

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

October 4, 2002

**Committee
Report No.**

02-137
As Amended

NOTE: The committee report was amended by the Council at its meeting on October 4, 2002, by substituting the text of the report. This amendment changed page breaks, and deleted certain staff revision comments which were enclosed in parentheses and located at the end of the fourth paragraph of page 3. This committee report was then adopted as amended.

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

Chair and Members:

Your Land Use Committee, having met on June 17, 2002 and August 12, 2002, makes reference to County Communication No. 02-41, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KOHOLIO, KULA, MAUI, HAWAII".

The purpose of the proposed bill is to conditionally grant a request from Kamehameha Schools to change the zoning from R-2 Residential to P-1 Public/Quasi-Public for approximately 84.4 acres of land located at Kula, Maui, the site of the Kamehameha Schools Maui Campus (TMK: 2-3-008: portion of 039 and portion of 040), as recommended by the Maui Planning Commission.

Your Committee further notes that the Maui Planning Commission on November 14, 2000, after reviewing the findings presented in documents respectively entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION NOVEMBER 14, 2000 MEETING" and "RECOMMENDATION MEMORANDUM TO THE MAUI PLANNING COMMISSION NOVEMBER 14, 2000 MEETING", voted to recommend approval of the requested change in zoning, subject to the following conditions:

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1. That any development proposals to accommodate a total student population greater than 500 shall be contingent on the submittal of an updated Traffic Impact Assessment Report (TIAR) to the State Department of Transportation for review and approval unless amendments to this condition are approved by the State Department of Transportation.
2. That the three petroglyph sites (sites 1069, 1062, and 4179) shall be preserved. A preservation plan providing for permanent buffer zones around the sites, interim protection measures, and long-term preservation measures shall be prepared and submitted to the State Historic Preservation Division for approval. No land alteration shall occur until: (1) the buffer zones and interim protection measures have been approved and implemented; and (2) the Department of Planning has received notice in writing from the State Historic Preservation Division of said approval and implementation. The Department of Planning shall be provided written notification from the State Historic Preservation Division verifying that the entire preservation plan has been successfully completed.

Your Committee further notes that the recommendation of the Maui Planning Commission was based upon the following findings:

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

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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.

By correspondence dated March 14, 2002, the Council Chair transmitted correspondence dated March 8, 2002, from Boyd Mossman, President, Maui Region, Kamehameha Alumni Association, in support of the proposed bill.

By correspondence dated March 18, 2002, the Council Chair transmitted correspondence dated March 15, 2002, from D. Rodney Chamberlain, Headmaster, Kamehameha Schools Maui Campus, and John A.H. Tomoso of the Hawaiian Homes Commission and Kamehameha Schools Maui Campus Advisory Council, respectively, in support of the proposed bill.

By correspondence dated March 21, 2002, Councilmember Charmaine Tavares transmitted correspondence dated March 15, 2002, from Dr. Rodney Chamberlain, Headmaster, Kamehameha Schools Maui Campus, in support of the proposed bill.

By correspondence dated March 25, 2002, the Council Chair transmitted correspondence dated March 8, 2002, from Andie Simon, President, Kamehameha Schools Association Maui, in support of the proposed bill.

By correspondence dated April 4, 2002, the Chair of your Committee transmitted correspondence dated March 23, 2002, from Lokelani Patrick, President, Kamehameha Schools Maui Campus Parent-Teacher `Ohana, in support of the proposed bill.

By correspondence dated May 24, 2002, the Chair of your Committee requested that the Planning Director explain the 15-month interval between the Maui Planning Commission's approval of the proposed bill and the Department of Planning's transmittal of the proposed bill to the Council.

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By correspondence dated June 17, 2002, the Planning Director explained that administrative tasks caused the delay in transmitting the proposed bill to the Council.

At its meeting of June 17, 2002, your Committee met with a Staff Planner from the Department of Planning; a Deputy Corporation Counsel; and, representing Kamehameha Schools, Frank Brandt, Chairman; Vincent Shigekuni, Principal, PBR Hawaii, Inc.; Jim Stone, Project Architect, Group 70 International, Inc.; Dr. Rodney Chamberlain, Headmaster, Kamehameha Schools Maui Campus; and Yuki Takemoto, Director, Facility Development and Support Division, Kamehameha Schools.

Your Committee received testimony in support of the proposed bill from Andie Simon, President, Kamehameha Schools Association Maui; and Lokelani Patrick, President, Kamehameha Schools Maui Campus Parent-Teacher `Ohana.

Mr. Shigekuni provided your Committee with a computer-generated slide show with background information on the proposed change in zoning.

Mr. Stone responded to your Committee's questions regarding development of the Kamehameha Schools Maui Campus.

Dr. Chamberlain responded to your Committee's questions regarding the past, present, and future of the Kamehameha Schools Maui Campus. He noted that the Kamehameha Schools Maui Campus is expanding from an elementary school to a K-12 school, with a corresponding increase in enrollment from 170 students two years ago to 1,120 students three years from now.

Your Committee urged Dr. Chamberlain to increase educational opportunities for students throughout Maui County by providing sufficient boarding residences.

Your Committee requested that Kamehameha Schools provide additional information on traffic and parking issues.

Your Committee deferred consideration of the proposed bill.

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By correspondence dated August 12, 2002, the Chair of your Committee transmitted correspondence dated August 12, 2002, from Ferdinand Cajigal, Maui District Engineer, State Department of Transportation, providing traffic-related comments on the requested change in zoning.

At its meeting of August 12, 2002, your Committee met with the Director of Public Works and Waste Management; the Deputy Planning Director; two Police Officers; the First Deputy Corporation Counsel; and, representing Kamehameha Schools, Vincent Shigekuni, Principal, PBR Hawaii, Inc.; Dr. Rodney Chamberlain, Headmaster, Kamehameha Schools Maui Campus; Yuki Takemoto, Director, Facility Development and Support Division, Kamehameha Schools; and Traffic Consultant Phillip Rowell, Phillip Rowell and Associates.

Mr. Rowell verbally summarized the draft TIAR and displayed a computer-animated presentation on projected traffic flows on Kula Highway near the Kamehameha Schools Maui Campus. Mr. Rowell and the Police Officers provided information in response to your Committee's questions about traffic safety and congestion. They noted that pedestrian safety is unlikely to be a major concern because there are no residences within a reasonable walking distance of the campus.

Dr. Chamberlain informed your Committee that the Kamehameha Schools Maui Campus currently has 588 students in grades K-9. In the 2003-04 school year, the campus will have approximately 830 students (K-10). The following year, the student population is expected to be 970. Finally, for the 2005-06 school year, the campus will complete its expansion to a K-12 school, with approximately 1,120 students. In addition, there will be about 190 adult employees on the campus.

Dr. Chamberlain also informed your Committee that traffic is mitigated by a high rate of bus ridership. Nearly 75 percent of the students travel to school on buses from Kahului, Kihei, Lahaina, and Wailuku.

To minimize the County's liability exposure, your Committee voted to revise the proposed bill to incorporate a third condition that would require Kamehameha Schools to indemnify the County for any claims arising from the

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enactment of the proposed bill and to maintain a million-dollar liability-insurance policy in the County's favor.

Your Committee voted to recommend passage of the proposed bill on first reading, subject to the indicated conditions, and filing of County Communication No. 02-41.

Your Committee is in receipt of a revised proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KOHOLIO, KULA, MAUI, HAWAII", incorporating the additional condition recommended by your Committee.

Your Committee is also in receipt of an agreement entitled "Unilateral Agreement and Declaration for Conditional Zoning" executed by Kamehameha Schools.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. _____ (2002), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KOHOLIO, KULA, MAUI, HAWAII", PASS FIRST READING and BE ORDERED TO PRINT;
2. That the County Clerk RECORD the Unilateral Agreement and Declaration for Conditional Zoning; and
3. That County Communication No. 02-41 be FILED.

Adoption of this report is respectfully requested.

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ALAN M. ARAKAWA **Chair**

DANNY A. MATEO **Member**

ROBERT CARROLL **Member**

MICHAEL J. MOLINA **Member**

G. RIKI HOKAMA **Member**

WAYNE K. NISHIKI **Member**

JO ANNE JOHNSON **Member**

CHARMAINE TAVARES **Member**

DAIN P. KANE **Member**