

WAIOLA CHURCH

WAIOLA CHURCH

DRAFT ENVIRONMENTAL ASSESSMENT (EA)

For The Removal of the Meeting
Hall Building at Waiola Church

CHAPTER 343, HRS

OLD HALL BUILDING

535 WAINEE STREET

LAHAINA, MAUI

TMK: (2) 4-6-007:016

(EA 2006/0009) (SMX 2006/0130)

(HDC 2006/0003)(B T 2006/0324)

PREPARED FOR:

COUNTY OF MAUI

PREPARED BY:

Paul Richard Taylor
Land/Sea Engineering Construction, Inc
For
Waiola Church

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

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WAIOLA CHURCH

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WAIOLA CHURCH

I. SUMMARY

ACTION:

WAIOLA CHURCH
OLD MEETING BUILDING
TMK: 4-6-007:016
Wainee Street
Lahaina, Maui Hawaii

PROJECT NAME Waiola Church
Applicant: Waiola Church
 535 Wainee Street
 Lahaina, Maui 96761
 Office: 661-4349

Approving Agency: County of Maui, Planning Department
Agencies Consulted: County of Maui, Planning Department
Citizen Group Consulted: Church Trustees, Waiola Church

PROJECT DESCRIPTION: The proposed project involves the removal or demolition of the old, deteriorated, temporary Hale Ai (Meeting Building) facility of about 1200 sf. The building will be destroyed as agreed for building permit # 97-0957, as well as agreements attached Exhibit 1.

PROJECT LOCATION: The proposed project site is located on Wainee Street in Lahaina, Maui, Hawaii. It is situated approximately 220 feet southeast of Luakini Street with Shaw Street further southeast of the parcel

TAX MAP KEY: (2) 4-6-07:16

STATE LAND DESIGNATION: Urban

COMMUNITY PLAN DESIGNATION: Public/Quasi-Public

WAIOLA CHURCH

COUNTY ZONING DESIGNATION: Historic District 1

LANDOWNER: Wainee Protestant Church

LIST OF PERMITS REQUIRED: Building, SMA, and Historic District Approval

I. STATEMENT OF OBJECTIVES AND PROJECT DESCRIPTION

This temporary Hale Ai was moved to the property in 1958, and was suitable for use as a meeting hall. The original church building on property was blown down in a storm. The old church was fully removed and the new church was built in its new current location, some 200 feet away. During the rejuvenation process of the new church, a schoolhouse donated by the Japanese Language School (from the site of the McDonalds Restaurant in Lahaina) was offered, as a facility to augment the church needs. A moving permit or building permit was never issued, (as far as we know). The classroom arrived on site in 1958. It became a building to meet in, but was not designed by others for that purpose. The building description is temporary. Previous to this, there was no meeting hall.

In 1996, as part of the County-Church agreement for the issuance of building permit # B 97-0957 for the new HALE AI (completed 1999), it was proposed and accepted that this temporary building be demolished once the new (1999) building was completed. (See Exhibit A) The new building was completed, but this old hall was never demolished

A. TECHNICAL CHARACTERISTICS

The proposed project involves the demolition of a one-story building. This will be piece-by-piece disassembly, with forklift, boom-truck and trash dumpster.

The one story building is a three-room hall with no bathrooms or kitchen facilities. There is grassed area immediately adjacent to the building and bordering on three sides. The fourth side is a concrete slab from some earlier time. It is non-functional. There is no water or sewer connected to this old building

Drainage improvements are not required after the building's removal. All runoff from this area will be kept on site

WAIOLA CHURCH

B. SOCIAL AND ECONOMIC CHARACTERISTICS

The proposed demolition will be of social benefit because the state of disrepair of the hall borders on dilapidated and unsafe. The building has no architectural features of note, and was permitted to be removed or demolished several times in the last ten years. Demolition is in review by SHPD. Please see letter attached (Exhibit B)

C. ENVIRONMENTAL CHARACTERISTICS

The proposed demolition is not expected to make any negative environmental contributions and will in fact contribute to improving the existing site and facilities. The building is unsafe, unsightly, and dangerous. The building cannot be sealed off, without enormous expense. It allows easy ingress. There is serious structural termite damage, a severely leaking roof, and broken windows and doors at three sides. Removing the building advances safety to individuals on property. It removes the possibility of injury by falling debris from the building, and the problems that occur from trespassing.

The proposed subject parcel will require minimal grading and is not considered negative since this action does not involve major quantities of earthwork. Minimal grading is considered hand raking of light earth fill (< than 50 CY) to cover any depressions around the area of the former building post bases.

Native Hawaiian and Polynesian introduced plants will be used as ground cover at the landscaping.

II. AFFECTED ENVIRONMENT

A. PROJECT LOCATION

The proposed project site is located on Wainee Street between Shaw Street and Luakini Street in the Lahaina District of Lahaina, Maui. It is identified as TMK: (2) 4-6-07:16

B. GEOGRAPHICAL CHARACTERISTICS

1. TOPOGRAPHY

The project site is located makai of Honoapiilani Highway with relatively low and level elevations, Type Flood Zone C, determined to be an area of minimal flooding. The lot

WAIOLA CHURCH

slopes from Wainee Street to Malu-ulu-o-lele Park or in an east to west direction. The entrance and exit will be located at Wainee Street

2. SOILS

According to the Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii by the U.S. Department of Agriculture Soil Conservation Service, 1972, the subject area consists of EAA, Ewa silty clay loam

The Ewa series consists of well-drained soils in basins and alluvial fans on the islands of Maui and Oahu. These soils developed in alluvium derived from basic igneous rock. They are nearly level to moderately sloping. Elevations range from near sea level to 150 feet. The annual rainfall amounts to 10-30 inches. Most of it occurs between November and April. The mean annual soil temperature is 73 degrees Fahrenheit.

Ewa soils are geographically associated with Honolulu, Mamala, Molokai, Pulehu and Waiakoa soils

These soils are used in sugarcane, truck crops and pasture. The natural vegetation consists of fingergrass, kiawe, koa haole, klu and uhaloa.

Ewa silty clay loam 0 to 3percent (EaA) is found on the proposed site. On this soil, runoff is very slow and the erosion hazard is no more than slight. In a few places small gently sloping areas were included in mapping

3. LAND USE TYPE

The Detailed Land Classification – Island of Maui by the Land Study Bureau, University of Hawaii”, L.S.B. Bulletin No. 7, 1967, designated the site as A7li, This area has an overall “A” rating which indicates it is well suited for machine till ability and is non-stony, deep and well drained.

C. HYDROLOGICAL CHARACTERISTICS

1. GROUNDWATER AND DRAINAGE

No natural water features are located on the project site. At present, the project site is naturally drained to improved storm drain catchments installed with the earlier building permit, which included the demolition of this temporary hall.

WAIOLA CHURCH

2. FLOOD HAZARD

The National Flood Insurance Program (FIRM) Flood Insurance Rate Map, Panel 185, June 1981 for Maui County indicates the project site is designated A4. Zone A4 is defined as areas of 100-year flood

3. TSUNAMI INUNDATION

The project site is located within the Tsunami Inundation Maps as presented in the Maui, Molokai and Lanai telephone directory

D. BIOLOGICAL CHARACTERISTICS

No rare or endangered species of flora or fauna were observed on the project site, nor is it likely that the project site serves as a habitat for any endangered species. The project site is used and is barren except for some grass, ornamental trees, and some weedy grasses and shrubs. Avifauna and feral animals are not likely to feed in this area.

E. ARCHAEOLOGICAL CHARACTERISTICS

An archeological inventory survey of the proposed project site was conducted by Cultural Survey Hawaii in November 1994. It is apparent from this survey that the proposed improvements will take place on previously graded lands, therefore, it is unlikely that any archaeological remains will be found on site. In the event any remains are found during demolition, all work will cease and the State Historic Preservation Officer will be notified.

F. INFRASTRUCTURE AND UTILITIES

The proposed improvements consists of removing nothing onsite except the unsafe building. This improvement is not expected to have any impact on offsite infrastructure or utilities. Onsite benefits from the demolition will be significant. Safety and aesthetics, as well as open area use will be the ramifications of the demolition of an aging, noncompliant structure, with no known loss of benefit.

III. DETERMINATION, FINDINGS, AND REASONS SUPPORTING DETERMINATION

After completing an assessment of the potential environmental effects of the proposed demolition, and consulting with other governmental agencies, it has been determined an Environmental Impact Statement (EIS) is not required. According to Church Trustees, the building has no Architectural significance. This building is in a classroom style, typical of portables throughout the state. (Please see attached Photos) To remove a building

WAIOLA CHURCH

which is unused, unsafe, unsightly, and a firetrap, is a necessary safety procedure. The earlier permit for the new Hale Ai required its removal. The building is dilapidated, and allows easy ingress. There is serious structural termite damage, a severely leaking roof, and broken windows and doors at three sides. By not following the earlier agreement, the issue of safety becomes important. Therefore this document constitutes a Notice of Negative Declaration.

Reasons supporting the Negative Declaration determination are as follows, using as the criteria, the policy, guidelines and provisions of Chapters 343 and 344, HRS.

1. The proposed action primarily consist of the demolition a small single story building and will not adversely affect the physical and social environment
2. There will be no permanent degradation of existing ambient air and noise levels. During demolition operations, air quality and noise levels are expected to be affected in a minor way, and these are temporary
3. No residences or business will be displaced by this project
4. There are no known endangered species of animal or plants with the project limits
5. There are no natural, historic or archaeological sites with the project demolition limits, and the area under the building is easily accessed. Sight lines are unaffected. Building is not foreseen to be of Architectural significance
6. The project site is consistent with the Maui County Community Plan for the site
7. There are no secondary adverse effects on future development, population or public facilities

IV. ALTERNATIVES CONSIDERED

No alternatives other than the “no action” alternative were considered. No action results in the continued deterioration of a meeting hall that is too small, beyond repair, and unsafe for all who enter. Repairs are beyond consideration, as the extent of the structural damages and failing roof make any repair impractical or a financial boondoggle. There are no restroom facilities and utilities are nonexistent. Use of any type is not possible, even as an auxiliary building. The new meeting hall (1999) meets all needs of the community and congregation. Open space is the best use of this location at this time. Relocation was briefly considered, but the use as temporary construction trailer was deemed impractical, costly, and not required of any party known. No one has volunteered to take the building, and other options have been exhausted.

V. SUMMARY OF MAJOR IMPACT AND MITIGATIVE MEASURES

Short-term impacts, beneficial and adverse, generally result from construction related activity. Consequently, this impact is of short duration and should not last longer than the duration of the demolition. Long-term impacts are beneficial and will generally result

WAIOLA CHURCH

from the implementation of the proposed action. As the building is described so aptly and correctly in the above paragraphs, the commitment to conservation of natural or cultural resources is obliged to deduce that the value of the open space is the greatest natural or cultural resource available in this situation.

Demolition of the old hall will correct deficiencies and fulfill promises made during the permit and construction phase of the new Hale Ai in 1999. The degree of short-term impact will be determined largely by the construction method to be utilized and the time of day and week when the demolition is performed

Very little grading will be required. Planting of grass will stabilize any slope erosion and will not involve significant quantities of earthwork. Standard mitigations will be implemented to prevent runoff during the demolition period. This will involve a low silt fence at the perimeter of the building to form a catch for dust. Sprinkler irrigation is considered a dust control measure. The proposed demolition and removal will also have some impact on traffic, however most work is expected to be conducted during the weekend when the site is not in use

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

PIETRI T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY FOR TOURISM

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LAND
MANAGEMENT AND RESTORATION
ENFORCEMENT
HAWAIIAN
POLYNESIA AND WILDLIFE
HISTORIC PRESERVATION
KANGOLA WILDLIFE AND RESEARCH COMMISSION
LAND
FAIR PARKS

March 29, 2006

Mr. Stanley Solamillo, Planner
Maui County Planning Department
250 South High Street
Wailuku, Hawaii 96793

LOG NO: 2006.085B
DOC NO: 0605ST42
Architecture

Dear Mr. Solamillo:

**SUBJECT: Chapter 6E-42 (HRS) Review
Demolition of the Old Waiala Church Hall
Lahaina, Hawaii
TMK: (2) 4-6-007:016**

Thank you for your inquiry by e-mail regarding the proposed demolition of the Old Waiala Church Hall located within the Lahaina Historic District. The congregation of the Church (circa 1830) has not used the Hall that was built in 1947 or 1951 and that has been allowed to become derelict. The church congregation now wants to demolish it. A new building has already been built nearby.

Before any action is taken, we believe that further research should be done on the Hall's history and significance and that all options should be explored, e.g., rehabilitation, relocation.

Thank you for the opportunity to comment. Should you have any questions regarding architectural concerns please call Susan Tasaki in our Oahu office at (808) 692-8032.

Aloha,

Melanie A. Chinen, Administrator
State Historic Preservation Division

ST:jen

c: Melissa Kirkendall, Ph.D., Maui Island Lead Archaeologist

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Co./Dept.		Co.			
Phone #		Phone #			
Fax #	(808) 270-6290	Fax #			

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To: Wayne J. Arakaki, Engineer
 Company: Wayne J. Arakaki, Engineer
 P.O. Box 884
 (1129 Lower Main, Suite 301)
 Wailuku, Maui, HI 96793
 Fax: 342-8865

From: Tom Connor, AIA
 Company: Architects Maui
 720 Waiola Road
 Haleiwa, Maui, HI 96708

Date: 2 August 1996

Job: Waiola Church Hale 'Ai (Job # 9361)

Subject: **Public Work comments faxed yesterday.**

Pages: 1 (encl 11), including this one

Following please find the Waiola's Variance approval letter related to the street-widening/property dedication requirement along Waiola Street

With regard to the driveway needing to conform to Standard Detail-50. As noted on the sheet describing this detail, it is only required of driveways within the "Business, Industrial, Residential, Multiple Family, Hotel, Agriculture and Farming Districts". The Waiola Church Hale 'Ai Project driveway is located within a Historic District, which isn't referenced in the notes of the R-50 detail.

Mahalo for your help

If you have any comments or questions, please call.

WJ

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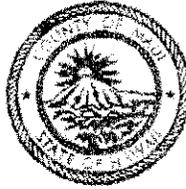
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LINDA CROCKETT LINGLE
Mayor

CHARLES JENCKS
Director

DAVID C. GOODE
Deputy Director

AARON SHIMOTO, P.E.
Chief Staff Engineer



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT

LAND USE AND CODES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH KAGAMINE, L.S., P.E.
Land Use and Codes Administration

EASSIE MILLER, P.E.
Wastewater Reclamation Division

LLOYD POW LEE, P.E.
Engineering Division

DAVID WISSMAR, P.E.
Solid Waste Division

BRIAN HASHIRO, P.E.
Highways Division

July 11, 1996

Mr. Thomas R. Cannon, AIA
Architects Maui
720 A. W. Judd Road
Haiku, Hawaii 96708

SUBJECT: VARIANCE APPLICATION 96-BVA 09
FOR WAIOLA CHURCH
AT 547 WAINE'E STREET, LAHAINA, MAUI, HAWAII
TMK (2)4-6-007:16 & 17

Dear Mr. Cannon:

On May 23, 1996, the Maui County Board of Variances and Appeals approved your request for a variance from Section 16.26A, 4600 of the Maui County Code for property located at 547 Waine'e Street, Lahaina, Maui, Hawaii and identified for real property tax purposes as TMK (2)4-6-007-16 and 17 with the following conditions:

1. That the variance be applicable only to the proposed new Parish Hall for Waiola Church being proposed under HDC #95/0002 and SM# #95-0005 and
2. That the property owner shall submit a recorded hold harmless agreement incorporating the above conditions and indemnifying and holding the County harmless from and against any loss, liability, claim or demand arising from the subject variance approval in a form acceptable to the County prior to issuance of the building permit.

We are enclosing the Board's Findings of Fact, Conclusions of Law, and Decision and Order for your files.

Mr. Thomas R. Cannon

10/1/96

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If you have any questions regarding this letter, please call Clement Enomoto of the Land Use and Codes Administration at 243-7236.

Very truly yours,



CHARLES JENCKS
Director of Public Works
And Waste Management

ng

enclosure

c:\local\variance\96bva09.fof

MAUI COUNTY BOARD OF VARIANCES AND APPEALSFINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER

96-8VA-09

THOMAS R. CANNON representing WAIOLA CHURCH a.k.a. WAINE'E PROTESTANT CHURCH, requesting approval of a variance from Section 16.26A.4600 of the Maui County Code in order to delete the dedication requirement for a road widening lot for a proposed parish hall at Waiola Church located at 547 Waine'e Street, Lahaina, Maui, Hawaii, TMK (2)4-6-007:16&17.

The matter of a request by THOMAS R. CANNON ("applicant"), representing WAIOLA CHURCH a.k.a. WAINE'E PROTESTANT CHURCH ("owner") having duly appeared at the hearings on May 23, 1996, the Maui County Board of Variances and Appeals ("Board") being fully advised thereon, now makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER.

FINDINGS OF FACT

1. That the applicant is requesting approval of a variance from Section 16.26A.4600 of the Maui County Code ("MCC") in order to delete the dedication requirement for a road widening lot for a proposed parish hall at Waiola Church located at 547 Waine'e Street, Lahaina, Maui, Hawaii; TMK (2)4-6-007.16 & 17.
2. That Section 8-5.4.1 of the Maui County Charter and MCC Section 16.08.250(E) authorizes the Board to hear the applicant's request for a variance.
3. That on May 23, 1996 at 1:30 p.m., the Board conducted a public hearing on the applicant's request at the Kalana Pakui Conference Room, First Floor, 250 South High Street, Wailuku, Maui, Hawaii.
4. That at the May 23, 1996 public hearing, the Board received the following testimony and evidence.

Findings of Fact, Conclusions of Law
and Decision and Order

96-BVA-09

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- a. That the subject parcel is located at 547 Waine'e Street, Lahaina, Maui and identified for real property tax purposes by TMK (2)4-6-007:16 and 17.
- b. That the parcel is within the State urban district and has a County zoning designation of Historic District No. 1. The County's Community Plan for the area designates the parcel for public use.
- c. That the owner proposes to demolish its existing parish hall and toilet building, and construct a new Parish Hall. The new Parish Hall will be single story, five room meeting hall with bathrooms and kitchen facilities. A parking lot with 39 stalls will also be constructed.
- d. That MCC Section 16.26A.4600 requires that the public street adjacent to the property be improved to county standards as set forth in Title 18 of the MCC. However, the above section also states that churches are exempt from road improvements provided that:

"...in the cases of churches, land required for road widening purposes shall be dedicated to the county prior to the issuance of a building permit....For the purposes of this section, churches mean structures used primarily for religious or sectarian purposes."
- e. That Title 18 of the MCC, "Subdivisions", Section 18.16.0608 states:

"Where substandard existing streets are adjacent to a subdivision, the subdivider shall provide additional rights-of-way for those portions of the streets adjacent to the subdivision such that the distances from the centerlines of the streets to the boundaries of the subdivided lots fronting the streets are equal to one-half of the rights-of-way widths as required by the general plan or county standard."
- f. That the existing width for Waine'e Street is approximately 27 feet. The ultimate right of way for Waine'e Street is 44 feet; therefore, a road widening lot of approximately 8.5 feet is required.

EXA

Findings of Fact, Conclusions of Law
and Decision and Order

96-3VA 09

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The applicant stated that:

"A. Not widening Waine'e Street at the project site, does not preclude increasing the safety of Waine'e to the same degree in other ways.

B. Not granting this variance would be much more detrimental to the public welfare, than granting the request; in that by dedicating the road widening lot the historic stone wall (which frames the upper limits of the Lahaina Historic District) would be in more danger of being moved or demolished. Maintaining Waiola's historic sites along with their surrounding walls is an important part of maintaining the integrity of the Lahaina Federal and County Historic Districts, and is supported by cultural resource preservation statements in both the County General Plan and West Maui Community Plan."

3. That the granting of the variance would not be injurious to the adjoining lots and the buildings thereon; and

The applicant has stated:

"Granting this Variance would not affect the adjoining lots at all, except perhaps to strengthen their owner's claim to a similar variance, as they also are within the Historic District. Granting the request is thus not injurious to adjoining lots, but rather is potentially helpful. This applicant is a special case though, as Waiola Church has been here since being founded in the Hawaiian Kingdom, by royalty in 1823. This site has remained in native Hawaiian hands ever since."

4. That the granting of the variance would not be contrary to the purposes of this code and the public interest.

Findings of Fact, Conclusions of Law
and Decision and Order

96-8VA-09

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The applicant has stated:

"Granting this Variance is completely compatible with the purposes of the Code, and would be highly beneficial to the public welfare by assisting greatly in preserving the integrity of the Lahaina National Historic Landmark District and the Maui County's Lahaina Historic District. The Variance would better ensure the protection of Waiola's historic wall structures which abut Waine'e Street and completely frame Waiola's highly significant sites. Various Sections of the Code substantiate this statement, including (with emphasis added):

Section

- 19.48.010 "In order to promote the economic, cultural and general welfare of the people of the county and to insure...harmonious, orderly, and efficient growth... it is deemed essential... that the qualities relating to the history and culture of the county be preserved..."
- 19.50.010 [relating to the establishment of the Lahaina Historic District no. 1] "The purpose of creating this district is to preserve historic structures and sites within [it]".
- 19.52.020 The [Cultural Resources Commission (CRC)] shall have the power to approve all plans (within the Historic District), and the superintendent of building inspection shall not issue a building permit until...approval."

Findings of Fact, Conclusions of Law
and Decision and Order

95-BVA 09

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and 19.52.050 "The demolition or moving of structures of historic worth shall be discouraged and the commission shall not issue a certificate for demolition except when a structure is deemed a hazard to public health or safety..."

At it's regular meeting of April 6, 1995, the CRC reviewed Waiola's proposed project, and found that "the Department Public Works and Waste Management request for a road widening lot [at the project site] is not in the best interests of the Lahaina National Historic District", partially because widening Waine'e at the project site would mean demolishing or moving the historic wall structure. This finding, in conjunction with Section 19.52.050 (above), indicates that by Code the Public Works Department could not demolish or move Waiola's's historic wall abutting Waine'e Street, and thus could not widen Waiola Street in this direction. Yet, the requirement to dedicate property for this purpose persists.

Waiola Church has been at this location since 1823, long before Maui County existed. Founded by Hawaiian Royalty, and continuously in native Hawaiian hands since that time, it is clearly in the public interest not to disrupt this significant historic site of our host culture, and to approve this request for a Variance."

1. That the notice of application for a variance was mailed to the adjacent property owners.
2. That at the public hearing Mr. Tom Cannon, Ms. Mary Nix, and Mr. Andrew Kaopuiki spoke in favor of the request. No one spoke in opposition of the request.

CONCLUSIONS OF LAW

That the above Findings of Fact support the granting of the variance with the following conditions:

Findings of Fact, Conclusions of Law
and Decision and Order

96-BVA-09

Page 7 of 8 pages

- a. That the variance be applicable only to the proposed new Parish Hall for Waiola Church being proposed under HDC #95/0002 and SM1 #95-0006.
 - b. That the property owner shall submit a recorded hold harmless agreement incorporating the above conditions and indemnifying and holding the county harmless from and against any loss, liability, claim or demand arising out of the subject variance approval in a form acceptable to the County prior to issuance of the building permit for the proposed Parish Hall.
2. That the strict application, operation or enforcement of the code provision or provisions appealed from would result in practical difficulty or unnecessary hardship to the applicant;
 3. That the granting of the variance shall not be detrimental to the public health, safety or welfare;
 4. That the granting of the variance would not be injurious to the adjoining lots and the buildings thereon; and
 5. That the granting of the variance would not be contrary to the purposes of this code and the public interest.

DECISION AND ORDER

It is the decision of the Maui County Board of Variances and Appeals that the above Findings of Fact and Conclusions of Law be made

AND FURTHER ORDERED

That the request made by THOMAS R. CANNON ("applicant") representing WAIOLA CHURCH - A K A WAINEF PROTESTANT CHURCH ("owner") requesting approval of a variance from Section 16-25A-4600 of the Maui County Code in order to delete the dedication requirement for a road widening lot for a proposed parish hall at Waiola Church be granted with the following conditions:

Findings of Fact, Conclusions of Law
and Decision and Order

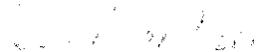
Page 3 of 3 pages

- a. That the variance be applicable only to the proposed new Parish Hall for Waiola Church being proposed under HDC #95/0002 and SM1 #95/0005 and
- b. That the property owner shall submit a recorded hold harmless agreement incorporating the above conditions and indemnifying and holding the county harmless from and against any loss, liability, claim or demand arising out of the subject variance approval in a form acceptable to the County prior to issuance of the building permit.

for the proposed parish hall at Waiola Church located at 547 Waihe'e Street, Lahaina Maui, Hawaii; TMK (2)4 S 007, 16 & 17.

Dated at Wailuku, Maui, Hawaii, this 23rd day of May, 1996

BOARD OF VARIANCES AND APPEALS
FOR THE COUNTY OF MAUI



GERRI DE BEER, CHAIRPERSON

BY: [Signature] DEPUTY FOR