turn refuge lane. This would improve the level-of-service and safety of traffic exiting the project onto Waiale Road.

The DPWEM has stated that the dedication of one or more road widening lots may be required. They will also be requiring a final TIAR for the project. They say "the report shall also address regional impacts to include the Waiale Road/Kaohu Street intersection and include assessments from the local community police officer." The Maui Police Department assessment states "From a police perspective, the proposed design and location of the future Emmanuel Lutheran Church and School to be located off of Waiale Road in Wailuku, appears to have adequate ingress and egress points should Police response be required. The surrounding roadways including Honoapiilani Highway, Kuikahi Drive and Waiale Road (to extend past Waiko Road to the Maalaea area in the future) appear to be sufficient to handle the increased traffic to the area."

Within the context of the project site and current proposed development layout itself, the DPWEM expressed that since all vehicle traffic must pass through the campus to drop off students or park, the mix of vehicles, students and pedestrians "may be hazardous." They recommended that the final site design keep vehicle traffic from mixing with the students and that vehicles be kept "along the outer periphery of the central campus."

The MPD made comments to the Petitioner's planning consultant regarding roadways, curbs, gutters and sidewalks in the context of comments on the application for a Change in Zoning. It first noted that in the Transportation section of the Wailuku-Kahului Community Plan, Implementing Action 3. states "Study traffic patterns and circulation at intersections adjacent to school sites prior to road construction, to ensure safe access". It then asked the consultant to explain if there was any special study of intersections nearby the project site in order "to ensure safe access", particularly for students who may be traveling to the campus by means other than private automobile, such as by buses, walking, or bicycling. Second, the MPD noted that Implementing Action 5 in the same section of the Community Plan states "Implement the State Department of Transportation

Bikeway Master Plan and the County Bikeway Plan” and then further noted that Appendix F of “Bike Plan Hawaii” includes a “Signed Shared Road” type of bikeway for the segment of Waiale Road fronting the project site. The MDP then asked the Petitioner’s consultant to explain what the project will be carrying out toward implementation of the referenced Community Plan policy and the state bike plan.

We note that the Office of Planning’s Position Statement in support of the Petitioner’s request states that the Department of Transportation has denied the Petitioner’s request for an access point on Honoapiilani Highway. Should this position be upheld by the Land Use Commission as a condition of approval, we anticipate that the Department of Planning would recommend a similar condition for possible development which might be proposed on the other vacant sites to the immediate north and south of the current Petitioner’s site.

5. Electrical and Telephone – The Petitioner’s engineer reports that proposed electrical, telephone, and cable television distribution systems will be served from the existing facilities along Honoapiilani Highway. Within the project site, they plan for all distribution systems to be installed underground.

6. Parks – No impacts upon area parks are anticipated as a result of the project proposed by the Petitioner.

7. Schools –The Petitioner indicates that the proposed project will increase educational opportunities for the community by effectively doubling the capacity of the current Emmanuel Lutheran Church School to 490 students. This increase in capacity is anticipated to reduce some of the burden on the existing public school system.

8. Solid Waste – The Petitioner has indicated that the proposed new campus will be served by a private collection service and is not anticipated to substantially impact landfill capacity. In addition, the Petitioner has stated that they will continue existing recycling and responsible disposal of green waste and increase such activities where opportunities exist. The additional students drawn to the school are anticipated to be locally based and will not increase waste volumes.

The DPWEM has asked the Petitioner to “include plan for composting/disposal of cleared and grubbed material and recycling/reuse/disposal of cleared and grubbed material and recycling/reuse/disposal of construction waste.”

9. Public Services --The proposed Emmanuel Lutheran Church and School is not anticipated to substantially increase the need for public services in the region. The Petitioner’s planning consultant states “In the context of the overall growth of the Wailuku-Kahului area, the proposed project is not anticipated to substantially increase demand for emergency services nor extend emergency service area limits.” The comment letter from the Maui Police Department did not indicate anything different. The Department of Fire and Public Safety’s comment letter on the project stated “at this time we have no specific

concerns regarding the Emmanuel Lutheran project. The Wailuku Fire Station appears to be well within an acceptable distance to provide fire protection.”

Relative to recreation services, the Petitioner’s consultant expresses that “The project is not anticipated to increase demand on area recreational facilities. The school campus will contain a 5,700 sf gymnasium as well as basketball courts and other athletic and play fields to serve the needs of the students.” They also state “In the context of the overall growth of the Wailuku-Kahului area, the proposed project is not anticipated to substantially increase demand for medical services.”

SOCIO-ECONOMIC IMPACTS

The proposed project will not contribute significantly to population growth. Rather, it will add to school capacity at a time when dramatic increases in the population have placed increasing pressure on existing public and private school facilities. The new school will create opportunities for families seeking a Christian-based education. Similarly, the new church sanctuary will allow the Emanuel Lutheran Church of Maui to increase its congregation to meet the religious needs of the rising population.

The project is expected to generate short-term economic benefits in the form of construction-related employment. Long-term benefits will occur from the increase in teaching and other positions available at the new campus.

ENVIRONMENTAL IMPACTS

There will be short term noise and air quality impacts during the construction phases of the project. Best management practices must be incorporated into the project in accordance with Federal, State and County standards.

CONCLUSIONS

The MPD finds that the Petition is in compliance with the standards of the Urban District as follows:

- (1) *It shall include lands characterized by “city-like” concentrations of people, structures, streets, urban level of services and other related land uses;*

The Emmanuel Lutheran Church and School is proposed to be located in an area that is in close proximity to the urban areas of Wailuku and Kahului as well as the smaller community of Waikapu, and to serve the expansion of population by adding to the existing urban level of community services in those areas. It is in very close proximity to the large, developing project districts of Maui Lani and Kehalani and their accompanying new infrastructure.

- (2) *It shall take into consideration the following specific factors:*
- (A) *Proximity to centers of trading and employment except where the development would generate new centers of trading and employment;*
 - (B) *Substantiation of economic feasibility by the petitioner;*
 - (C) *Proximity to basic services such as sewers, transportation systems, water, sanitation, schools, parks, and police and fire protection; and*
 - (D) *Sufficient reserve areas for urban growth in appropriate locations based on a ten year projection;*

As previously mentioned, the proposed Emmanuel Lutheran Church and School would be located in close proximity to Wailuku and Kahului, major centers of trading and employment in Central Maui. Exhibit 8 to the Petition includes information regarding substantiation of the economic feasibility of the Petitioner. The site has a high level of proximity to basic infrastructure and social services. The Wailuku-Kahului area contains sufficient reserve areas for urban growth in appropriate areas over more than a ten year projection, as is being determined through the County's General Plan update process.

- (3) *It shall include lands with satisfactory topography and drainage and reasonably free from the danger of floods, tsunامي, unstable soil conditions, and other adverse environmental effects;*

The topography of the site ranges from approximately 323 msl to approximately 284 msl. The property has an average slope of 6.2%. The MPD has determined that the site lies in Flood Zone C, where no flood development permit is required. At 6.2 percent slope, the loam Clay soil on the site is characterized as having medium runoff and slight to moderate erosion hazard.

- (4) *Land contiguous with the existing urban areas shall be given more consideration than non-contiguous land, and particularly when indicated for future urban use on state or county general plans;*

As indicated above, the site of the proposed Emmanuel Lutheran Church and School is in very close proximity to the urban areas of Wailuku and Kahului, even if none of the immediately contiguous lands are yet in urban uses. Most parcels just beyond the actual contiguous parcels are already developed, designated and/or slated for urban uses. And the Petitioner's site itself is designated for urban use within the

Wailuku-Kahului Community Plan.

- (5) *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 and county general plans;*

The MPD considers the site of the proposed Emmanuel Lutheran Church to be essentially an urban infill site between Wailuku and Kahului expanding toward it from the north and east and Waikapu expanding toward it from the south. These expansions are shown within the Wailuku-Kahului Community Plan.

- (6) *It may include lands which do not conform to the standards in paragraphs (1) to (5):*

(A) *When surrounded by or adjacent to existing urban development; and*

(B) *Only when those lands represent a minor portion of this district:*

The subject property does conform to the standards.

- (7) *It shall not include lands, the urbanization of which will contribute toward scattered spot urban development, necessitating unreasonable investment in public infrastructure or support services;*

Because of the project's location in close proximity to existing urban uses, the project will not contribute toward scattered spot urban development, necessitating unreasonable investment in public infrastructure or support services.

- (8) *It may include lands with a general slope of twenty percent or more which do not provide open space amenities or scenic values if the commission finds that those 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.*

The project intends to develop within the site's topography and average slope of 6.2%.

POSITION

The MDP recommends approval of the Petition for a District Boundary Amendment from the State Agricultural District to the State Urban District for the proposed Emmanuel Lutheran Church and School. Through the Conditional Zoning provisions of the Maui County Code, any necessary conditions to mitigate impacts of the project not addressed by the Land Use Commission may be included in a zoning action by the County.

It is important to note that the Maui County Council and the Maui Planning Commission have not acted on the County land use applications and, as such, the position of the County may change. Ideally, a position of the County Council on the companion County application for a Change in Zoning would have been preferred prior to the filing of the Petition for District Boundary Amendment with the Land Use Commission. Although the MPD supports the proposed Emmanuel Lutheran Church and School, we cannot speak for the Maui Planning Commission and the Maui County Council. This District Boundary Amendment is also preceding the County of Maui General Plan Update Process which will establish more definitive and updated determinations of where growth in the Wailuku-Kahului region should occur.

If the County Council does not approve the Change in Zoning applications for the proposed Emmanuel Lutheran Church and School, the County may initiate a Petition to revert the site back to the Agricultural District.

Dated this ___th day of JULY, 2007; Wailuku, Maui, Hawaii.

APPROVED:

A handwritten signature in blue ink, appearing to read "Jeffrey S. Hunt", is written over a horizontal line.

JEFFREY S. HUNT, AICP
Director of Planning