

April 9, 2010

Kalanimoku Building
ICSD Video Conference Room, Basement Floor
1151 Punchbowl
Honolulu, Hawai`i

COMMISSIONERS PRESENT: Duane Kanuha
Ransom Piltz
Vladimir Devens
Reuben Wong
Kyle Chock

COMMISSIONERS ABSENT: Nicholas Teves, Jr.
Normand Lezy
Lisa Judge

STAFF PRESENT: Diane Erickson, Deputy Attorney General
Scott Derrickson, Staff Planner

COURT REPORTER: Holly Hackett

Lihu`e Airport Video Conference Room, Lihu`e Airport
Lihu`e, Kaua`i, Hawai`i

COMMISSIONER PRESENT Thomas Contrades (Presiding Officer)

STAFF PRESENT Orlando Davidson, Executive Officer
Bert Saruwatari, Staff Planner
Riley Hakoda, Staff Planner/Acting Chief Clerk

Chair Piltz called the meeting to order at 9:01 a.m. from the Kalanimoku Video Conference Center and announced that he was designating Commissioner Contrades to be the Presiding Officer for this docket.

SP87-364 Kāhili Adventist School

Commissioner Contrades acknowledged his appointment as Presiding Officer and announced that that this was an action meeting to consider amending Conditions 1, 2 and 3 of the Special Permit.

APPEARANCES (these parties appeared at the Līhu`e Airport Video Conference Center for this meeting)

Greg Kamm, Planner and authorized agent for Kāhili Adventist School
Mark Valencia, Esq., represented Kāhili Adventist School
Robert Lloyd-Kāhili Adventist School
Raymond McCormick, Department of Transportation
Ian Jung, Esq., represented County of Kaua`i

PUBLIC WITNESSES

There were no public witnesses

Mr. Valencia provided background and history of the Petition requesting the amendments for Conditions 1, 2, and 3 and announced that Mr. Kamm would be addressing the Commission.

LUC Staff Planner Bert Saruwatari provided the LUC staff report on the Special Permit. There were no questions for Mr. Saruwatari.

PETITIONER

Mr. Kamm described the history and background of the events that had occurred which resulted in the Petitioner's request for amendments to the Special Permit.

Mr. Jung stated that the County of Kaua`i had no questions for Petitioner.

Mr. Yee stated that he had no questions but had two comments to make as a public witness in support of granting the amendments to the Special Permit. Mr. Yee explained that first, in regards to Condition #3, OP was requesting a traffic operations analysis to be conducted and approved by the DOT. Secondly, OP was requesting that a time limit be imposed for the Permit since the current permit had no durational limit and that a time limit would be consistent with a Special Permit and indicate that the district boundary amendment process was not being circumvented using the Special Permit process. Mr. Yee indicated OP was open to the number of years for the durational limit and described time limits that had been applied in other Special Permit situations.

Mr. Kamm responded that the durational time limits may be appropriate for expansion of uses or other uses, but that the Petitioner had already invested a large sum of money based on the terms and language of the existing issued Permit. Mr. Kamm described the Petitioner's activities on the Petition Area property. Mr. Valencia stated that approximately 36 years remained on the existing lease that the school had with the land owner.

Commissioner Devens requested clarification on the information provided by Mr. Yee in his testimony regarding the durational time limits. Mr. Yee explained what similarities this Special Permit amendment request had with other situations requiring a durational time limit. Discussion ensued regarding the remaining years on the lease and the application of a durational time limit requirement.

Commissioner Wong stated that the focus of the Petition was for the amendment of Conditions 1, 2 and 3 only and any other changes should be in the form of a separate Petition.

Commissioner Devens asked if Mr. Kamm had any objections to adding the LUC Commission's suggested language to Condition 3 with the additional language suggested by Mr. Yee and with providing status updates to LUC staff. Mr. Kamm replied that the DOT approval for the Transportation Operation Analysis had already been obtained for Condition 3 and had no objections.

Mr. Jung stated that the County of Kaua'i had no objections to the changes made to Condition 3. There were no questions for the County. Mr. Yee indicated that OP had no other comments and that Mr. McCormick was available to answer any questions for DOT.

Chair Piltz requested clarification on the current status of the roadway improvements in the Petition Area from Mr. McCormick.

Mr. McCormick described the DOT activities used to monitor traffic in the area and reported on the findings of other DOT traffic analysis studies done in the area performed by a consultant that the DOT has used in the past.

Chair Piltz inquired if a 5 year review of conditions was satisfactory for the DOT. Mr. McCormick replied that it was. There were no further questions for Mr. McCormick.

Commissioner Devens moved to amend Conditions 1, 2, 3 and 8 and add an additional Condition 13 and provided his proposed wording for the Conditions. Commissioner Wong seconded the motion.

Commissioner Devens acknowledged the good faith efforts of the school and its diligence in handling matters, and that the proposed amendments were fair and reflected the record in this case.

The Commission was polled as follows:
Ayes- Commissioners Devens, Kanuha, Wong, Chock, Contrades and Piltz.
Nays-None
The motion passed 6-0 with 3 excused.

Commissioner Contrades announced the conclusion of proceedings at the Līhu'e Video Conference center. Chair Piltz adjourned the meeting at 9:38 a.m.