

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Acting Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

February 14, 2019

RECEIVED

2019 FEB 14 PM 2:43

OFFICE OF THE MAYOR

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Kelly King, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair King and Members:

SUBJECT: RECOMMENDATION FOR APPROVAL OF COUNCIL INITIATED COMMUNITY PLAN AMENDMENT AND CHANGE OF ZONING FOR THE ST. ANTHONY CHURCH AND SCHOOLS, WAILUKU, MAUI, HAWAII; TMK: (2) 3-4-019:003 AND (2) 3-4-018:106, (CPA 2018/0003) (CIZ 2018/0003) LU-56

The Department of Planning (Department) is transmitting for your review and action the Council-initiated Community Plan Amendment (CPA) and Change of Zoning (CIZ) applications initiated by former Council Member Alika Atay and filed by Chris Hart and Partners, Inc. on behalf of St. Anthony Church and Schools (Applicant). A summary of the applications is as follows:

APPLICATION SUMMARY	
Application(s)	CPA & CIZ
Applicant	St. Anthony Church and Schools
Tax Map Keys	(2) 3-4-019:003, (2) 3-4-018:106
Address	Lower Main St., Wailuku, Maui
Area	Approximately 14.6 acres
Land Use Designations	State Urban District Wailuku-Kahului Community Plan: Single-Family Title 19, Zoning: R-1 Residential Other: Within the Maui Island Plan "Urban Growth Boundary"
Requested Land Use Changes	CPA: Single-Family to Public/Quasi-Public CIZ: R-1 Residential to P-2 Public/Quasi-Public
Testimony	Favorable: 3 Opposed: 0
Recommendation	The Commission recommended approval for both land use designation requests.

RECEIVED
2019 FEB 15 PM 4:06
OFFICE OF THE
COUNTY CLERK

APPROVED FOR TRANSMITTAL

Michael P. Victorino 2/15/19
Mayor Date

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Kelly King, Chair
February 14, 2019
Page 2

As Maui County Council (Council) approval is required for the CPA and CIZ, the Department respectfully transmits the subject matter for Council consideration. (All exhibits are found in the *"Department's Report & Recommendation to the Maui Planning Commission"*):

1. Council-initiated CPA and CIZ requests from former Council Member Alika Atay;
2. Resolution No. 18-24;
3. Land Use Committee Report No. 18-35;
4. Proposed CPA draft bill entitled: see EXHIBIT "1";

"A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106";

5. Proposed CIZ bill entitled: see EXHIBIT "2";

"A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106";

6. CPA Map No. 425, EXHIBIT "B," Metes and Bounds, Lot B; EXHIBIT "B";
7. CIZ Map No. 378, EXHIBIT "C," Metes and Bounds, EXHIBIT "A";
8. Department's Report and Recommendation to the Commission, dated November 13, 2018; and
9. Minutes of the November 13, 2018 Commission meeting.

Thank you for your attention to this matter. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,



MICHELE MCLEAN, AICP
Acting Planning Director

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Kelly King, Chair
February 14, 2019
Page 3

Attachments

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)

MCM:PFF:lak

Project File

K:\WP_DOCS\Planning\Cpa\2018\0003_StAnthonyChurch\CounciTrans1a.doc

DANNY A. MATEO
County Clerk

JOSIAH K. NISHITA
Deputy County Clerk



OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

RECEIVED

2018 MAR 13 PM 3:19
OFFICE OF THE MAYOR

18/1377
RECEIVED
2018 MAR 15

March 12, 2018

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

For transmittal to:

Mr. William Spence
Planning Director
County of Maui
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL
Al Arakawa 3/14/18

Dear Mr. Spence:

Transmitted herewith is a certified copy of Resolution No. 18-24,
which was adopted by the Council of the County of Maui, State of Hawaii,
on March 9, 2018. Also attached is a copy of Committee Report
No. 18-35.

Respectfully,

Danny A. Mateo

DANNY A. MATEO
County Clerk

/lks

Enclosure

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT
MAR 16 2018

RECEIVED
EXHIBIT 1

LU-56

Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alika Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

January 24, 2018

RECEIVED
2018 JAN 24 PM 3:56
OFFICE OF THE
COUNTY CLERK

The Honorable Mike White
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair White:

**SUBJECT: COUNCIL-INITIATED COMMUNITY PLAN
AMENDMENT AND CHANGE IN ZONING FOR SAINT
ANTHONY CHURCH AND SCHOOLS (PAF 17-283)**

May I request the attached proposed resolution, entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106," be placed on the next Council meeting agenda.

Sincerely,

ALIKA ATAY
Councilmember

paf:ajw:17-283e

Attachment

COUNTY COMMUNICATION NO. 18-54

Resolution

No. 18-24

REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106

WHEREAS, the Council is considering a proposed bill to amend the Wailuku-Kahului Community Plan and Land Use Map from Single-Family to Public/Quasi-Public for that certain real property situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-4-018:106, comprised of approximately 0.3133 acre; and

WHEREAS, the Council is also considering a proposed bill to change the zoning from R-1 Residential District to P-2 Public/Quasi-Public District for those certain real properties situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map keys (2) 3-4-019:003 and (2) 3-4-018:106, comprised of approximately 14.317 acres and 0.3133 acre, respectively; and

WHEREAS, the properties are owned by the Roman Catholic Church and are adjacent to each other; and

WHEREAS, the larger parcel is the existing location of the Saint Anthony Church and Schools, while the smaller parcel is a part of the schools' athletic field; and

WHEREAS, the church and schools were established at their present locations in 1848 and 1883, respectively; and

WHEREAS, the current land use designations of tax map key (2) 3-4-019:003 would not allow for construction of future improvements on the property for its actual, longstanding use as a church and schools without appropriate permits; and

Resolution No. 18-24

WHEREAS, the proposed land use changes would bring consistency between the properties' land use designations and their existing uses for church and school purposes; and

WHEREAS, the Council, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended ("Charter"), may propose amendments to land use ordinances and revisions to the General Plan, including Community Plans; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Charter require that the appropriate planning commission review proposed land use ordinances and amendments thereto, and provide findings and recommendations to the Council; now, therefore,


BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106," a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Maui Planning Commission for appropriate action, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106," a copy of which is attached hereto as Exhibit "2" and made a part hereof, to the Maui Planning Commission for appropriate action, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
3. That it respectfully requests that the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and

Resolution No. 18-24

4. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, and the Maui Planning Commission.

APPROVED AS TO FORM AND LEGALITY



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui

paf:ajw:17-283c

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Wailuku-Kahului Community Plan and Land Use Map is hereby amended from Single-Family to Public/Quasi-Public for that certain real property situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-4-018:106, comprised of approximately 0.3133 acre, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Community Plan Map No. CP-____, attached hereto as Exhibit "B" and made a part hereof.

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

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:cmn:17-283a

EXHIBIT "1"

LOT B

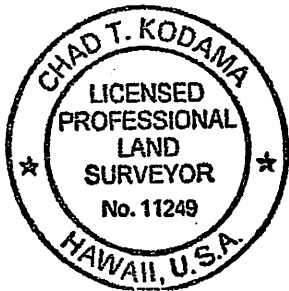
Lot B of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48.

Being a portion of the land conveyed by Deed from the Commissioners of Crown Lands to Keahi dated July 2, 1874 and recorded in Book 89, page 236

Situated in the Ili of Kapapohaku, Wailuku, Maui, Hawaii.

Beginning at the East corner of this parcel of land, on the Northwesterly side of Lower Main Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 3,618.93 feet North and 157.10 feet West and running by azimuths measured clockwise from true South:

1. 26° 58' 142.43 feet along the Northwesterly side of Lower Main Street;
2. 169° 50' 317.43 feet along Lot A of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48;
3. 326° 58' 221.27 feet along the Southwesterly side of "Saint Anthony's Premises", being also portion of Deed from Kamehameha IV to Kealakai (unrecorded) to the point of beginning and containing an area of 13,647 square feet;



Chad T. Kodama

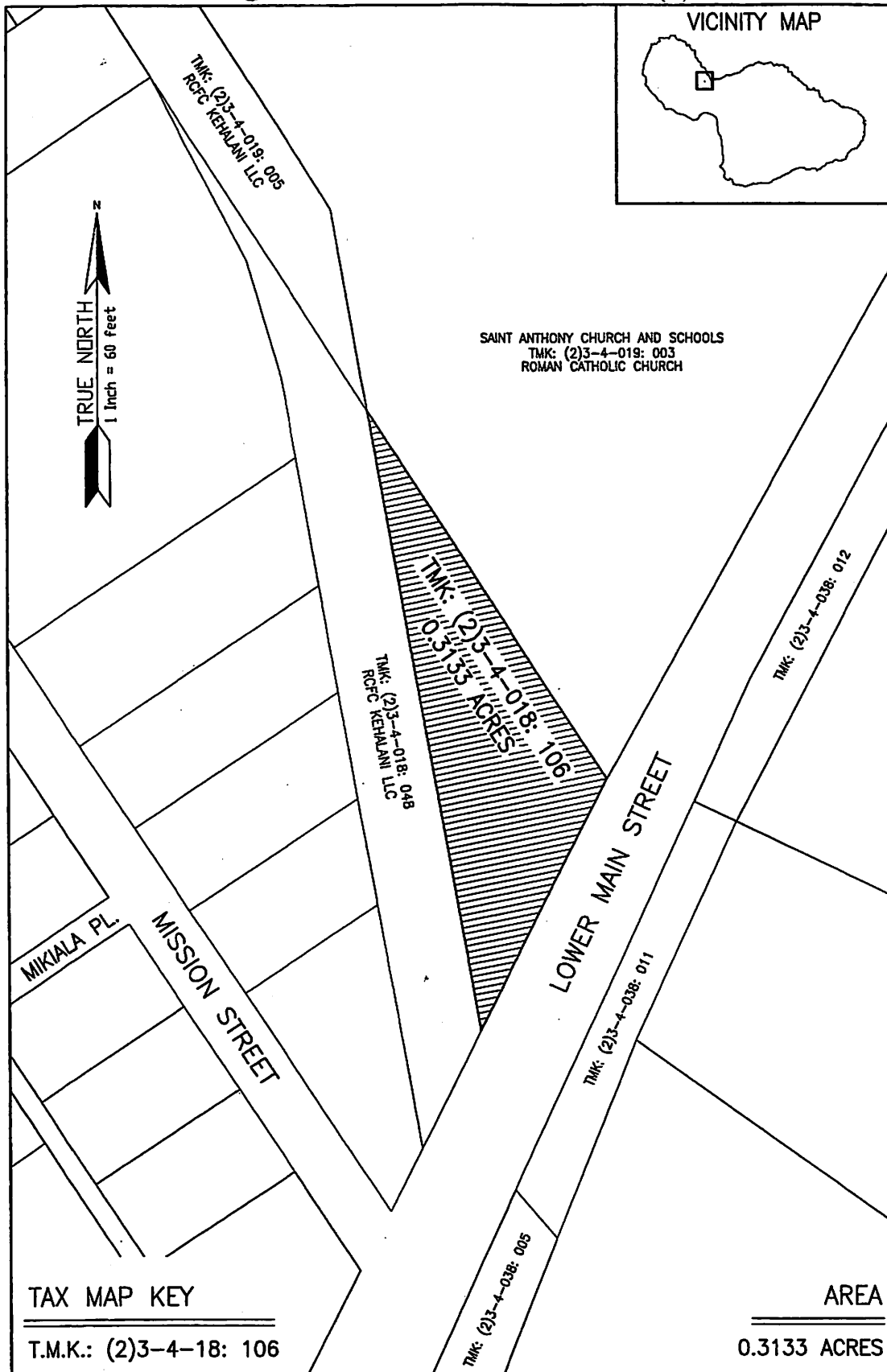
Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2018

December 30, 2017
Honolulu, Hawaii
Tax Map Key: (2) 3-4-018: 106

/ Easement 2

ControlPoint Surveying, Inc.
615 Piikoi Street, Suite 700
Honolulu, Hawaii 96814

EXHIBIT "A"



COMMUNITY PLAN MAP NO. 425

COMMUNITY PLAN AMENDMENT - WAILUKU, MAUI, HAWAII
 FROM SF-SINGLE FAMILY TO P-PUBLIC/QUASI-PUBLIC DISTRICT

EXHIBIT "B"

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106

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

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from R-1 Residential District to P-2 Public/Quasi-Public District is hereby granted for those certain real properties situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-4-019:003, comprised of approximately 14.317 acres, and tax map key (2) 3-4-018:106, comprised of approximately 0.3133 acre, as more particularly described in Exhibits "A" and "B," respectively, attached hereto and made a part hereof, and in Land Zoning Map No. L-____, attached hereto as Exhibit "C" and made part hereof.

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

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:ajw:17-283b

EXHIBIT "2"

Saint Anthony's Premises

All of that certain parcel of land (being portions of Deed from Kamehameha IV to Kealakai (unrecorded), Deed from Kamehameha IV to Louis Maigret dated July 19, 1858 (unrecorded), Deed from Kamehameha IV to Louis Maigret dated January 1858, recorded in Book 904 at Page 471, Royal Patent 5531, Land Commission Award 1742, Apana 4 to Kaaui, and portion of Grant 3343 to Claus Spreckels), situated between Mill Street and Lower Main Street at Papohaku, Wailuku, Maui, Hawaii.

Beginning at a point at the Northeast corner of this piece of land, being also the Northwest corner of State of Hawaii LOD S-20714, Executive Order No. 2129, and on the Southeasterly side of Mill Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 4,881.98 feet North and 68.28 feet East, and running by true azimuths measured clockwise from South:

- | | | | |
|----|------|---------|--|
| 1. | 330° | 13' | 57.06 feet along State of Hawaii LOD S-20714, Executive Order No. 2129, along Hale Makua premises; |
| 2. | 330° | 35' | 56.13 feet along same; |
| 3. | 251° | 13' | 1.53 feet along same; |
| 4. | 332° | 52' 30" | 73.28 feet along same; |
| 5. | 331° | 26' | 45.00 feet along Deed from Kamehameha IV to Kawahie (unrecorded), along Hale Makua premises; |
| 6. | 58° | 33' | 47.90 feet along remainder of Deed from Kamehameha IV to Louis Maigret dated January 1858 and recorded in Book 904 at page 471, along Hale Makua premises; |

- | | | |
|-----|--|---|
| 7. | 333° 54' | 342.50 feet along remainder of Deed from Kamehameha IV to Louis Maigret dated January 1858 and recorded in Book 904 at page 471, along remainder of Deed from Kamehameha IV to Louis Maigret dated July 19, 1858 (unrecorded), along Hale Makua premises; |
| 8. | 33° 42' | 415.55 feet along the Northwesterly side of Lower Main Street; |
| 9. | 29° 31' | 439.00 feet along same; |
| 10. | 146° 58' | 221.27 feet along Lot B of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48, along portion of Deed from the Commissioners of Crown Lands to Keahi dated July 2, 1874 and recorded in Book 89 at page 236; |
| 11. | 169° 50' | 102.93 feet along remainder of Deed from Kamehameha IV to Kealakai; |
| 12. | 146° 58' | 164.29 feet along same; |
| 13. | 146° 49' | 525.32 feet along same; |
| 14. | Thence along the Southeasterly side of Mill Street on a curve to the left with a radius of 1458.40 feet, the chord azimuth and distance being: | |
| | 238° 59' 57" | 324.25 feet; |
| 15. | 232° 37' | 128.86 feet along the Southeasterly side of Mill Street; |

16. Thence along same, on a curve to the right with a radius of 792.51 feet, the chord azimuth and distance being:

246° 55' 20" 391.65 feet;

to the point of beginning and containing an area of 14.317 Acres, more or less.



December 30, 2017
Honolulu, Hawaii
Tax Map Key: (2) 3-4-019: 003

Chad T. Kodama

Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2018

LOT B

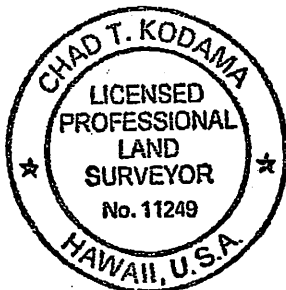
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Being a portion of the land conveyed by Deed from the Commissioners of Crown Lands to Keahi dated July 2, 1874 and recorded in Book 89, page 236

Situated in the Ili of Kapapohaku, Wailuku, Maui, Hawaii.

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1. 26° 58' 142.43 feet along the Northwesterly side of Lower Main Street;
2. 169° 50' 317.43 feet along Lot A of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48;
3. 326° 58' 221.27 feet along the Southwesterly side of "Saint Anthony's Premises", being also portion of Deed from Kamehameha IV to Kealakai (unrecorded) to the point of beginning and containing an area of 13,647 square feet;



Chad T. Kodama

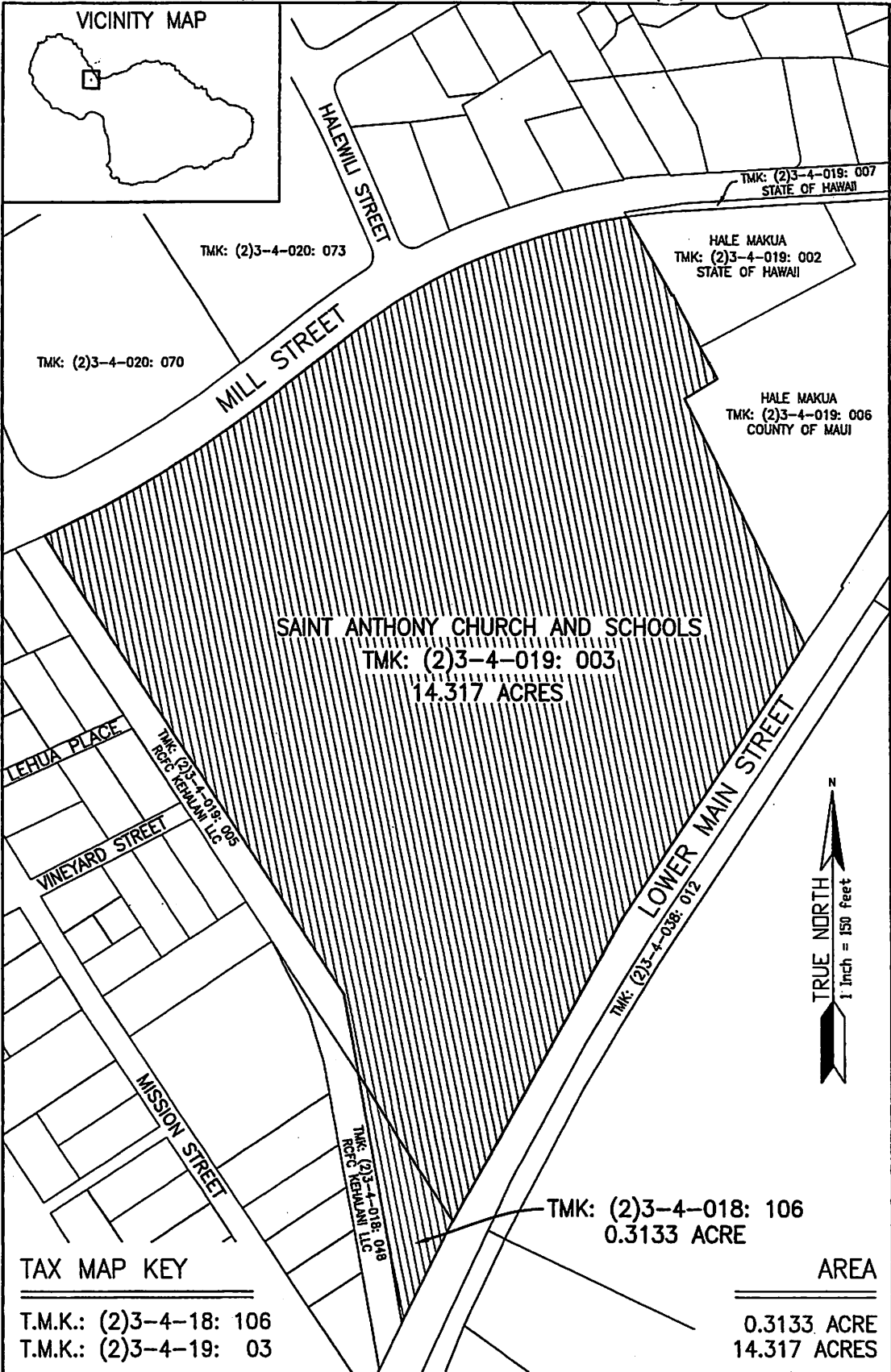
Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2018

December 30, 2017
Honolulu, Hawaii
Tax Map Key: (2) 3-4-018: 106

/ Easement 2

ControlPoint Surveying, Inc.
615 Piikoi Street, Suite 700
Honolulu, Hawaii 96814

EXHIBIT "B"



LAND ZONING MAP NO. 378

CHANGE IN ZONING - WAILUKU, MAUI, HAWAII
FROM R-1 RESIDENTIAL TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT

EXHIBIT "C"

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

**In the Matter of County Council Resolution
No. 18-24**

Proposed bills to amend the Wailuku-Kahului Community Plan and Land Use Map from Single-Family to Public/Quasi-Public situated at Lower Main Street, Wailuku, Maui Hawaii, TMK (2) 3-4-018:106, comprised of approximately 0.3133 acre; and proposed bill to change the zoning from R-1 Residential District to P-2 Public/Quasi-Public District situated at Lower Main Street, Wailuku, Maui, Hawaii, TMKs (2) 3-4-019:003 and (2) 3-4-018:106, comprised of approximately 14.317 acres and 0.3133 acre, respectively.

**DOCKET NOs: CPA 2018/0003
CIZ 2018/0003**

**St. Anthony Church and Schools
(PFF)**

**MAUI PLANNING DEPARTMENT'S REPORT & RECOMMENDATION
TO THE MAUI PLANNING COMMISSION**

November 13, 2018

**DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, HAWAII 96793**

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of County Council Resolution
No. 18-24

DOCKET NOs: CPA 2018/0003
CIZ 2018/0003

Proposed bills to amend the Wailuku-Kahului Community Plan and Land Use Map from Single-Family to Public/Quasi-Public situated at Lower Main Street, Wailuku, Maui Hawaii, TMK (2) 3-4-018:106, comprised of approximately 0.3133 acre; and proposed bill to change the zoning from R-1 Residential District to P-2 Public/Quasi-Public District situated at Lower Main Street, Wailuku, Maui, Hawaii, TMKs (2) 3-4-019:003 and (2) 3-4-018:106, comprised of approximately 14.317 acres and 0.3133 acre, respectively.

St. Anthony Church and Schools
(PFF)

PROPOSED BILLS:

This matter arises from Maui County Council-initiated land use entitlement changes for the Saint Anthony Church and Schools properties in Wailuku, Maui.

County Council Resolution No. 18-24 was adopted by the Council on March 9, 2018 and received by the Planning Department on March 16, 2018. The resolution consists of two proposed draft bills for an ordinance. (Exhibit 1) They are:

1. A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106
2. A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106

If approved, these changes would result in the proposed land use designations being consistent with the existing and traditional uses of the properties and allow for future expansion and development of the school. No development is being proposed. The County Council is requesting comments from the Maui Planning Commission on the proposed draft bills.

DESCRIPTION OF THE PROPERTY

The St. Anthony school and church campus is comprised of two parcels: Tax Map Keys: (2) 3-4-019: 003 (14.317 acres) and (2) 3-4-018: 106 (.3133 acres) totaling 14.6303 acres with access from Lower Main Street and Mill Street.

The campus abuts Mill Street with commercial and residential development beyond to the north, Lower Main Street and the St. Anthony and Na Wai Eha cemeteries beyond to the south. Hale Makua is to the east and there is an abandoned cane haul road right-of-way (future Imi Kala Street) to the west. The project site contains the usual mix of development for a small school: a total of sixteen buildings, landscaping and mature trees, concrete walkways, playground, sports field and areas of open space.

Land Use Designations:

Parcel 003 (~14 acres) CIZ

	<u>Current</u>	<u>Proposed</u>
State Land Use District	Urban.....	none
Maui Island Plan	Urban Growth	none
Wailuku-Kahului Community Plan.....	Public/Quasi-Public.....	none
County Zoning	R-1 Residential	P-2 Public/Quasi-Public

Parcel 106 (~0.3 acre) CPA & CIZ

	<u>Current</u>	<u>Proposed</u>
State Land Use District	Urban.....	none
Maui Island Plan	Urban Growth	none
Wailuku-Kahului Community Plan.....	Single Family	Public/Quasi-Public
County Zoning	R-1 Residential	P-2 Public/Quasi-Public

Surrounding Uses:

North:

Zoning: (M-2) Heavy Industrial District
 Community Plan: (BI) Business Industrial
 State Land Use: Urban
 Existing uses: Commercial, Residential

South:

Zoning: (R-3) Residential District
 Community Plan: (P) Public/Quasi-Public
 State Land Use: Urban
 Existing uses: Cemetery

East: Zoning: (R-1) Residential District, M-1 Light Industrial
Community Plan: (P) Public/Quasi-Public
State Land Use: Urban
Existing uses: Hale Makua

West: Zoning: (R-1) Residential District, (A-2) Apartment District
Community Plan: (SF) Single Family
State Land Use: Urban
Existing uses: Single & Multi-family, abandoned cane haul road

APPLICABLE REGULATIONS

Community Plan Amendment (CPA)

A CPA is reviewed pursuant to Title 2, Chapter 2.80B, Section 2.80B.110, Maui County Code (MCC), Non-decennial Amendments to Community Plans Proposed by a Person. Applications shall follow the procedures set forth out in sections 19.510.010 and 19.510.020 MCC, as amended:

2.80B.110 - Nondecennial amendments to community plans proposed by a person.

- A. Nondecennial amendments to community plans other than those enacted pursuant to section 2.80B.090 of this chapter may be proposed by a person at any time. Nondecennial amendments to any community plan enacted pursuant to section 2.80B.090 of this chapter, except the Molokai community plan, may be proposed by a person during July of each year, provided that such amendments shall not be accepted within one year after the enactment of the community plan pursuant to section 2.80B.090 of this chapter. Nondecennial amendments to the Molokai community plan enacted pursuant to section 2.80B.090 of this chapter may be proposed by a person during July of each year, provided that such amendments shall not be accepted within five years after the enactment of a decennial revision to the community plan pursuant to section 2.80B.090 of this chapter.*
- B. Applications shall follow the procedures set out in sections 19.510.010 and 19.510.020 of this code, shall include the application fee as set forth in the County budget, and shall be processed as if prepared by the planning director pursuant to section 8-8.4 of the charter. An environmental assessment or environmental impact statement prepared in accordance with chapter 343, Hawaii Revised Statutes, shall be submitted along with the application.*

- C. *No later than one year after receipt of the planning commission's transmittal pursuant to section 8-8.4 of the charter, the council shall review and act upon any proposed amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter.*
- D. *Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.*
- E. *Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment.*
- F. *Effect of Adoption of the General Plan and the Community Plans. Until revised or amended pursuant to this chapter, the general plan and the current community plan for each community plan district shall remain in full force and effect.*

Change of Zoning (CIZ)

A Change of Zoning is reviewed pursuant to: Title, 19, Chapter 19.510, Section 19.510.040, Change of Zoning, MCC, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a Change of Zoning if the following criteria are met:

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

CH. 343 HRS Environmental Assessment

Since the proposed Community Plan Amendment is to re-designate the property to Agriculture, an Environmental Assessment (EA) is normally required however, it is *not* required pursuant to Chapter 343-5(a)(6), Hawaii Revised Statutes (HRS) accordingly:

§343-5 Applicability and requirements. (a) Except as otherwise provided, an environmental assessment shall be required for actions that:

(6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county:

PROCEDURAL MATTERS

1. On February 14, 2018, the County Council's Land Use Committee met and discussed County Communication 18-54 from Councilmember Alikea Atay, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106. The purpose of the proposed resolution is to refer to the Maui Planning Commission the following:

1. A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106

2. A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106

At this same meeting, the Land Use Committee unanimously voted 9-0 on the motion to recommend adoption of the proposed resolution entitled, Referring to the Maui Planning Commission Proposed Bills to Amend the Wailuku-Kahului Community Plan and Land Use Map and to Change the Zoning for the Saint Anthony Church and Schools Property (County Communication 18-54).

2. On March 9, 2018, Resolution No. 18-24, entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106" be ADOPTED.

Resolution 18-24 was unanimously adopted by the County Council that day.

3. On March 16, 2018, the Planning Department received Resolution No. 18-24.
4. On October 12, 2018, a Notice of Hearing on the resolution was published in the Maui News by the Maui Planning Department.
5. In a letter dated October 4, 2018, the Department notified the Council of the scheduling of Resolution No. 18-24 before the Maui Planning Commission on November 13, 2018.

REVIEWING AGENCIES

If comments are received, the Applicant's response immediately follows the Exhibit.

County:	Comment	Exhibit
Dept. of Water	Yes	3
Dept. of Public Works	No	2
Police	No	4

State:	Comment	Exhibit
Dept. of Health, Maui District	No	5

ANALYSIS

LAND USE REGULATIONS

State

1. **Hawaii Revised Statutes (HRS) Chapter 205.** This statute, relating to the Land Use Commission, establishes four major land use districts into which all lands in the State are placed. These districts are designated Urban, Rural, Agricultural, and Conservation. The subject property is within the Urban District.

Analysis: The use of the property for a school is consistent with the current State URBAN designation.

2. **Chapter 343 HRS.** The proposed project is requesting a Community Plan Amendment (CPA) which is a trigger for an Environmental Assessment per Chapter 343.

Analysis: Since the CPA is initiated by the County of Maui, compliance with Chapter 343 HRS is *not* triggered, pursuant to Maui County Corporation Counsel's 2013 opinion memorandum See: Exhibit 6, "January 10, 2013 Memo to Robert Carroll" and as stated in HRS below:

§343-5 Applicability and requirements. (a) Except as otherwise provided, an environmental assessment shall be required for actions that:

(6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing

any new county general plan or amendments to any existing county general plan initiated by a county:

3. **Chapter 205A HRS, Coastal Zone Management, Special Management Area**

Analysis: The subject property is *not* located within the Special Management Area therefore, Chapter 205A HRS Coastal Zone Management, is not applicable.

County

1. **Countywide Policy Plan.** The CPP provides the policy framework for the development of the *Maui Island Plan* and the nine Community Plans. The following goal and objectives are relevant to the proposed project:

C. IMPROVE EDUCATION

Goal: Residents will have access to lifelong formal and informal educational options enabling them to realize their ambitions.

Objective No. 2: Provide nurturing learning environments that build skills for the 21st century.

Objective No. 3: Provide all residents with educational opportunities that can help them better understand themselves and their surroundings and allow them to realize their ambitions.

Analysis: The proposed land use reclassifications support the above stated CPP goal to improve educational opportunities in Maui County. The proposed CPA and CIZ is consistent with and supports the above stated criteria of the CPP.

2. **Maui Island Plan.** The 2030 update to the General Plan of the County of Maui was approved by the Maui County Council and signed into law by the Mayor of Maui County on December 20, 2012. The Maui Island Plan (MIP) is used to determine the appropriateness of discretionary development proposals. The subject property is located within the Urban Growth Boundary for Wailuku and the following goal from the MIP is relevant to the proposed project:

Schools & Libraries

Goal: 6.8 Maui will have school and library facilities that meet residents' needs and goals.

Analysis. Although the MIP does not address private facilities, the proposed action supports the intent of the above stated needs and goals of residents.

3. **Wailuku-Kahului Community Plan.** Nine community plan regions have been established in Maui County. Each region's growth and development is guided by a community plan, which contain broad objectives and policies in accordance with the Maui County General Plan. The Wailuku-Kahului Community Plan was first adopted in 1987 and was subsequently updated in 1992 and 2002. The purpose of a community plan is to outline a relatively broad and comprehensive agenda for carrying out each community plans objectives and policies. Ideally, it is desirable to have the community plan land use map be consistent with the Title 19 MCC zoning in order to effectively execute the goals, objectives and policies of a given community plan.

Analysis: Only one of the two parcels needs a CPA (parcel 106) because it has a community plan designation of "Single Family." Parcel 003 already has a "Public/Quasi-Public" designation.

The following parts of the Wailuku-Kahului Community Plan Goals, Objectives and Policies are relevant to the proposed action:

Goal

Develop and maintain an efficient and responsive system of public services which promotes a safe, healthy and enjoyable lifestyle, accommodates the needs of young, elderly, disabled and disadvantaged persons, and offers opportunities for self-improvement and community well-being.

Education

Objectives and Policies: Support the improvement and maintenance of existing school facilities.

Analysis. The proposed actions will allow for necessary improvements to allow for future growth of the school and the continued maintenance of the campus facilities.

Goals

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

- 1. Provide a sense of history and define a sense of place for the Wailuku-Kahului region; and*
- 5. Significant Wailuku-Kahului region sites and areas include the following: St. Anthony's School.*

Analysis. St. Anthony's is considered a significant and important historical site in Wailuku. Historically, the Saint Anthony of Padua Church was considered the most significant building on campus during the master plan update. The previous Church was built in 1873, remodeled in 1919, enlarged in 1940 and destroyed by arson in 1977. The existing church was constructed in 1980 and is 12,400 square feet in size.

4. Title 19 MCC

Change of Zoning §19.510.040.4 MCC. St. Anthony Church and Schools is requesting a Change of Zoning (CIZ) for parcels 003 and 106 from "R-1" Residential to "P-2" Public/Quasi-Public District. In order to allow the existing school and church uses, a CIZ is necessary for both parcels in order to be consistent with the requested Wailuku-Kahului Community Plan designation change to Public/Quasi-Public for parcel 106.

A request for CIZ must meet the following criteria per MCC § 19.510.040.4:

- 1. The proposed request meets the intent of the general plan and objectives and policies of the community plans of the county;*

Analysis: As discussed on page 8 of this report, the proposed action meets the intent of the general plan (Countywide Policy Plan) and the objectives and policies of the Wailuku-Kahului Community Plan.

2. *The proposed request is consistent with the applicable community plan land use map of the county;*

The Maui Council Council's proposed Bills for Ordinance proposes to grant:

1. **Community Plan Amendment (CPA):** Amend the Wailuku-Kahului Community Plan and Land Use Map for Parcel 106 (0.3133 acre) from Single Family to Public/Quasi-Public (CPA 2018/0003) and;
2. **Change of Zoning (CIZ):** Change of Zoning for Parcels 003 and Parcel 106 (14.317 & 0.3133 acres, respectively) from R-1 Residential District to P-2 Public/Quasi-Public District.

Analysis: The purpose of the requested CPA for parcel 106, is to bring consistency to the community land use map designation of Public/Quasi-Public. If the CPA and CIZ are approved, these actions would result in the proposed land use designations being consistent with the existing and traditional uses of the properties.

3. *The proposed request meets the intent and purpose of the district being requested;*

Analysis: MCC Section 19.15.010, "Purpose and intent" states:

Public/quasi-public districts provide for public, nonprofit, or quasi-public uses.

The proposed Change of Zoning for the school and church use meets the intent and purposes of the district change of zoning being requested.

4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements.*

Analysis: The proposed Change of Zoning will not impact schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, traffic, or other public infrastructure and services.

5. *The application, if granted would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.*

Analysis: The proposed action will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.

6. *If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the U.S. Soil Conservation Service.*

Analysis: Not applicable.

Community Plan Amendment §2.80B.100 MCC. CPA is reviewed pursuant to MCC Title 2.80B.100, as stated:

A. Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.

B. Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.

C. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.

Analysis: St. Anthony Church and Schools is requesting a Community Plan Amendment for parcel 106 from "Single Family" to "P-2 Public/Quasi-Public District." In order to allow the existing school and church uses, a CPA is necessary for parcel 106 in order to be consistent with its current uses as a church and school which are not allowable uses in the Single Family designation.

The amendment has been proposed by the county council by resolution and has been referred to the Maui Planning Commission for findings and recommendations. If approved by the county council, these actions would result in the proposed land use designations being consistent with the existing and traditional uses of the properties.

FINDINGS AND CONCLUSIONS

This assessment is in support of the County Council-initiated proposed Community Plan Amendment (CPA) and Change of Zoning (CIZ) bills for St. Anthony's 14.44 acre site located in Wailuku, Maui, Hawaii.

The proposed action is will result in the zoning designations being consistent with the community land use map and current uses of the property. There is no development being proposed and as such, the proposed CPA and CIZ action does not result in any environmental impacts to surrounding properties, near shore waters, natural resources, and/or archaeological and historic resources on the site or in the immediate area. Public infrastructure and services including roadways, sewer and water systems, medical facilities, police and fire protection, and parks are adequate to serve the site and are not anticipated to be impacted by the proposed actions. The proposed CPA and CIZ actions are consistent with the existing church and school uses.

OTHER GOVERNMENT APPROVALS

The Maui Planning Commission comments and suggested recommendations will be transmitted to the County Council for further action.

TESTIMONY

As of October 30, 2018, the Department has not received any communication from the public regarding this matter.

ALTERNATIVES

Community Plan Amendment:

1. *Deferral:* The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. *Recommend Approval:* The Commission may take action to recommend to the Maui County Council approval of the Community Plan Amendment.
3. *Recommend Denial:* The Commission may take action to recommend denial to the Maui County Council.

Change of Zoning:

1. *Deferral:* The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. *Recommend Approval without Conditions:* The Commission may take action to recommend to the Maui County Council approval of the Change of Zoning without conditions.
3. *Recommend Approval with Conditions:* The Commission may take action to recommend to the Maui County Council approval of the Change of Zoning with conditions.
4. *Recommend Partial Approval:* The Commission may take action to recommend to the Maui County Council partial approval of the Change of Zoning.
5. *Recommend Denial:* The Commission may take action to recommend to the Maui County Council to deny the Change of Zoning.

CONCLUSIONS OF LAW

Community Plan Amendment (CPA)

A CPA is reviewed pursuant to: Maui County Code (MCC) Title 2, Chapter 2.80B, Section 2.80B.100, Non-decennial amendments to community plans proposed by the planning director or the council. Applications shall follow the procedures set forth out in sections 19.510.010 and 19.510.020 of the MCC, as amended.

2.80B.100 - Nondecennial amendments to community plans proposed by the planning director or the council.

- A. *Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.*
- B. *Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.*
- C. *Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.*

Conclusion: The Community Plan Amendment is to reclassify the project area's community plan designation in the Wailuku-Kahului Community Plan Map from "Single Family" to "Public/Quasi-Public." The Applicant's proposed action is consistent with the criteria as listed above per Chapter 2.80B, Section 2.80B.100, MCC.

Change of Zoning (CIZ)

A Change of Zoning is reviewed pursuant to: Maui County Code (MCC), Title, 19, Chapter 19.510, Section 19.510.040, Change of Zoning, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a Change of Zoning if the following criteria are met:

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

Conclusion: The Title 19 Change of Zoning will change the zoning district from "R-1 Residential" to "P-2 Public/Quasi-Public." The Applicant's proposed action is consistent with

and is supported by the above listed criteria for a CIZ pursuant to Title 19, Chapter 19.510, Section 19.510.040, Change of Zoning, MCC.

RECOMMENDATION

The Maui Planning Department recommends to the Maui Planning Commission that it recommend to the Maui County Council approval of both bills without modification. They are:

1. A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106
2. A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the November 13, 2018 meeting as its Findings of Fact, Conclusions of Law, Decision and Order, and to authorize the Director of Planning to transmit said written recommendation(s) to the Maui County Council for further action.

APPROVED:



MICHELE MCLEAN
Planning Director

DANNY A. MATEO
County Clerk

JOSIAH K. NISHITA
Deputy County Clerk



OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

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2018 MAR 13 PM 3:19

OFFICE OF THE MAYOR

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2018 MAR 15
OFFICE OF THE MAYOR

March 12, 2018

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

For transmittal to:

Mr. William Spence
Planning Director
County of Maui
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL
Al Arakawa 3/14/18

Dear Mr. Spence:

Transmitted herewith is a certified copy of Resolution No. 18-24, which was adopted by the Council of the County of Maui, State of Hawaii, on March 9, 2018. Also attached is a copy of Committee Report No. 18-35.

Respectfully,

Danny A. Mateo

DANNY A. MATEO
County Clerk

/lks

Enclosure

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT

MAR 16 2018

RECEIVED
EXHIBIT 1

Resolution

No. 18-24

REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106

WHEREAS, the Council is considering a proposed bill to amend the Wailuku-Kahului Community Plan and Land Use Map from Single-Family to Public/Quasi-Public for that certain real property situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-4-018:106, comprised of approximately 0.3133 acre; and

WHEREAS, the Council is also considering a proposed bill to change the zoning from R-1 Residential District to P-2 Public/Quasi-Public District for those certain real properties situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map keys (2) 3-4-019:003 and (2) 3-4-018:106, comprised of approximately 14.317 acres and 0.3133 acre, respectively; and

WHEREAS, the properties are owned by the Roman Catholic Church and are adjacent to each other; and

WHEREAS, the larger parcel is the existing location of the Saint Anthony Church and Schools, while the smaller parcel is a part of the schools' athletic field; and

WHEREAS, the church and schools were established at their present locations in 1848 and 1883, respectively; and

WHEREAS, the current land use designations of tax map key (2) 3-4-019:003 would not allow for construction of future improvements on the property for its actual, longstanding use as a church and schools without appropriate permits; and

Resolution No. 18-24

WHEREAS, the proposed land use changes would bring consistency between the properties' land use designations and their existing uses for church and school purposes; and

WHEREAS, the Council, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended ("Charter"), may propose amendments to land use ordinances and revisions to the General Plan, including Community Plans; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Charter require that the appropriate planning commission review proposed land use ordinances and amendments thereto, and provide findings and recommendations to the Council; now, therefore,


BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106," a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Maui Planning Commission for appropriate action, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106," a copy of which is attached hereto as Exhibit "2" and made a part hereof, to the Maui Planning Commission for appropriate action, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
3. That it respectfully requests that the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and

Resolution No. 18-24

4. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, and the Maui Planning Commission.

APPROVED AS TO FORM AND LEGALITY



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui

paf:ajw:17-283c

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Wailuku-Kahului Community Plan and Land Use Map is hereby amended from Single-Family to Public/Quasi-Public for that certain real property situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-4-018:106, comprised of approximately 0.3133 acre, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Community Plan Map No. CP-____, attached hereto as Exhibit "B" and made a part hereof.

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

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:cmn:17-283a

EXHIBIT "1"

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106

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

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from R-1 Residential District to P-2 Public/Quasi-Public District is hereby granted for those certain real properties situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-4-019:003, comprised of approximately 14.317 acres, and tax map key (2) 3-4-018:106, comprised of approximately 0.3133 acre, as more particularly described in Exhibits "A" and "B," respectively, attached hereto and made a part hereof, and in Land Zoning Map No. L-____, attached hereto as Exhibit "C" and made part hereof.

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

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:ajw:17-283b

EXHIBIT "2"

LOT B

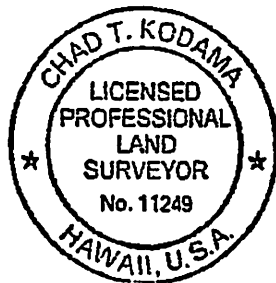
Lot B of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48.

Being a portion of the land conveyed by Deed from the Commissioners of Crown Lands to Keahi dated July 2, 1874 and recorded in Book 89, page 236

Situated in the Ili of Kapapohaku, Wailuku, Maui, Hawaii.

Beginning at the East corner of this parcel of land, on the Northwesterly side of Lower Main Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 3,618.93 feet North and 157.10 feet West and running by azimuths measured clockwise from true South:

1. 26° 58' 142.43 feet along the Northwesterly side of Lower Main Street;
2. 169° 50' 317.43 feet along Lot A of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48;
3. 326° 58' 221.27 feet along the Southwesterly side of "Saint Anthony's Premises", being also portion of Deed from Kamehameha IV to Kealakai (unrecorded) to the point of beginning and containing an area of 13,647 square feet;



Chad T. Kodama

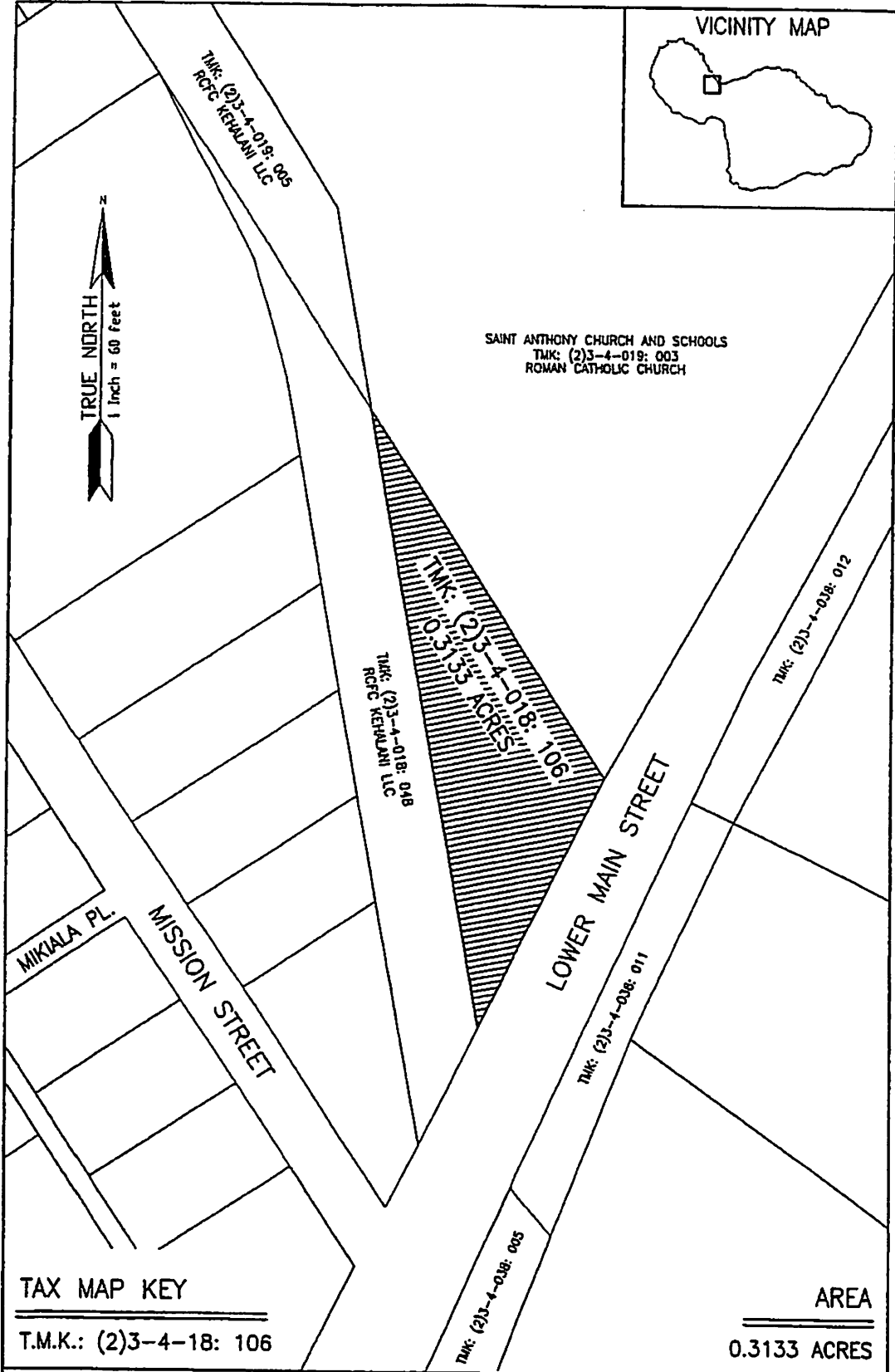
Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2018

December 30, 2017
Honolulu, Hawaii
Tax Map Key: (2) 3-4-018: 106

/ Easement 2

ControlPoint Surveying, Inc.
615 Piikoi Street, Suite 700
Honolulu, Hawaii 96814

EXHIBIT "A"



COMMUNITY PLAN MAP NO. _____
 COMMUNITY PLAN AMENDMENT - WAILUKU, MAUI, HAWAII
 FROM SF-SINGLE FAMILY TO P-PUBLIC/QUASI-PUBLIC DISTRICT.

EXHIBIT "B"

Saint Anthony's Premises

All of that certain parcel of land (being portions of Deed from Kamehameha IV to Kealakai (unrecorded), Deed from Kamehameha IV to Louis Maigret dated July 19, 1858 (unrecorded), Deed from Kamehameha IV to Louis Maigret dated January 1858, recorded in Book 904 at Page 471, Royal Patent 5531, Land Commission Award 1742, Apana 4 to Kaaui, and portion of Grant 3343 to Claus Spreckels), situated between Mill Street and Lower Main Street at Papohaku, Wailuku, Maui, Hawaii.

Beginning at a point at the Northeast corner of this piece of land, being also the Northwest corner of State of Hawaii LOD S-20714, Executive Order No. 2129, and on the Southeasterly side of Mill Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 4,881.98 feet North and 68.28 feet East, and running by true azimuths measured clockwise from South:

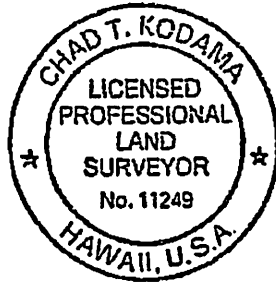
- | | | | | |
|----|------|---------|------------|---|
| 1. | 330° | 13' | 57.06 feet | along State of Hawaii LOD S-20714, Executive Order No. 2129, along Hale Makua premises; |
| 2. | 330° | 35' | 56.13 feet | along same; |
| 3. | 251° | 13' | 1.53 feet | along same; |
| 4. | 332° | 52' 30" | 73.28 feet | along same; |
| 5. | 331° | 26' | 45.00 feet | along Deed from Kamehameha IV to Kawahie (unrecorded), along Hale Makua premises; |
| 6. | 58° | 33' | 47.90 feet | along remainder of Deed from Kamehameha IV to Louis Maigret dated January 1858 and recorded in Book 904 at page 471, along Hale Makua premises; |

- | | | |
|-----|--|---|
| 7. | 333° 54' | 342.50 feet along remainder of Deed from Kamehameha IV to Louis Maigret dated January 1858 and recorded in Book 904 at page 471, along remainder of Deed from Kamehameha IV to Louis Maigret dated July 19, 1858 (unrecorded), along Hale Makua premises; |
| 8. | 33° 42' | 415.55 feet along the Northwesterly side of Lower Main Street; |
| 9. | 29° 31' | 439.00 feet along same; |
| 10. | 146° 58' | 221.27 feet along Lot B of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48, along portion of Deed from the Commissioners of Crown Lands to Keahi dated July 2, 1874 and recorded in Book 89 at page 236; |
| 11. | 169° 50' | 102.93 feet along remainder of Deed from Kamehameha IV to Kealakai; |
| 12. | 146° 58' | 164.29 feet along same; |
| 13. | 146° 49' | 525.32 feet along same; |
| 14. | Thence along the Southeasterly side of Mill Street on a curve to the left with a radius of 1458.40 feet, the chord azimuth and distance being: | |
| | 238° 59' 57" | 324.25 feet; |
| 15. | 232° 37' | 128.86 feet along the Southeasterly side of Mill Street; |

16. Thence along same, on a curve to the right with a radius of 792.51 feet, the chord azimuth and distance being:

246° 55' 20" 391.65 feet;

to the point of beginning and containing an area of 14.317 Acres, more or less.



December 30, 2017
Honolulu, Hawaii
Tax Map Key: (2) 3-4-019: 003

Chad T. Kodama

Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2018

LOT B

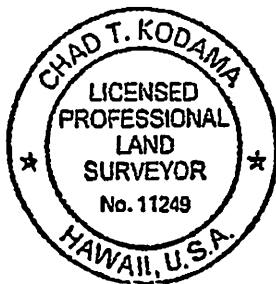
Lot B of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48.

Being a portion of the land conveyed by Deed from the Commissioners of Crown Lands to Keahi dated July 2, 1874 and recorded in Book 89, page 236

Situated in the Ili of Kapapohaku, Wailuku, Maui, Hawaii.

Beginning at the East corner of this parcel of land, on the Northwesterly side of Lower Main Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 3,618.93 feet North and 157.10 feet West and running by azimuths measured clockwise from true South:

1. 26° 58' 142.43 feet along the Northwesterly side of Lower Main Street;
2. 169° 50' 317.43 feet along Lot A of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48;
3. 326° 58' 221.27 feet along the Southwesterly side of "Saint Anthony's Premises", being also portion of Deed from Kamehameha IV to Kealakai (unrecorded) to the point of beginning and containing an area of 13,647 square feet;



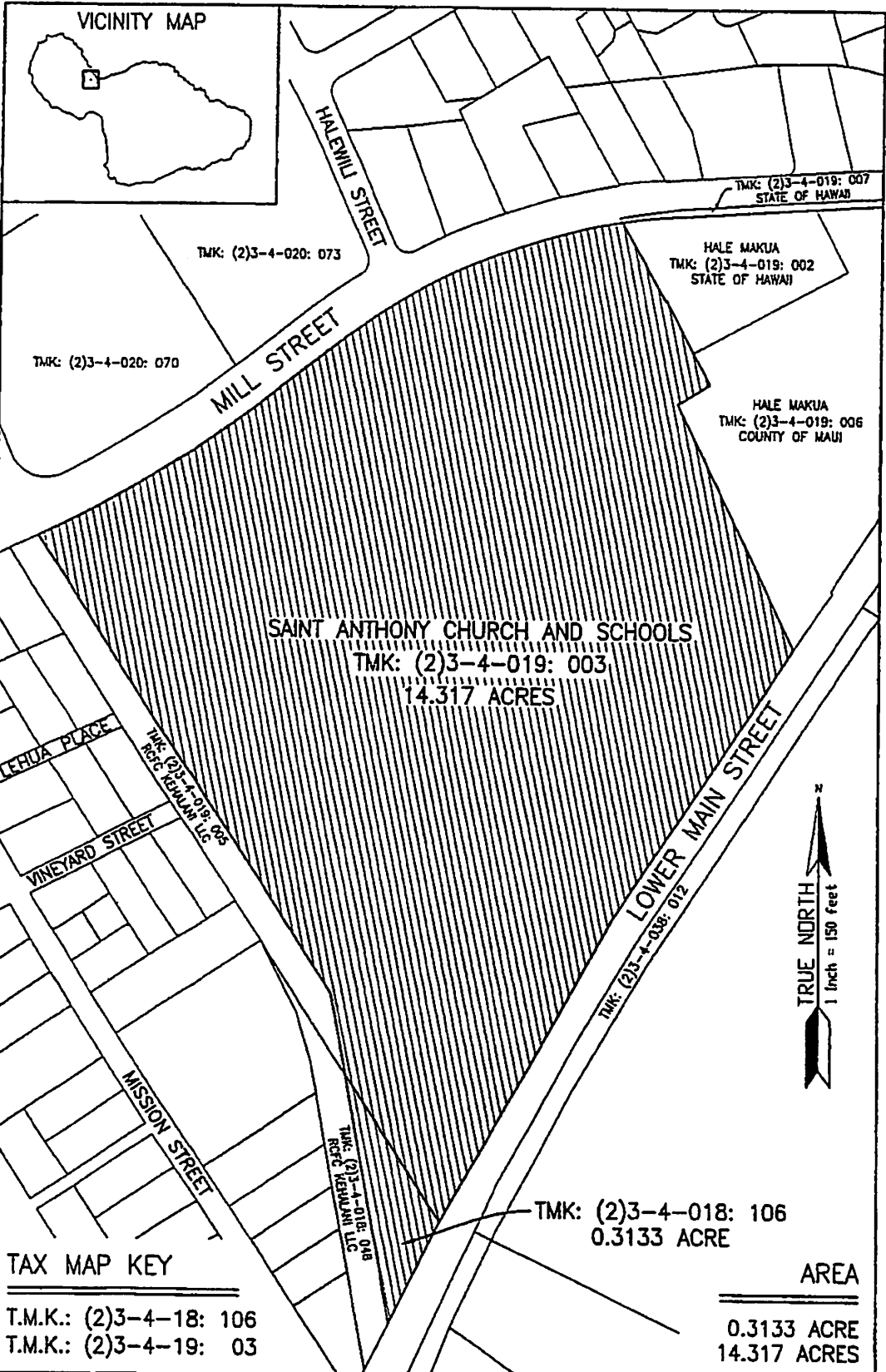
December 30, 2017
Honolulu, Hawaii
Tax Map Key: (2) 3-4-018: 106

Chad T. Kodama
Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2018

/ Easement 2

ControlPoint Surveying, Inc.
615 Piikoi Street, Suite 700
Honolulu, Hawaii 96814

EXHIBIT "B"



LAND ZONING MAP NO. _____

CHANGE IN ZONING - WAILUKU, MAUI, HAWAII
FROM R-1 RESIDENTIAL TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT

EXHIBIT "C, H"

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is **HEREBY CERTIFIED** that **RESOLUTION NO. 18-24** was adopted by the Council of the County of Maui, State of Hawaii, on the 9th day of March, 2018, by the following vote:

MEMBERS	Michael B. WHITE Chair	Robert CARROLL Vice-Chair	Aiika ATAY	Eleanora COCHRAN	S. Stacy CRIVELLO	Donald S. GUZMAN	G. Riki HOKAMA	Kelly T. KING	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

March 9, 2018

Committee
Report No. 18-35

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on February 14, 2018, makes reference to County Communication 18-54, from Councilmember Alike Atay, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106."

The purpose of the proposed resolution is to refer to the Maui Planning Commission the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106." The purpose of the proposed bill is to grant a Community Plan Amendment from Single-Family to Public/Quasi-Public for approximately 0.3133 acre on Lower Main Street, Wailuku, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-4-018:106, which is the site of a portion of the existing Saint Anthony Schools' athletic field.
2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI,

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 2

Committee
Report No. 18-35

HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106." The purpose of the proposed bill is to grant a Change in Zoning for approximately 14.317 acres identified for real property tax purposes as tax map key (2) 3-4-019:003 and approximately 0.3133 acre identified for real property tax purposes as tax map key (2) 3-4-018:106, both on Lower Main Street, Wailuku, Maui, Hawaii, which are the site of the existing Saint Anthony Church and Schools and a portion of the Schools' athletic field, respectively.

Your Committee notes Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require the appropriate planning commission to review proposed land use ordinances and provide findings and recommendations to the Council. Because the subject property is located on Maui, the appropriate planning commission in this case is the Maui Planning Commission.

Tim Cullen, the Head of School, said updating the properties' zoning and Community Plan designation will support planned campus improvements, including an interim play court facility. He said the play court facility will provide students with a covered area to be used regardless of weather or scheduling conflicts.

Your Committee noted the benefits the educational facility and church provide to the community and the long-standing uses of the property for these purposes. Your Committee supported providing the land use entitlements to make existing uses consistent and to allow improvements to the campus facility to be made.

Your Committee voted 9-0 to recommend adoption of the proposed resolution. Committee Chair Carroll, Vice-Chair Hokama, and members Atay, Cochran, Crivello, Guzman, King, Sugimura, and White voted "aye."

Your Land Use Committee **RECOMMENDS** that Resolution 18-24, attached hereto, entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE

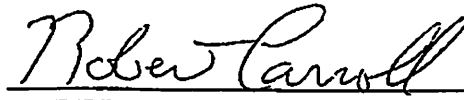
COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 3

Committee
Report No. 18-35

WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106," be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



ROBERT CARROLL, Chair

lu:cr:18056aa:cmn

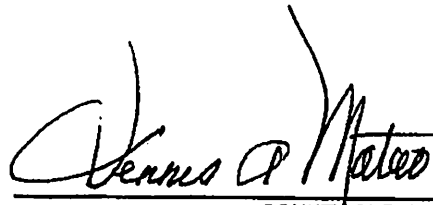
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the recommendations contained in COMMITTEE REPORT NO. 18-35 were adopted by the Council of the County of Maui, State of Hawaii, on the 9th day of March, 2018, by the following vote:

MEMBERS	Michael B WHITE Chair	Robert CARROLL Vice-Chair	Aiika ATAY	Eleanora COCHRAN	S. Stacy CRIVELLO	Donald S. GUZMAN	G. RIKI HOKAMA	Kelly T. KING	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye


COUNTY CLERK

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone (808) 270-7345
Fax (808) 270-7955



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

August 31, 2018

GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT

SEP - 7 2018

RECEIVED

MEMO TO: MICHELE MCLEAN, PLANNING DIRECTOR

FROM: DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS

SUBJECT: COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING
FOR ST. ANTHONY CHURCH AND SCHOOLS
TMK: (2) 3-4-018:106; (2) 3-4-019:003
CPA 2018/0003; CIZ 2018/0003

We reviewed the subject application and have no comments at this time.

If you have any questions regarding this memorandum, please call Rowena M. Dagdag-Andaya at 270-7845.

DCG:RMDA:da

xc: Engineering Division

S:\DSA\Engr\CZM\Draft Comments\34018106_34019003_st_anthony_church_&_sch_cpa_ciz.rtf

EXHIBIT 2

ALAN M. ARAKAWA
Mayor



GLADYS C. BAISA
Acting Director
SHAYNE R. AGAWA, P.E.
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauewater.org

August 16, 2018,

Paul Fasi, Staff Planner
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Subject: St. Anthony Church and Schools
Change in Zoning (CIZ) 2018/0003, Community Plan Amendment (CPA) 2018/0003
TMK: (2) 3-4-019:003 and (2) 3-4-018:106

Dear Mr. Fasi,

Thank you for the opportunity to comment on the St. Anthony Church and Schools' Change in Zoning and Community Plan Amendment application.

Consumption

The Department of Water Supply (DWS) notes the project master plan, including a multi-purpose room and Gymnasium, increases water demand.

Storm Water, Aquifer Protection and Recharge


It is in the community's best interest to regard storm water as a resource and maintain runoff on site. Although, the current plans may not increase runoff or drainage, the property has many impervious surfaces due to the driveway, parking area, and the number of structures. Improving onsite runoff conditions enhances aquifer recharge. The DWS recommends the incorporation and addition of designs that slow down, spread out and sink water into planted swales increasing the potential for aquifer recharge. The use of native plants within the swales additionally improves aquifer recharge.

Pollution Prevention and Conservation

DWS recommends preventing pollution of the aquifer by following Best Management Practices (see attached) for parking lots. DWS also recommends the implementation of the attached Construction BMPs in order to protect ground water and Conservation BMPs for water use reduction (see attached).

Should you have any questions, please contact staff planner Audrey Dack at (808) 463-3109 or audrey.dack@co.maui.hi.us.

Sincerely,


Gladys C. Baisa, Acting Director
apd
cc: DWS engineering division
Attachments

"By Water All Things Find Life"

EXHIBIT 3

18/445



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

August 15, 2018



TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

MEMORANDUM

TO : PAUL F. FASI, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : TIVOLI S. FAAUMU, CHIEF OF POLICE

SUBJECT : PERMIT NO.: CPA 2018/0003, CIZ 2018/0003
 TMK : (2) 3-4-019:003 & (2) 3-4-018:106
 Project : ST. ANTHONY CHURCH & SCHOOLS
 Applicant : County of Maui County Council

No comments or recommendations to offer at this time.

Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.

Acting Assistant Chief Ricky Uedoi
For: TIVOLI S. FAAUMU
Chief of Police

DEPT. OF PLANNING
COUNTY OF MAUI

AUG 16 2018

RECEIVED

EXHIBIT 4

DAVID Y. IGE
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, HAWAII 96793-3378

LORRIN W. PANG, M.D., M.P.H.
DISTRICT HEALTH OFFICER

August 16, 2018

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT
AUG 21 2018
RECEIVED

Ms. Michele Chouteau McClean
Director
Department of Planning
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Attn: Paul F. Fasi

Dear Ms. McClean:

Subject: ST. ANTHONY CHURCH & SCHOOLS
Applicant: County of Maui County Council
Permit No.: CPA 2018/0003, CIZ 2018/0003
TMK: (2) 3-4-019:003; (2) 3-4-018:106
Project Location: 1618 Lower Main Street, Wailuku, Hawaii
Project Description: Community Plan Amendment & Change of Zoning for Improvements

Thank you for the opportunity to review this project. We have no comments to offer.

It is strongly recommended that you review the department's website at <https://health.hawaii.gov/epo/files/2018/05/DOHEHA.LandUseContactList.20180502.pdf> and contact the appropriate program that concerns your project.

Should you have any questions, please contact me at 808 984-8230 or email me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,

A handwritten signature in blue ink that reads "Patti Kitkowski".

Patti Kitkowski
District Environmental Health Program Chief

EXHIBIT 5

ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-7740 FAX 270-7152

January 10, 2013

MEMO TO: Robert Carroll, Chair
Land Use Committee

F R O M: James A. Giroux, Deputy Corporation Counsel

SUBJECT: COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR 0.375
ACRE IDENTIFIED BY TMK: (2) 2-6-009:017 (PAIA) (LU-24)

I. Introduction

This memorandum is in response to your letter dated July 23, 2012. Your letter requests that our Department respond to the following questions:

1. Is an Environmental Assessment ("EA") required for a Council-Initiated Community Plan Amendment?
2. Is an EA required for a Community Plan Amendment to correct a clear mapping error that occurred during a decennial community plan update?
3. The Planning Director's May 11, 2012, correspondence further states that, per Director Hooser, "an agency, like the Planning Department, can still require that an EA be prepared in either of these situations if there are potential significant environmental impacts that have not been assessed or mitigated." Absent an EA, how would a determination of "potential significant environmental impacts that have not been assessed or mitigated" be made by the Department of Planning, and at what stage of the proposed Community Plan Amendment process? Would such a determination be entirely within the Planning Director's discretion? Who would bear the responsibility of paying for and preparing such an EA?
4. To what extent has the Department's opinion dated March 1, 2004, been superseded?

EXHIBIT 6

Robert Carroll, Chair
January 10, 2013
Page 2

II. Background

The Land Use Committee is in receipt of County Communication 11-317, from Councilmember Mike White, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO ENACT A COMMUNITY PLAN AMENDMENT AND A CHANGE IN ZONING FOR TAX MAP KEY NUMBER (2) 2-6-009:017, PAIA, MAUI, HAWAII."

On January 6, 2012, the Council adopted Resolution 12-1, referring the proposed Community Plan Amendment and Change in Zoning bills to the Maui Planning Commission. The Land Use Chair anticipates the proposed bills will be returned in the near future with the Maui Planning Commission's recommendations. To the Chair's knowledge, no EA has been conducted in connection with this proposed Community Plan Amendment.

By correspondence dated May 11, 2012, the Planning Director informed his staff of the following: "Director Hooser confirmed that an EA would not be triggered (a) to correct clear mapping errors that occurred during decennial community plan updates and (b) for community plan amendments initiated by the County, whether by the Council or the Administration."

The Council has been operating in accordance with the March 1, 2004 opinion from the Department of the Corporation Counsel. The opinion dealt with a situation in which the County admitted to having made an error. The proposed Community Plan Amendment was initiated by a Council member.

III. The Community Plan Amendment for Tax Map Key Number (2) 2-6-009:017, Paia, Maui, Hawaii does not require an EA pursuant to Chapter 343, Hawaii Revised Statutes ("HRS").

Section 343-5(a)(6), HRS, states that, except as otherwise provided, an environmental assessment shall be required for actions that:

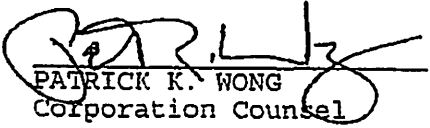
(6) Propose any amendments to existing county general plans where such amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county;¹

¹In Maui County, Community Plans are part of the general plan. Section 8-8.5(6), Revised Charter of the County of Maui (1983), as amended and Maui County Code Section 2.80B.030(B).

Robert Carroll, Chair
January 10, 2013
Page 3

The community plan amendment at issue is an amendment to an existing County general plan initiated by the County and thus Chapter 343, HRS, requirements are not triggered and do not apply. Director Spence, Department of Planning, and Gary Hooser, Director of the State Office of Environmental Quality Control,² have determined that community plan amendments that are initiated by County Council do not trigger the Chapter 343, HRS, process, and this office concurs. To the extent that this opinion contradicts our March 1, 2004, memorandum, this opinion supersedes.³

APPROVED FOR TRANSMITTAL:


PATRICK K. WONG
Corporation Counsel

JAG:ln

S:\ALL\Advisory\JAG\EA requirement .epd

cc: William Spence, Director of Planning
Michael J. Hopper, Deputy Corporation Counsel
Webpage

²Gary Hooser is no longer Director of the State Office of Environmental Quality Control.

³This response does not address the question of whether the Planning Director can unilaterally require an EA when a community plan amendment is Council initiated. There has been no indication that the Director intends to require an EA under the facts presented in this instance.

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**MAUI PLANNING COMMISSION
PORTION OF THE REGULAR MINUTES
ITEM B.1
NOVEMBER 13, 2018**

The first item is a Community Plan Amendment for Single Family to Public/Quasi-Public for approximately 0.3 acres and then there's a Change in Zoning for an R-1, Residential to P-2, Quasi-Public Quasi District for 0.3 acres and for the remaining 14 acres of the parcel. Paul Fasi is our Staff Planner today.

B. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. **MS. MICHELE MCLEAN, Planning Director, transmitting Council Resolution No. 18-24 referring to the Maui Planning Commission proposed bills to amend the Wailuku-Kahului Community Plan and land use map and to change the zoning for the Saint Anthony Church and Schools property located on Lower Main Street, TMK: (2) 3-4-019: 003 and 3-4-018: 106, Wailuku, Island of Maui. (CPA 2018/0003) (CIZ 2018/0003) (P. Fasi)**
 - a. **Community Plan Amendment Single-Family to Public/Quasi-Public for TMK: (2) 3-4-018: 106 (approximately 0.3 acre)**
 - b. **Zoning change from R-1 Residential District to P-2 Public/Quasi-Public District for TMKs: (2) 3-4-019: 003 (approximately 0.3 acres) and (2) 3-4-018: 106 (approximately 14 acres)**

Mr. Paul Fasi: Good morning Commissioners, good morning members of the public. This matter arises from a County Council initiated land use entitlement change for the St. Anthony Church and School properties in Wailuku. There's a Council Resolution which consists of two proposed draft bills. They are number one, a bill for an ordinance to amend the Wailuku-Kahului Community and land use map from Single-Family to Public/Quasi-Public for property situated at Lower Main Wailuku, Maui, Hawaii TMK: (2) 3-4-018: 106. The second draft bill ordinance is a bill for an ordinance to change the zoning from R-1, Residential District to P-2, Public/Quasi-Public District for property situated at Lower Main Street, Wailuku, Maui, Hawaii, TMK: (2) 3-4-019: 0003 and 106.

Before I get into the government regulatory requirements I'm gonna be very brief. Jordan Hart is here from Chris Hart and Partners he's got a short five or ten-minute presentation. Hopefully I won't be too repetitive. I have a feeling that what he says basically is going to be what I'm going to be saying right now.

So we've got two proposed draft bill ordinances. If approved, these changes would result in proposed land use designations being consistent with the existing and traditional uses of the property and allow for future expansion and development of the school. This is a simple change in zoning and community plan amendment. There is no development being proposed. The purpose of this today is to make recommendations and then it will move onto the County Council.

1 The school cannot do any modifications or improvements unless these zoning requirements are
2 in alignment.

3

4 The school is comprised of two parcels. One's 14 acres, 14.6 and the other one is 0.3. It's got
5 some funny zoning in here. Parcel 0003 which is 14 acres the Wailuku-Kahului Community Plan
6 is Public/Quasi-Public so there's no change to that. However, on Parcel 106, the 0.3, the smaller
7 parcel, the community plan designation is Single-Family and so we want to move that in the
8 Public/Quasi-Public. On the County Zoning, Parcel 003, the 14-acre parcel is R-1 Residential.
9 We want to move that into P2, Public/Quasi-Public. Parcel 106, the 0.3 has a community plan
10 amendment and a change in zoning. The County Zoning, R-1 Residential we want to move that
11 into P2, Public Quasi-Public.

12

13 As far as land use regulations, on the State Countywide Policy Plan, Maui Island Plan, Wailuku-
14 Kahului Community Plan should you make the recommendations without changes everything will
15 be in alignment? We can send it up to the Council and the school can move on with their business
16 for future improvements.

17

18 So the proposed action today will result in the zoning designations being consistent with the
19 community land use map and current uses of the property. So basically we want to get rid of the
20 residential component on the two parcels and move it into Public/Quasi-Public.

21

22 That will conclude the Department's presentation. Do you have any questions for the
23 Department? If not, I'm gonna turn it over to Jordan and he can make a small presentation.
24 Thank you.

25

26 Mr. Robinson: Thank you Paul.

27

28 Mr. Jordan Hart: Thank you very much Paul. Good morning Chair and Members. My name is
29 Jordan Hart of Chris Hart and Partners.

30

31 Mr. Robinson: Good morning Jordan.

32

33 Mr. Hart: We're land use planners assisting St. Anthony's in this process. This is Council initiated
34 community plan amendment and change in zoning but we're just here to provide background
35 information to facilitate.

36

37 The project site I believe everyone's familiar with where St. Anthony's is on Lower Main Street.
38 These are the TMK maps. So there's the primary parcel, Parcel 003, it's 14 acres in size and
39 then there's a...the corner right here, these are on two different TMK maps but they abut each
40 other, is Parcel 106 which 0.3 acres. This is an aerial photograph of the church and school.

1 Church buildings are primarily on the north end and then the school buildings are in the central
2 area, football field and then this is the additional parcel.

3
4 Some significant buildings. The church was built in 1980. The previous church was built in 1873.
5 The church was destroyed in 1977 in a fire. Damien Hall was built in 1925. Chaminade Hall was
6 built in 1925. Maryknoll Hall in 1940, and the convent here was built in 1949.

7
8 Community plan map, so the church parcel is Public/Quasi-Public...the primary parcel is
9 Public/Quasi-Public, but one parcel is community planned Single-Family. Public/Quasi-Public are
10 uses that are consistent with churches and schools. This is the zoning map...one thing I want to
11 say about community plans as well is community plans are generally treated as future proposed
12 zoning so it would have been anticipated that this parcel ultimately become Public/Quasi-Public
13 but the zoning for both parcels is Single-Family, R-1. Both parcels are outside of the flood zone.
14 Well, they're in Flood Zone X which is the area minimal flooding hazard. Paul went through the
15 parcels and the designation changes. Basically both parcels are going to P-2 Public/Quasi-Public
16 zoning and the small parcel is going to Public/Quasi-Public community plan designation. These
17 are consistent with the uses that have been occurring at the site since 1848.

18
19 In 2016, St. Anthony's completed a master plan for the redevelopment and enhancement of the
20 church and school, primarily the school. As part of the recommendations in that master plan it
21 was advised that the community plan...that the land use designations be cleaned up in order to
22 facilitate renovation and enhancement of any church buildings as well as school buildings that are
23 proposed. One critical item that the school is lacking is a gym. They'll require the height that is
24 permitted under P-2, Public/Quasi-Public in order to do that gym. And so that's a critical need of
25 the school.

26
27 So in summary, you know this church and school had been in this community since the 1800's,
28 1840 and you know, it's no change of anything except bringing the land use designations
29 consistent with the actual use. Thank you.

30
31 Mr. Robinson: Thank you Jordan. At this time, we'd like to open the floor for public testimony.
32 And if anybody was there during the construction please step forward. First, Mr. Frampton.

33
34 Mr. Rory Frampton: Good morning Chair. I wasn't there during the construction although it seems
35 like a long time ago. My name is Rory Frampton. Seems like a long time ago, but I did graduate
36 from St. Anthony High School. I'm currently on the Board of Directors. Yeah, Trojans and Joe
37 Alueta too was a proud alumni and there's probably other people in the room or possibly on the
38 commission.

39
40 Mr. Robinson: You have two minutes left sir.

41

1 Mr. Frampton: Thank you. I can conclude in two minutes. I just want to thank the Commission
2 for hearing this matter. Thank the Department for moving this matter along. Historically you know
3 when the church and school were established there was no zoning on Maui. In the 1950's when
4 they adopted zoning for Maui there was no Public/Quasi-Public District. It was just residential in
5 which you allowed schools, churches and preschools were considered special uses. But of
6 course, because the school and the preschool and the church were preexisting they were
7 considered nonconforming uses...or well, the church and the preschool are nonconforming uses.
8 The school is an allowed use in Residential. In the mid-80s they adopted Public/Quasi-Public
9 Districts which would allow for schools and churches and preschools and that type of stuff. So
10 this is really just bringing the current zoning up to date with the way we have our zoning on the
11 books for Maui County now. So we humbly ask for your support to move this along.

12
13 Mr. Robinson: Thank you. Any questions from the Commission? Seeing none, thank you. Next
14 we have Tim, I'm sorry...

15
16 Mr. Tim Cullen: I was a left-hander in Catholic School so my writing's never been great.

17
18 Mr. Robinson: Aloha, please introduce yourself. You have three minutes Tim.

19
20 Mr. Cullen: Aloha, my name's Tim Cullen. I'm the head of the school for St. Anthony School. I
21 graduated the same year as Rory just different school miles away. But I've been here over a year
22 and I need to share with you thank yous from both the parish and the school. The last couple
23 years a lot of people have put love, effort and money into the school system. We're now K-12
24 school system. We reconfigured. This is our second year as that. But internally everything that
25 could be done has been done from every classroom being air-conditioned to new doors to
26 technology infrastructure. The master plan that has been shared, the overview of it, that plan is
27 a long range plan but as you know you can have a long range plan but then you have to put the
28 work and effort into it to make it happen. So this is a step that allows us to move forward with
29 more external things. Things that fit St. Anthony and obviously help our students, help the parish.
30 So I also want to echo that I thank you for your time. I understand this is a volunteer group and
31 so I appreciate that from communities I grew up in I understand that and I know that's giving back
32 to the community and that's what we want each of our St. Anthony grads to do also. So thank
33 you for your time. This does allow us to take future steps to kind of build a future for our students
34 and our staff and the parish by having on site access to things that right now they have to travel
35 throughout the community and fight for treasured valued space with gyms and other things. So
36 your support is again appreciated and thank you.

37
38 Mr. Robinson: Thank you Tim. Any questions? Thank you. Next Gary Passon. Is it Passon?

39
40 Mr. Gary Passon: Passon. But we take Passon, all sorts of kinds. Good morning Commissioners.
41 These will be very brief comments. Hi my name is Gary Passon. I'm on the board of St. Anthony

1 School and on the Facilities Committee and we just wanted to express our great appreciation to
2 the Maui Planning Department for their effort to promptly move through this process and help us
3 be able to move onto the next phase of expanding the school. So we just wanted to say thank
4 you them and to the Council for their, for their making this opportunity available to us and to our
5 partners, Chris Hart and Partners and all the folks that have worked so diligently to make this
6 thing happen. So thank you and we're hopeful for a positive result today. Thank you.

7
8 Mr. Robinson: Thank you Gary. Any questions? Seeing none, can we have the Department's
9 recommendation please?

10
11 Mr. Fasi: The Community Plan Amendment is to reclassify the project's area community plan
12 designation from Single-Family to Public/Quasi-Public. The change in zoning is to reclassify the
13 zoning district from R-1, Residential to P-2, Public/Quasi-Public. The applicant's proposed
14 actions are consistent and supported by both the change in zoning and community plan
15 amendment criteria. Therefore, the Maui Planning Department recommend to the Maui Planning
16 Commission that it recommends to the Maui County Council approval of both bills without
17 modification. Thank you.

18
19 Mr. Robinson: Thank you. Commissioners at this time we have any questions for Jordan?
20 Seeing none, I have one question Jordan just about the gym is when the construction for the gym
21 does the permit come out and then notice comes out or is there no notice needed for the height
22 of the gym?

23
24 Mr. Hart: Hypothetically if we didn't get these change in zoning and community plan amendment
25 we'd have to do a variance in order to do the gym and the Department hasn't been very supportive
26 of proactive variances. You know, proposing to do something that needs a variance you know
27 the preferred alternative is to actually get your land use designations corrected. So after we go
28 through these noticed hearings at the Planning Commission and we had one meeting already at
29 the Council, we're gonna have more meetings at the Council provided we receive a
30 recommendation for approval here. Those would be the notices to members of the community
31 that this is happening and then after we have proper zoning you would just get building permits
32 just like any other landowner who has correct zoning.

33
34 Mr. Robinson: Okay, thank you. So Commissioners in front of us is we have recommendations
35 for approval or denial. We have two topics. We have one that's an amendment and one that's
36 it's a ordinance are changed. Does anybody see a problem with handling both at the same time?
37 Okay, any discussion or a motion for recommendation for the Council? Commissioner Kahu Hill.

38
39 Kahu Hill: Mahalo Chair. I just want to say it's really nice, it's just beautiful to have such a historic
40 church and school coming before this Commission this morning and for people to go to pray and
41 learn. Just wanted to say that's really nice coming before us. Mahalo. Honored.

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Mr. Robinson: Do you have a motion in that?

Kahu Hill: Sure. I guess I'd like to make a motion that we approve both of these for the 14.33 acres and the 3.133 the change in zoning for R-1 to P-2 Public/Quasi-Public. Is that enough, Chair?

Mr. Robinson: Yes. Corporation Counsel.

Mr. Galazin: Yes, thank you Chair. And my suggestion would be while it's...makes a lot of logistical and practical sense to deliberate on these matters together I think the final vote should at least be done you know, one after the other so that we have a clean record for each vote. That way one could be challenged without the other having to be challenged if there is...if that ever does come up but it certainly makes sense to talk about it in your deliberations before you get to a motion to go ahead and discuss everything in total because they are, they are intertwined and that makes sense. You don't want to waste time rehashing something about the change in zoning that you already talked about in the community plan amendment. So I would encourage discussion on the them ...(inaudible)...but the motion at the very end should be first motion for the community plan amendment and then if that's approved, second motion for the change in zoning.

Kahu Hill: Chair may I restate that?

Mr. Robinson: You're fine.

Kahu Hill: Okay, good.

Mr. Robinson: Do we have a second?

Ms. La Costa: Second.

Mr. Robinson: We have a motion from P D. La Costa, P Denise La Costa. Sorry. Any discussion on the motions? Commissioner Carnicelli.

Mr. Carnicelli: Chair just as a x-altar boy and someone whose family members attended ...(inaudible)...school I'm in full support of the motion so thank you.

Mr. Robinson: Thank you. Commissioner La Costa.

1 Ms. La Costa: I too, am in support of the motion. It's basically housekeeping more than anything
2 else. There will be no changes except they'll add a much needed recreation facility for our kids
3 so mahalo.

4
5 Mr. Robinson: Anyone else? I also had two kids that went there so, it's a great place. Joe, if
6 you'd like to read number one please for the vote?

7
8 Mr. Alueta: Thank you Mr. Chair. The first motion was to recommend adoption of the community
9 plan amendment from Single-Family to Public/Quasi-Public for TMK: 3-4-018: 106 of
10 approximately 0.3 acres.

11
12 Mr. Robinson: All those in favor approval of recommendation please raise your right hand. That
13 is seven. Thank you.

14
15 **Community Plan Amendment**

16
17 **It was moved by Kahu Hill, seconded by Ms. La Costa, then**

18
19 **VOTED: To Recommend Approval of the Community Plan Amendment to the**
20 **County Council as Recommended by the Department.**

21
22 **(Assenting – A. Hill, P D. La Costa, L. Carnicelli, K. Pali, L. Hudson,**
23 **C. Tackett, S. Castro)**

24 **(Excused – T. Gomes)**

25
26 Mr. Robinson: Joe, number two.

27
28 Mr. Alueta: There haven't been a motion.

29
30 Mr. Robinson: I thought it was combined. I apologize, but let's go ahead.

31
32 Mr. Carnicelli: She did combine it.

33
34 Mr. Robinson: That's okay.

35
36 Mr. Alueta: Oh you did.

37
38 Kahu Hill: We did.

39
40 Mr. Alueta: Okay, so the same people who made the same motion so the next one is for a change
41 in zoning from R-1, Residential District to P-2, Public/Quasi-Public for TMK: 3-4-019: 003 and for
42 3-4-018: 106 for 14 acres for recommend the change in zoning to the Maui County Council.

43

1 Mr. Robinson: All those in favor please raise your right hand. That's seven. Thank you.

2
3 **Zoning Change**

4
5 **It was moved by Kahu Hill, seconded by Ms. La Costa, then**

6
7 **VOTED: To Recommend Approval of the Zoning Change to the County Council**
8 **as Recommended by the Department.**

9
10 **(Assenting – A. Hill, P. D. La Costa, L. Carnicelli, K. Pali, L. Hudson,**
11 **C. Tackett, S. Castro)**

12 **(Excused – T. Gomes)**

13
14 Mr. Fasi: Thank you.

15
16 Mr. Robinson: You're welcome. We'll take a five-minute recess before our next item. Thank you.

17
18 **Respectfully Submitted by,**

19
20
21 **CAROLYN TAKAYAMA-CORDEN**
22 **Secretary to Boards and Commissions II**
23
24