



Emmanuel Lutheran School
520 One St.
Kahului, HI 96732



EMMANUEL LUTHERAN SCHOOL BUILDING COMMITTEE

January 28, 2025

TO: Mr. Daniel E. Orodenker
Executive Officer, Land Use Commission
Department of Business, Economic Development and Tourism

FROM: Mr. Joshua Rempfer
Principal

SUBJECT: 2024 Report for LUC Docket No. A07-733(a)
Emmanuel Lutheran School
Waikapu, Maui, Hawaii, Maui Tax Map Key No.: (2) 3-5-002-033

Pursuant to A07-773 of the Decision and Order in the above-referenced docket, Emmanuel Lutheran Church and School (Department or Petitioner) is pleased to provide this annual report to the State Land Use Commission (LUC), the State Office of Planning, and the County of Maui Planning Department (MPD) concerning the current status of compliance with the conditions of approval.

This letter shall serve as the 2024-2025 annual report of ELC to the LUC in this matter. An electronic pdf file copy of this annual report will be transmitted by email to your department.

If you have any questions or issues concerning the contents of this report, please contact me at principal@elcs-maui.org or 808-873-6334.

God's blessings,

Joshua Rempfer
Principal
Emmanuel Lutheran School

Table of Contents

Table of Contents	1
Project Status Summary:	1
School Project Coordination Table	3
Condition Status Report	4

Project Status Summary:

Emmanuel purchased the parcel of land in Wailuku, Hawaii in 2004. On March 7, 2008 the commission granted the reclassification of the 25.263 from Ag to Urban District subject to 23 conditions. Plans were pursued but the recession, decline in enrollment, and multiple changes in leadership led to delays.

In 2018, ELC sold half of its property to WDV(Waikapu Development Venture) for the development of an affordable housing project, and pursued new plans to build on the remaining 12 acres. ELC was given a 10 year extension to complete its project, this was the plan in phases presented to the LUC presented in 2019:

Phase 1 - Securing Funding (2019-2021)

Phase 2 - Multipurpose Building for the Preschool, Church, Gymnasium (2021-2023)

Phase 3 - Middle School Classrooms (2025-2027)

Phase 4 - Elementary School Classrooms and Sanctuary (2027-2028)

This scheduled timeline has not been met. COVID and changes in leadership took place in 2020. No progress was made in 2019 or 2020.

A new leadership team was formed in 2021. Plans to accomplish this project re-started. The Phases addressed in 2019 are still part of the overall building project but we are looking to accomplish them with the help of a newly hired firm. ELC has partnered with LCEF (Lutheran Church Extension Fund) and their various branches for fundraising and financing, concept design, partnering with local firms for architecture and engineering, as well development of our current site. A formalized partnership was signed on August 8, 2024.

The phases are new but will still align with the previous Phases developed in 2018 with most construction being shifted to Phase 4.

Phase 1 (revised) - Feasibility (Discovery, Analysis, Campus Master Plan, Fundraising)
Present - 2025

Phase 2 (revised) - Concept and Design (Selection of Partners, Pricing, Realistic Plans)
2025-2027

Phase 3 (revised) - Construction of Multipurpose Building (Gymnasium), Designate Preschool Building (4 classrooms), 12 Classrooms for (K-8 and Electives), Offices for Administrative/Pastor
2027-2029

Phase 4 (revised) - Construction of Sanctuary
2029-2030

In addition to the adjustment of Phases, ELC will provide updates on the Conditions listed for docket A07-773. ELC will also be requesting an extension to provide additional needed time understanding that construction on Maui will likely extend past our 10 year extension given in 2018.

School Project Coordination Table

Original 2019 Plan	Phase 1: Securing funding for develop project	Phase 2: Build structure to house the Preschool	Phase 3: Build 3 Classrooms for the Middle School	Phase 4: Build Elementary and Church Sanctuary, Additional Classrooms and accessory buildings	N/A
New Plan	Phase 1: Feasibility	Phase 2 and 3: Concept and Design		Phase 4: Construction	Not Numbered
New Phase Description	Discovery, Analysis, Campus Master Plan, Fundraising Present - 2025	Selection of Partners, Pricing, Realistic Planning 2025 - 2027		Civil, Multipurpose Building (Gymnasium), Preschool Classrooms, Elementary Classrooms (K-8), Administrative Offices, Outdoor Spaces, and Appurtenances 2027 - 2030	Construction of Sanctuary 2031 - 2032
Status	In Progress	TBD		TBD	TBD

Condition Status Report

Number	Condition	Status/Update
1	<p><u>Compliance with Representations to the Commission.</u> Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission. Failure to so develop the Petition Area may result in reversion of the Petition Area to its former classification or change to a more appropriate classification.</p>	<p>ELC acknowledges condition</p>
2	<p><u>Reversion of District Classification.</u> Petitioner shall develop the Petition Area and complete construction of the Project no later than twenty (20) years from the date of the decision and order. If Petitioner fails to complete Project construction within twenty (20) years from the date of the decision and order, the Commission may, on its own motion or at the request of any party, file an Order to Show Cause and require Petitioner to appear before the Commission to explain why the Petition Area should not revert to its previous Agricultural classification.</p>	<p>ELC acknowledges condition ELC intends to request a petition for a 3 year extension to September 7, 2032.</p> <p>The January 22, 2024 Decision and Order granting the WDV's 2023 motion for extension of time to complete project until September 7, 2029</p>
3	<p><u>Water Resource Allocation.</u> Petitioner shall provide drinking and irrigation water source, storage, and transmission facilities and improvements to accommodate development of the Petition Area, to the satisfaction of the County of Maui Department of Water Supply and other appropriate State and County agencies. Petitioner shall notify the Commission of changes to its proposed water source for the Project's irrigation water needs.</p>	<p>ELC acknowledges condition</p>
4	<p><u>Wastewater.</u> Petitioner shall develop a wastewater collection and transmission system and other sewer improvements in the Petition Area, as required by the State of Hawaii Department of Health ("DOH") and the County of Maui Department of Environmental Management. Petitioner shall pay a pro-rata share of off-site wastewater treatment improvements, as determined by the County of Maui.</p>	<p>WDV and ELC will comply with this condition upon construction of their respective projects.</p>
5	<p><u>Highways and Roads.</u> Petitioner shall prepare a revised TIAR, to be initiated after Phase 1 is completed and approximately three months after the date upon which the school opens for classes, using assumptions and methods that are mutually agreed upon by the State Department of Transportation ("DOT") and the Petitioner, to determine the regional and local traffic impacts of the Project and recommended appropriate mitigation measures. In its assessment of current traffic conditions, the Petitioner's revised TIAR shall use actual traffic counts and actual intersection turn counts taken during peak morning and afternoon periods approximately three months after the school</p>	<p>ELC will be requesting relief from this condition.</p> <p>A petition will be submitted at a later date.</p> <p>ELC and WDV will work together on this process.</p>

	opens.	
Number	Condition	Status/Update
6	Stormwater. Petitioner shall fund, design, and construct drainage system improvements to manage runoff resulting from development of the Petition Area, to the satisfaction of appropriate State and County agencies, based on one-hour of runoff from a 50 year storm. Petitioner shall prevent runoff from adversely affecting State and County highway and roadway facilities or other properties located down grade from the Petition Area.	ELC acknowledges condition
7	Civil Defense. Petitioner shall fund and construct, on a fair-share basis, adequate solar-powered civil defense measures to serve the Petition Area, as determined by the State of Hawaii Department of Defense, Office of Civil Defense, and County of Maui Civil Defense Agency.	ELC acknowledges conditions and will work with Maui Emergency Management Agency and Hawaii Emergency Management Agency.
8	Archaeological Field Report and Historic Preservation Mitigation Plan. Prior to commencement of any ground-altering activities, Petitioner shall obtain written approval and acceptance of the Petitioner’s archaeological field report and monitoring plan from the State of Hawaii Department of Land and Natural Resources, State Historic Preservation Division (“SHPD”). A copy of the approval of the monitoring plan from SHPD shall be provided to the Commission within thirty (30) days of receipt by the Petitioner.	ELC acknowledges condition ELC will work with the State Historic Preservation Division to address. Documentation from the WDV’s 2018 study is available.
9	Previously Unidentified Burial/Archaeological/Historic Sites. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites, such as artifacts, marine shell concentrations, charcoal deposits, stone platforms, pavings, and walls not previously identified in studies referred to herein, are discovered during the course of construction of the Project, then all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from SHPD that mitigative measures have been implemented to its satisfaction.	ELC acknowledges condition ELC will work with the State Historic Preservation Division to address.
10	Soil Analysis. Petitioner shall conduct a soil analysis study of the Petition Area in consultation with the DOH, Hazard Evaluation and Emergency Response Office (“HEER”), to determine any impacts on the proposed use from fertilizers, pesticides, and other chemical contaminants that may be present at elevated levels in the Petition Area. Petitioner shall undertake measures to abate and remove any hazardous materials identified during said study, to the satisfaction of HEER.	ELC acknowledges condition This condition is completed. Environmental Site assessment was completed on Nov 4, 2016.
11	Air Quality. Petitioner shall implement soil erosion and dust control measures and participate in an air quality monitoring	ELC acknowledges condition

	program as specified by the DOH.	ELC will instruct its Contractor(s) to comply.
Number	Condition	Status/Update
12	<u>Established Access Rights Protected.</u> Petitioner shall preserve any established access rights of Native Hawaiians who have customarily and traditionally used the Petition Area for access to other areas to exercise subsistence, cultural, or religious practices.	ELC and WDV are not aware of any past or present use of the Petition Area for the stated purposes, but will both comply with this condition.
13	<u>Notification of Potential Nuisances.</u> Petitioner shall disclose to all prospective buyers and/or lessees of the Petition Area that potential odor, noise, and dust pollution may result from agricultural uses on adjacent lands.	ELC will comply with this condition.
14	<u>Provisions of the Hawaii Right to Farm Act.</u> If any lands adjacent to the Petition Area remain in the Agricultural District, Petitioner shall notify all prospective buyers and/or lessees of the Petition Area that the Hawaii Right to Farm Act, Chapter 165, HRS, limits the circumstances under which pre-existing farm activities may be deemed a nuisance.	ELC will comply with this condition.
15	<u>Integrated Solid Waste Management Plan.</u> Petitioner shall develop a Solid Waste Management Plan for the Petition Area in conformance with the Integrated Solid Waste Management Act, Chapter 342G, HRS, and the solid waste disposal requirements set forth by the County Department of Public Works and the County Department of Environmental Management.	ELC will comply with this condition.
16	<u>Best Management Practices.</u> Petitioner shall implement BMPs to preserve air quality and protect surface and groundwater resources. The BMPs shall be designed to minimize infiltration and runoff from construction and vehicle operations, reduce or eliminate soil erosion and groundwater pollution, and control dust during and after development of the Project in accordance with DOH guidelines and the County of Maui's grading ordinance.	ELC will comply with this condition.

17	<u>Water Conservation Measures.</u> Petitioner shall implement water conservation measures, as may be required by the applicable provisions of the Maui County Code, including, but not limited to, low-flow water fixtures, and shall also implement BMPs, such as use of indigenous and drought tolerant plants and turf, and incorporate such measures into the Project's landscape planting.	ELC will comply with this condition.
Number	Condition	Status/Update
18	<u>Energy Conservation Measures.</u> Petitioner shall implement energy conservation and sustainable design measures, that are feasible and practicable, such as use of solar energy and solar heating and the standards and guidelines promulgated by the Building Industry Association of Hawaii, the U.S. Green Building Council, the Hawaii Commercial Building Guidelines for Energy Efficiency, the Guidelines for Sustainable Building Design in Hawaii, and the applicable county building codes, as amended, into the design and construction of the Project and the structures within the Petition Area.	ELC will comply with these conditions.
19	<u>Annual Reports.</u> Petitioner shall timely provide without any prior notice, annual reports to the Commission, the Office of Planning, and the County of Maui Planning Department in connection with the status of the Project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.	With this report, ELC is current with this condition
20	<u>DELETED</u>	
21	<u>Release of Conditions.</u> The Commission may fully or partially release the conditions provided herein as to all or any portion of the Petition Area upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.	ELC may seek release conditions upon satisfaction of conditions.
22	<u>Notice of Imposition of Conditions.</u> Within seven (7) days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Petition Area is subject to conditions imposed herein by the Land Use Commission in the reclassification of the Petition Area, and (b) shall file a certified copy of such recorded statement with the Commission.	The Notice of Imposition of Conditions by the Land Use Commission was recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2008-040595.

23	<p><u>Recordation of Conditions.</u> Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to Section 15-15-92, HAR.</p>	<p>The Declaration of Conditions Applicable to an Amendment of District Boundary from Agricultural to Urban, was recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2008-076754, on May 8, 2008, amended by the First Amendment to Declaration of Conditions Applicable to an Amendment of District Boundary Amendment from Agricultural to Urban, dated February 9, 2022, recorded on February 24, 2022, in the Bureau of Conveyances of the State of Hawaii as Document No. A-80900119.</p>
Number	Condition	Status/Update
24	<p><u>Cultural Impact Assessment.</u></p> <p>Docket No. A07-0773(a) Emmanuel Lutheran Church of Maui shall have a Cultural Impact Assessment (“CIA”) of the Petition Area completed prior to Petitioner’s completion of Phase 1 of the Updated ELC Project, and Emmanuel Lutheran Church of Maui shall adhere to the recommendations of said CIA</p> <p>Docket No. A07-0773(b) Waikapu Development Venture LLC shall have a Cultural Impact Assessment (“CIA”) of the Petition Area completed prior to commencement of construction of either bifurcated property of the Petition Area, and Waikapu Development Venture LLC and Petitioner shall adhere to the recommendations of said CIA.</p>	<p>ELC and WDV will comply with this condition. The CIA was completed by Honua Consulting in 2024, attached hereto.</p>
25	<p><u>Initial Two Phases of the Updated ELC Project.</u> Emmanuel Lutheran Church of Maui shall complete the first two phases of the Updated ELC Project within six (6) years of the Commission’s issuance of this Order.</p>	<p>ELC is working towards completing this project in the four phases (see timeline above). Phase 1 is currently underway and is expected to be completed in 2025. Phase 2 and 3 have an expected completion timeline of 2030. Phase 4 (construction) has an expected completion timeline of 2032. ELCS will need to apply for an extension at a subsequent LUC meeting.</p>

*ELCS and WDV will continue working together on the bifurcations of these conditions.