

SP87-364 - KAHILI ADVENTIST SCHOOL (Kapai)  
(First Amend.)







BEFORE THE LAND USE COMMISSION  
STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. SP87-364
	)	
KAHILI ADVENTIST SCHOOL	)	ORDER REQUIRING THE FILING OF
	)	STATUS REPORTS
For an Amendment To The Special Use	)	
Permit Which Establishes a Church,	)	
School, and Related Uses on	)	
Approximately 195.673 acres of Land	)	
within the Agricultural District Koloa,	)	
Kauai, Tax Map Key Number: 2-7-01:03	)	
_____	)	

ORDER REQUIRING THE FILING OF STATUS REPORTS

This is to certify that this is a true and correct  
copy of the document on file in the office of the  
State Land Use Commission, Honolulu, Hawaii.

AUG 26 2008

Date

by

Executive Officer





BEFORE THE LAND USE COMMISSION  
STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. SP87-364
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KAHILI ADVENTIST SCHOOL	)	ORDER REQUIRING THE FILING OF
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Kauai, Tax Map Key Number: 2-7-01:03	)	
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ORDER REQUIRING THE FILING OF STATUS REPORTS

On August 8, 2008, Kahili Adventist School provided a written status report on its compliance with the conditions of its Special Permit to the Land Use Commission (Commission) at the Commission's meeting in Honolulu, Oahu, Hawai'i, and its efforts to seek amendments to some Special Permit conditions from the County of Kauai. Mark Valencia Esq.; Greg Kamm, Greg Kamm Planning & Management; Ronald Lindsey; and Wanda Lee appeared on behalf of the Applicant. Brian Yee, Esq.; Abby Mayer; and Abe Mitsuda were also present for the State Office of Planning.

At the meeting, the applicant provided information on its efforts to work with the Kauai County Planning Department and the State Department of



Transportation to enable it to comply with some of the conditions of the Special Permit and seek amendments giving it relief from other conditions. The applicant also expressed its willingness to provide a status report when it filed its application with Kauai County for amendment of Special Permit conditions, which Applicant indicated it proposed to do within 45 to 60 days.

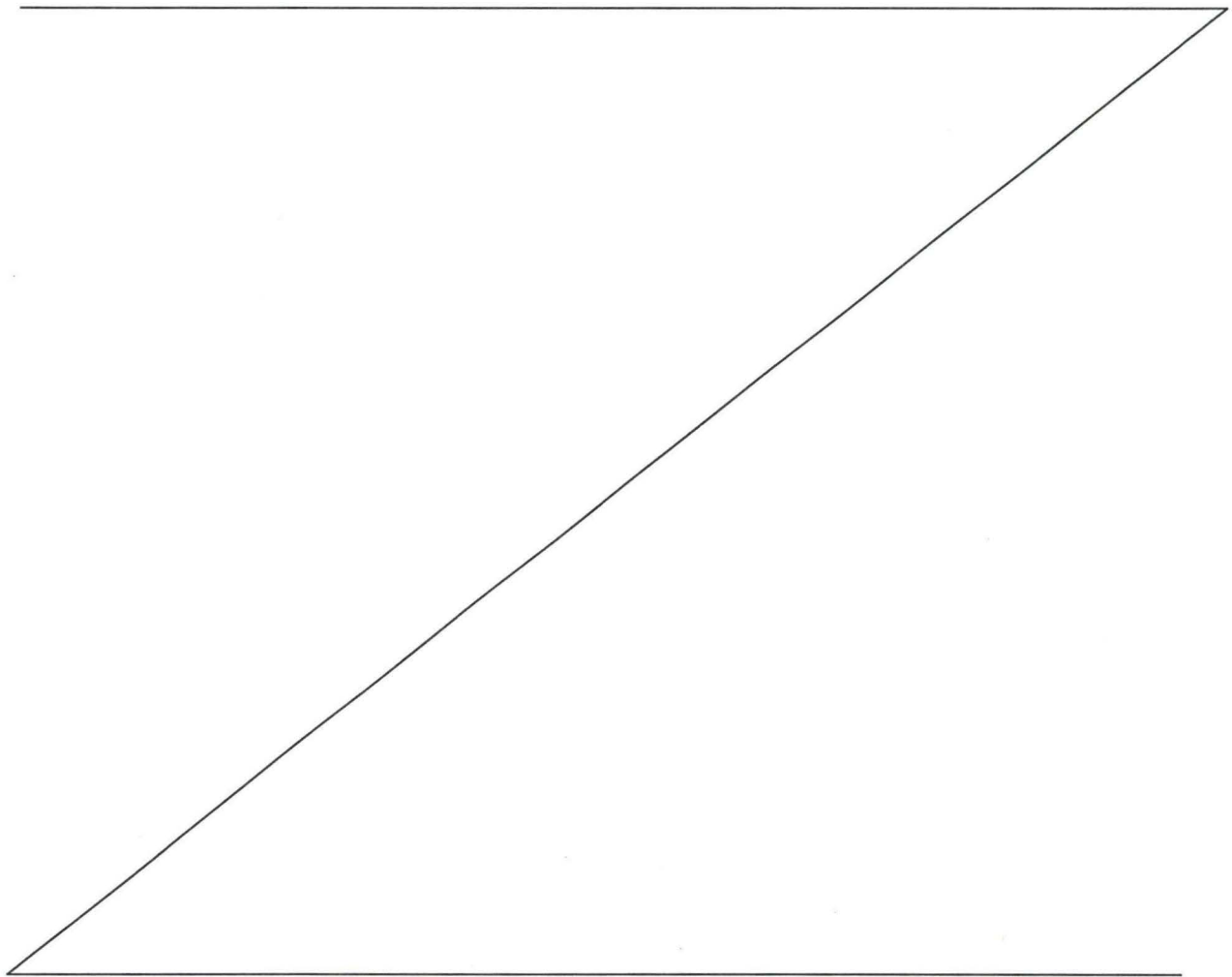
Following discussion by the Commissioners, a motion was made and seconded that Applicant shall file a status report with the Commission when it submits its application to the County of Kauai for amendment of Special Permit conditions, and shall file another status report with the Commission within one year of the filing of the application for amendment of conditions with Kauai County, to inform the Commission of the results of that action. Following further discussion by the Commissioners, a vote was taken on the motion. There being a vote tally of 7 ayes and 1 absent, the motion carried.

#### ORDER

Having duly considered the Applicant's status report, the arguments of the parties in this proceeding, and a motion having been made at a meeting conducted on August 8, 2008, in Honolulu, Oahu, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, Hawai'i Administrative Rules, and there being good cause for the motion, this Commission hereby ORDERS that the Applicant



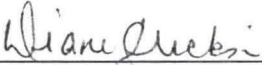
shall file with this Commission a status report describing its filing of an application for amendment of Special Permit conditions for the above-entitled docket with The County of Kauai, when the application has been filed; and shall file with the Commission within one year from the date of the filing of said application, a second status report describing the results of that filing.





Done at Honolulu, Hawai'i, this 26th day of  
August, 2008, per motion on August 8, 2008.

APPROVED AS TO FORM

  
Deputy Attorney General

LAND USE COMMISSION  
STATE OF HAWAII

By   
DUANE KANUHA  
Chair

Filed and effective on  
AUG 26 2008

Certified by:

  
Executive Officer



BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. SP87-364
	)	
KAHILI ADVENTIST SCHOOL	)	CERTIFICATE OF SERVICE
	)	
For an Amendment To The Special Use	)	
Permit Which Establishes a Church,	)	
School, and Related Uses on	)	
Approximately 195.673 acres of Land	)	
within the Agricultural District Koloa,	)	
Kauai, Tax Map Key Number: 2-7-01:03	)	
_____	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER REQUIRING THE FILING OF  
STATUS REPORTS was served upon the following by either hand delivery or  
depositing the same in the U. S. Postal Service by regular or certified mail as noted:

DEL.        ABBEY MAYER, Director  
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              P. O. Box 2359  
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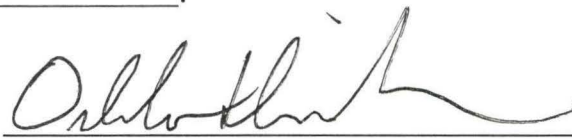
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737 Bishop St. #2600  
Honolulu, HI 96813

CERT: MICHAEL D. TOM, Esq.  
Tom Petrus & Miller  
1164 Bishop Street, Suite 650  
Honolulu, Hawaii 96813

Dated: Honolulu, Hawaii, AUG 26 2008.

A handwritten signature in black ink, appearing to read "Orlando Davidson", written over a horizontal line.

ORLANDO DAVIDSON  
Executive Officer

LAND USE COMMISSION  
NOTICE OF LAND USE COMMISSION MEETING  
DATE, TIME AND PLACE

September 20, 2007

Site Visit - 10:00 a.m.

Meeting - 11:30 a.m.

Hilton Kauai Beach Resort  
4331 Kauai Beach Drive  
Lihue, Kauai, Hawaii

A G E N D A

I. SITE VISIT - 10:00 a.m.

1. SP87-364 KAHILI ADVENTIST SCHOOL (Kauai)

Meet at 2-4035 Kaumualii Highway, Koloa, Hawaii 96756

II CALL TO ORDER - 11:30 a.m.

III. CONTINUED HEARING AND ACTION

1. SP05-399 KAUAI ATV, LLC (Kauai)  
Order to Show Cause.

IV. ACTION

1. SP87-364 KAHILI ADVENTIST SCHOOL (Kauai)  
Status report and action, if necessary.

The Commission may elect to consult with counsel in executive session pursuant to Section 92-5, HRS.  
Persons with disabilities who need accommodation should call (808) 587-3822 no later than 12:00 noon, 2 business days before the date of the meeting.  
The mailing address for the Land Use Commission is P.O. Box 2359, Honolulu, Hawai'i, 96804-2359.  
Some materials for these agenda items may be available on our website at <http://luc.state.hi.us>.



LAND USE COMMISSION  
NOTICE OF LAND USE COMMISSION MEETING  
DATE, TIME AND PLACE

September 21, 2007

9: 00 a.m.

Maui Prince Hotel Makena Resort  
5400 Makena Alanui  
Makena, Maui, Hawaii

A G E N D A

- I. CALL TO ORDER
- II. TENTATIVE MEETING SCHEDULE
- III. LEED Workshop  
Presentation by Jennifer Stites (LEED) and David Arakawa (LURF)
- IV. REVIEW AND DISCUSSION OF STAFF PROPOSED ADMINISTRATIVE RULES  
AND ACTION TO AUTHORIZE STAFF TO PROCEED TO RULE-MAKING  
PURSUANT TO CHAPTER 91, HAWAII REVISED STATUTES
- V. CORRESPONDENCE
  1. PUKALANI ASSOCIATES, LLC (Maui)
- VI. ADOPTION OF ORDER
  1. A05-755 HALE MUA PROPERTIES, LLC (Maui)  
Amendment to Order Granting Petitioner's Motion to Amend Caption and Findings  
of Fact, Conclusions of Law, and Decision and Order filed February 12, 2007
- VII. ACTION
  1. A05-755 HALE MUA PROPERTIES, LLC (Maui)  
To consider the Petitioner's Motion to Amend Condition No. 5 of the Findings of  
Fact, Conclusions of Law, and Decision and Order for a State Land Use District  
Boundary Amendment filed February 12, 2007.
- VIII. CONTINUED HEARING AND ACTION
  1. A07-773 EMMANUEL LUTHERAN CHURCH OF MAUI (Maui)  
To consider the reclassification of approximately 25.263 acres of land currently in  
the Agricultural District to the Urban District at Wailuku, Maui, Hawaii for a  
new school campus.

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the matter of the Petitions )  
Of )  
SP05-399 Kauai ATV (Kauai) )  
SP87-364 Kahili Adventist School (Kauai) )  
CERTIFICATE OF SERVICE )  
)  
)  
)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the September 20, 2007 agenda was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular mail as noted:

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Ian Costa, Director  
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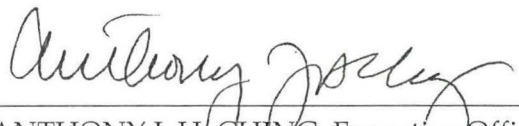
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3135-A Akahi Street  
Lihue, Hawaii 96766

SEP 13 2007

Dated: Honolulu, Hawaii, \_\_\_\_\_.

  
\_\_\_\_\_  
ANTHONY J. H. CHING, Executive Officer



1. DDV  
2. SM

## CASE LOMBARDI & PETTIT

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LAND USE COMMISSION  
STATE OF HAWAII

2008 JUN 27 A 9: H

XC: MM

Of Counsel  
Derrick W. Rohlfing III  
Gary L. Wixom

Bruce C. Bigelow (1946-2001)

June 26, 2008

### VIA HAND DELIVERY

Mr. Dan Davidson, Executive Officer  
State Land Use Commission  
235 S. Beretania Street, Room 406  
Honolulu, Hawaii 96813

Re: Docket No. SP87-364/Kahili Adventist School

Dear Mr. Davidson:

We represent the Hawaii Conference of Seventh-day Adventists ("Church"), which is the organization responsible for operation of the Seventh-day Adventist churches and schools throughout the State of Hawaii. We are writing to provide a status report on Kahili Adventist School's ("School") compliance with Special Permit No. 87-364 ("SP87-364"). This status report supplements the report provided to your predecessor Mr. Anthony Ching on February 27, 2003, a copy of which is enclosed for your convenience.

The Church has retained the services of Greg Kamm of Greg Kamm Planning & Management, a Kauai-based planning firm, to assist with the review and analysis of various aspects of the School's compliance with SP87-364. Mr. Kamm has inspected the property and is working with the County of Kauai Planning Department.

We have reached the following preliminary conclusions and recommendations regarding each condition:

1. Interior roadways - 16 foot penetration base: Many of the roads are 16 feet. Some are not. They have been adequate for operation of the property in any case. Further, "penetration base" is no longer legal, because of Environmental Protection Agency restrictions and pavement is not appropriate for this very "rural" setting. The School would like to maintain the roads using rolled gravel, as it has done effectively for many years. This may require the County's approval, possibly through an amendment to the existing County permit conditions.

2. Waterline improvements: These have been made, although not all of them may reach the level needed for code fire flows. Given the remote location and the very low density, the School will request that continued use of extinguishers and the reservoir as a back-up for pump trucks be considered compliant. This will be discussed directly with the Kauai Fire Department.
3. Asphalt or concrete all roads within 5 years: Please see above response relative to interior roadways.
4. All weather surface on entry road: The road has functioned for sugar cane hauling, pasture, school, and recreational use for over 50 years; probably much longer. However, this condition defines "all-weather surface" to mean a penetration base, which is no longer allowed. This road is in very good shape for what it was initially designed to be: support for major, very large and heavy sugar cane hauling vehicles. It has functioned well for the School (and its other users) and the School takes care to keep this road passable in all weather, regularly adding gravel, grading and rolling it and ensuring drainage is effective. Because it is functional, appropriate to the rural setting, and a penetration base is no longer an option, the School will request permission to continue to maintain this road in its present condition.
5. Highway entry improvements: The cost of fully-engineered, State-standard highway improvements would be prohibitive, as well as detract from the rural ambiance many are trying to maintain. The School will request the County's support in maintaining this entry point as is. In terms of traffic safety, the School is unaware of any issues at this location requiring highway-standard improvements, so the School will seek relief from this condition. We will also be meeting with State Highways Division on this matter
6. Density: The School is compliant, in fact, well below permitted density.
7. LUC boundary interpretation: We are uncertain if the School has undertaken this work, but the School will do so if deemed necessary. We have been informed that no school activity takes place in the Conservation District.
8. Design review by Planning Department: All buildings on site constructed since the original permit was issued were done so under valid building permits, reviewed by the Planning Department.

Mr. Dan Davidson, Executive Officer  
State Land Use Commission  
June 26, 2008  
Page 3

9. Agricultural work study curriculum: The School has an agricultural work-study program, but it has been severely affected by the reduced cash-flow, which in turn is a result of the ongoing litigation with the Church's landlord. While the program exists, it is more of an on-campus, agricultural experience and not as robust as the School would like. Relief from some other conditions will allow this program to be greatly improved.

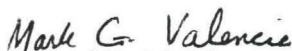
Mr. Kamm and Mark Valencia, Esq. met with Kauai County Planner Mr. Michael L. Laureta on Kauai to discuss SP87-364. Mr. Laureta recommends that the School formally submit this matter to the Kauai County Planning Commission to discuss possible changes to some of the conditions.

Both Mr. Kamm and Mr. Laureta will assist with this effort. Both gentlemen are in the process of researching the history of each condition. Mr. Laureta suggested that the LUC take no action on this matter until the County has formally assessed each condition. We expect the County will make a recommendation on each condition at issue.

We will provide an additional status report as soon as this matter has been placed on the County's calendar.

Please let me know if you need any additional information. Thank you for your consideration.

Sincerely,

  
Michael R. Marsh  
Mark G. Valencia

Enclosure

c: Mr. Greg Kamm  
Mr. Ronald A. Lindsey (Hawaii Conference  
of Seventh-day Adventists)





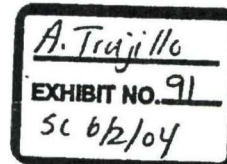
SEVENTH-DAY  
ADVENTIST  
CHURCH

Hawaii Conference

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Telephone: (808) 595-7591  
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sda@hawaiiconf.com  
http://hc.adventist.org

February 27, 2003

HAND DELIVERED



2003 FEB 28 A 9 59  
LAND USE COMMISSION  
STATE OF HAWAII

Mr. Anthony Ching, Executive Officer  
State Land Use Commission  
235 S. Beretania Street, Room 406  
Honolulu, Hawaii 96813

Re: Kahili Adventist School  
State of Hawaii Land Use Commission - Docket No. SP 87-364

Dear Mr. Ching:

Let me begin by thanking you for meeting with Pastor David Pendleton, the Seventh-day Adventist pastor of the Waiola Worship Center in Kaneohe, in your office on January 16, 2003. As a follow-up to that meeting, I am writing to provide an update regarding compliance of Kahili Adventist School with State Land Use Commission and Kauai County Planning Commission conditions. For clarity, the following discussion tracks the 12 conditions in the above-referenced order, pages 7-10, dated July 17, 1990. Each condition will be quoted followed by the response:

1. "Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval."

**Response:**

The interior roadway and waterline improvements had to do with the occupancy of a new gymnasium/auditorium that was being planned. The building had been completed but an occupancy permit had not been issued when hurricane "Iniki" hit Kauai in September 1992. Since it was one of the few buildings standing after the hurricane, the County gave permission for the Red Cross to use the building as its distribution center. After the Red Cross finished with it final requirements were met and the occupancy permit was issued.

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EXHIBIT 7

The use of penetration base treatment was abandoned due to environmental issues and was replaced with rolled base course using rock and coral chips. Ditches were dug along side of the road to divert excess rain water run off. In some of the areas having a greater volume, catch basins were built with grating openings and drainage piping was installed.

A new road was built on the lower side of the pond, twenty-five (25) feet wide and approximately eight hundred (800) feet long, thereby abandoning the narrow and hazardous roadway previously used.

An 80,000 gallon water tank was installed with an automatic control for the chlorination system.

A six inch pipe from the water tank to the school area was installed. The gymnasium/auditorium has a sprinkler system which is fed by a four inch water pipe. In compliance with the county fire department, three hydrants were installed at various locations around the campus.

A school employee has taken the required courses to become a state licensed water treatment operator. The water is treated and samples are sent to the county and state as required by state law. All state reports on the water samples are returned and filed for a minimum of five years.

2. "The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better."

**Response:**

The current road is an all-weather road that was built by the McBryde Sugar Company. This road is well-built and was used by large cane hauling trailer trucks carrying loads of 20 to 30 tons. Since the sugar business has closed and the road is no longer used by these trucks it is much easier to keep it in good repair. The road is a rolled base course using rock and coral chips. Kahili Adventist School has a contract with the Rudy Ramos Equipment Service to keep the road in good repair. A crew services the road on a monthly basis. The road now has a crown so water runs off and the ditches are kept clear. The school spends approximately \$10,000 each year for rock and chipped coral to be spread on the roads.

3. "The improvements required by the State Highways Division shall be provided as required, but no later than 5 years from the date of review and approval by the Land Use Commission."

**Response:**

This condition had been complied with. It has to do with exiting Kaumualii Highway onto the road going to the school. The School paid the State to install a de-acceleration lane on the Kaumualii Highway thus allowing vehicles to move out of the traffic lane before turning onto the school road. When the highway was repaved in the fall of 2002, the de-acceleration lane was also repaved.



4. "As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property."

**Response:**

Kodani and Associates, Inc., a consulting engineering firm, made a flood study for the school. It was submitted to the Kauai County Public Works Department and was approved.

5. "Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments."

**Response:**

Kahili Adventist School is in compliance with all known State and County requirements. For example, all state water requirements are followed. A school employee has taken the required courses to become a state licensed water treatment operator. The director of the Kauai County Water Department inspects the system on a regular basis. The water is treated and samples are sent to the county and state as required by state law. All state reports on the water samples are returned and filed for a minimum of five years.

The school has a contract with Kauai Fire Protection to assure that all fire and safety requirements are met. The county fire department sends an inspector each year to check to see that all equipment is operating correctly.

6. "The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare."

**Response:**

Kahili Adventist School acknowledges the right of the Planning Commission to impose additional conditions or restrictions as deemed necessary. As of this date no additional conditions or restrictions have been imposed.

7. "Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented."

**Response:**

Attached please find a copy of the 2002-2003 School Bulletin which contains our curriculum. On pages 16 and 20 you will find reference to the agricultural work-study program for both our elementary and secondary students. Also please note the response to number 9b. below.

8. "The applicant is advised that prior to an/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."

**Response:**

Kahili Adventist School acknowledges the obligation and responsibility to comply with all additional conditions that may be imposed by government agencies.

9. "Based on the timetable submitted, Petitioner shall complete within five (5) years of Land Use Commission approval:
- a. Expansion of the school program (K-12);
  - b. Agricultural work study program;
  - c. Campground site facilities.
  - d. Health conditioning, physical and spiritual retreat center; and
  - e. Establishment of orchards as per Exhibit 'G.'"

**Response:**

Kahili Adventist School is in compliance. More specifically:

- a. The school started at this location as a K-10 school in 1986. During the 1995-96 school year the 11<sup>th</sup> grade was added. The following year the 12th grade was added.
  - b. Kahili Adventist School has an agricultural work study program. We started with lychee trees. Presently, a two (2) acre parcel is planted with cut flowers and bananas. Orange trees have also been planted. These are doing well. Bananas are sold out of the school office and flowers and bananas are sold at the farmer's market here on Kauai. Each week students are taken to work in the gardens. Students have been used also in planning and developing flower beds around the campus. Please note the attached pictures.
  - c. The campground site has been completed with cabin facilities that are available for use.
  - d. The physical, educational, and spiritual retreat center was built and occupied in 1993. It is an ongoing program, with various organizations using the facilities. Some 27 groups held meetings during 2002.
  - e. Seven hundred lychee trees were planted. They have not proved to be a success. In the past ten (10) years of operation there have been only two (2) sizeable and saleable crops. In seeking help the University of Hawaii was contacted. We were told that the lychee trees were very inconsistent fruit bearers and that we are in a location where it is very difficult for lychee trees to produce. As mentioned above, we have been successful with other fruit trees.
10. "The previously approved density of 20 cabins or units shall be reinstated, and shall apply to the additional cabins proposed or the retirement home. Should the number of additional cabins or retirement home units cumulatively exceed 20 units, then new Special, Use, and Class IV Zoning Permits shall be required. In addition to the 20

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Mr. Anthony Ching  
February 27, 2003  
Page 5

cabins/units, 14 more faculty/staff housing units (as per Petitioner's Exhibit "G") are permissible."

**Response:**

Kahili Adventist School is in compliance with the approved density. At this point, 8 staff homes and 16 cabins/units have been built. An additional 6 staff homes and 4 cabins or units are still permissible under the presently approved density.

11. "A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development."

**Response:**

In accordance with this condition, the Knudsen Trust contacted and employed Belt Collins Engineering in Honolulu to realign the boundaries of the land that was to be leased to the school. The original lease called for a 200 acre plot to be leased. The lease is for 197 acres after the boundaries were redrawn. The Conservation District is not included on the land leased to the school. The school is aware of the Conservation District and has no activities that come anywhere near that area.


12. "All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application."

**Response:**

Kahili Adventist School acknowledges that any future buildings are subject to design review and approval by the Planning Department prior to applying for a permit to build.

I trust this update is helpful to you. Please do not hesitate to contact me if you need any additional information.

Very sincerely yours,

  
Arnold Trujillo  
President

Enclosures

SDA00081

# CASE LOMBARDI & PETTIT

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Bruce C. Bigelow (1946-2001)

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October 31, 2007

**VIA E-MAIL ([aching@dbedt.hawaii.gov](mailto:aching@dbedt.hawaii.gov))**

Mr. Anthony J.H. Ching, Executive Officer  
State Land Use Commission  
P. O. Box 2359  
Honolulu, Hawaii 96804-2359

Re: Docket No. SP87-364/Kahili Adventist School

Dear Mr. Ching:

I represent the Hawaii Conference of Seventh-day Adventists ("Church"), which is the organization responsible for operation of the Seventh-day Adventist churches and schools throughout the State of Hawaii. I am writing to clarify our request for additional time, if necessary, to provide a complete status report to the Land Use Commission ("LUC").

During the September 20, 2007 LUC meeting, the LUC granted the Church's request for a continuance, because Mr. Ronald A. Lindsey, the person with the most institutional knowledge, has been undergoing cancer treatment and was on the mainland at the time of the meeting. The Church requested a continuance until November 2001. Through my error, I did not either hear or note that a date certain, November 1-2, 2007, was set on September 20, 2007 for the continued hearing. Consequently, I informed Mr. Lindsey that a meeting would be held in November, but not November 1 or 2.

Mr. Lindsey is back in Hawaii for the time being and will attend the November 1, 2007 meeting. However, because of his medical treatment and my prior commitments—along with those of my partner Michael Marsh, Esq.—neither my partner nor I have been able to meet with Mr. Lindsey to discuss the items raised in your September 10, 2007 letter.

I am in the process of rescheduling meetings for November 1 and will be present at the LUC meeting with Mr. Lindsey.

I am also forwarding a letter to you from Mr. Lindsey that encloses status reports provided to the LUC and the Kauai County Planning Department in 2003. The Church will provide any additional information required by the LUC.



Mr. Anthony J.H. Ching, Executive Officer  
State Land Use Commission  
October 31, 2007  
Page 2

Thank you for your consideration.

Sincerely,

*Mark G. Valencia*  
Mark G. Valencia



SEVENTH-DAY  
ADVENTIST  
CHURCH

Hawaii Conference

2728 Pali Highway  
Honolulu, HI 96817  
Telephone: (808) 595-7591  
Fax: (808) 595-2345  
sda@hawaiiconf.com  
<http://hc.adventist.org>

October 31, 2007

**VIA E-MAIL (aching@dbedt.hawaii.gov)**

Mr. Anthony J.H. Ching, Executive Officer  
State Land Use Commission  
P. O. Box 2359  
Honolulu, Hawaii 96804-2359

Re: Docket No. SP87-364/Kahili Adventist School

Dear Mr. Ching:

I am the treasurer of the Hawaii Conference of Seventh-day Adventists ("Church"), which is the organization responsible for operation of the Seventh-day Adventist churches and schools throughout the State of Hawaii. I have been the Church treasurer since May 2001. Our Church administration has undergone several changes since my tenure began, including a new president, new superintendent of education, and new secretary (a position I once held in addition to being treasurer). In addition, Kahili Adventist School has a new principal and Kahili Mountain Park, which shares property with the School, has a new park manager. As a result, I am the most knowledgeable Church member regarding the state and county permits and the ongoing lawsuit with the landowner, the Eric A. Knudsen Trust and its trustee, Stacey T.J. Wong.

Earlier this year, I was diagnosed with an inoperable form of cancer. I have been undergoing treatment on the mainland for the past several months. I will be undergoing treatment again soon, which will last until approximately the end of November 2007.

Because of my illness and the Church's attorneys' work schedules, I have been unable to meet with them to discuss the issues raised in your September 10, 2007 letter. I was on the mainland during the September 20, 2007 Land Use Commission ("LUC") meeting held on Kauai. I was informed that the status report by the Church was continued until November, but was not informed by the Church's attorneys that it would be on November 1 or 2, 2007.

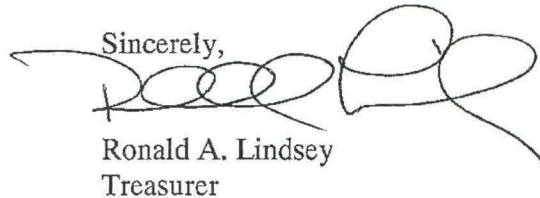
I plan to attend the meeting on November 1, 2007, but may not be able to provide a complete analysis of the issues raised in your September 10, 2007 letter. In the meantime, I am

Mr. Anthony J.H. Ching, Executive Officer  
State Land Use Commission  
October 31, 2007  
Page 2

Department on February 21, 2003 and the LUC on February 27, 2003. These letters address the Church's compliance with the LUC conditions. Please note that the Church did not receive any feedback, negative or otherwise, in response to the enclosed 2003 status reports. Please provide copies of this letter and its enclosures to the LUC commissioners.

If the LUC needs additional information, I respectfully request additional time to respond to any questions, issues, and/or concerns. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald A. Lindsey', with a long, sweeping horizontal line extending to the left.

Ronald A. Lindsey  
Treasurer

Enclosures

Letter from Arnold Trujillo to Mr. Bryan Mamacay, dated February 21, 2003

Letter from Arnold Trujillo to Mr. Anthony Ching, dated February 27, 2003





SEVENTH-DAY  
ADVENTIST  
CHURCH

Hawaii Conference

February 27, 2003

**HAND DELIVERED**

Mr. Anthony Ching, Executive Officer  
State Land Use Commission  
235 S. Beretania Street, Room 406  
Honolulu, Hawaii 96813

Re: Kahili Adventist School  
State of Hawaii Land Use Commission - Docket No. SP 87-364

Dear Mr. Ching:

Let me begin by thanking you for meeting with Pastor David Pendleton, the Seventh-day Adventist pastor of the Waiola Worship Center in Kaneohe, in your office on January 16, 2003. As a follow-up to that meeting, I am writing to provide an update regarding compliance of Kahili Adventist School with State Land Use Commission and Kauai County Planning Commission conditions. For clarity, the following discussion tracks the 12 conditions in the above-referenced order, pages 7-10, dated July 17, 1990. Each condition will be quoted followed by the response:

1. "Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval."

**Response:**

The interior roadway and waterline improvements had to do with the occupancy of a new gymnasium/auditorium that was being planned. The building had been completed but an occupancy permit had not been issued when hurricane "Iniki" hit Kauai in September 1992. Since it was one of the few buildings standing after the hurricane, the County gave permission for the Red Cross to use the building as its distribution center. After the Red Cross finished with it final requirements were met and the occupancy permit was issued.

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LAND USE COMMISSION  
STATE OF HAWAII  
FEB 28 A 9:58

The use of penetration base treatment was abandoned due to environmental issues and was replaced with rolled base course using rock and coral chips. Ditches were dug along side of the road to divert excess rain water run off. In some of the areas having a greater volume, catch basins were built with grating openings and drainage piping was installed.

A new road was built on the lower side of the pond, twenty-five (25) feet wide and approximately eight hundred (800) feet long, thereby abandoning the narrow and hazardous roadway previously used.

An 80,000 gallon water tank was installed with an automatic control for the chlorination system.

A six inch pipe from the water tank to the school area was installed. The gymnasium/auditorium has a sprinkler system which is fed by a four inch water pipe. In compliance with the county fire department, three hydrants were installed at various locations around the campus.

A school employee has taken the required courses to become a state licensed water treatment operator. The water is treated and samples are sent to the county and state as required by state law. All state reports on the water samples are returned and filed for a minimum of five years.

2. "The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better."

**Response:**

The current road is an all-weather road that was built by the McBryde Sugar Company. This road is well-built and was used by large cane hauling trailer trucks carrying loads of 20 to 30 tons. Since the sugar business has closed and the road is no longer used by these trucks it is much easier to keep it in good repair. The road is a rolled base course using rock and coral chips. Kahili Adventist School has a contract with the Rudy Ramos Equipment Service to keep the road in good repair. A crew services the road on a monthly basis. The road now has a crown so water runs off and the ditches are kept clear. The school spends approximately \$10,000 each year for rock and chipped coral to be spread on the roads.

3. "The improvements required by the State Highways Division shall be provided as required, but no later than 5 years from the date of review and approval by the Land Use Commission."

**Response:**

This condition had been complied with. It has to do with exiting Kaumualii Highway onto the road going to the school. The School paid the State to install a de-acceleration lane on the Kaumualii Highway thus allowing vehicles to move out of the traffic lane before turning onto the school road. When the highway was repaved in the fall of 2002, the de-acceleration lane was also repaved.

4. "As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property."

**Response:**

Kodani and Associates, Inc., a consulting engineering firm, made a flood study for the school. It was submitted to the Kauai County Public Works Department and was approved.

5. "Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments."

**Response:**

Kahili Adventist School is in compliance with all known State and County requirements. For example, all state water requirements are followed. A school employee has taken the required courses to become a state licensed water treatment operator. The director of the Kauai County Water Department inspects the system on a regular basis. The water is treated and samples are sent to the county and state as required by state law. All state reports on the water samples are returned and filed for a minimum of five years.

The school has a contract with Kauai Fire Protection to assure that all fire and safety requirements are met. The county fire department sends an inspector each year to check to see that all equipment is operating correctly.

6. "The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare."

**Response:**

Kahili Adventist School acknowledges the right of the Planning Commission to impose additional conditions or restrictions as deemed necessary. As of this date no additional conditions or restrictions have been imposed.

7. "Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented."

**Response:**

Attached please find a copy of the 2002-2003 School Bulletin which contains our curriculum. On pages 16 and 20 you will find reference to the agricultural work-study program for both our elementary and secondary students. Also please note the response to number 9b. below.



8. "The applicant is advised that prior to an/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."

**Response:**

Kahili Adventist School acknowledges the obligation and responsibility to comply with all additional conditions that may be imposed by government agencies.

9. "Based on the timetable submitted, Petitioner shall complete within five (5) years of Land Use Commission approval:
- Expansion of the school program (K-12);
  - Agricultural work study program;
  - Campground site facilities.
  - Health conditioning, physical and spiritual retreat center; and
  - Establishment of orchards as per Exhibit 'G.'"

**Response:**

Kahili Adventist School is in compliance. More specifically:

- The school started at this location as a K-10 school in 1986. During the 1995-96 school year the 11<sup>th</sup> grade was added. The following year the 12th grade was added.
  - Kahili Adventist School has an agricultural work study program. We started with lychee trees. Presently, a two (2) acre parcel is planted with cut flowers and bananas. Orange trees have also been planted. These are doing well. Bananas are sold out of the school office and flowers and bananas are sold at the farmer's market here on Kauai. Each week students are taken to work in the gardens. Students have been used also in planning and developing flower beds around the campus. Please note the attached pictures.
  - The campground site has been completed with cabin facilities that are available for use.
  - The physical, educational, and spiritual retreat center was built and occupied in 1993. It is an ongoing program, with various organizations using the facilities. Some 27 groups held meetings during 2002.
  - Seven hundred lychee trees were planted. They have not proved to be a success. In the past ten (10) years of operation there have been only two (2) sizeable and saleable crops. In seeking help the University of Hawaii was contacted. We were told that the lychee trees were very inconsistent fruit bearers and that we are in a location where it is very difficult for lychee trees to produce. As mentioned above, we have been successful with other fruit trees.
10. "The previously approved density of 20 cabins or units shall be reinstated, and shall apply to the additional cabins proposed or the retirement home. Should the number of additional cabins or retirement home units cumulatively exceed 20 units, then new Special, Use, and Class IV Zoning Permits shall be required. In addition to the 20

cabins/units, 14 more faculty/staff housing units (as per Petitioner's Exhibit "G") are permissible."

**Response:**

Kahili Adventist School is in compliance with the approved density. At this point, 8 staff homes and 16 cabins/units have been built. An additional 6 staff homes and 4 cabins or units are still permissible under the presently approved density.

11. "A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development."

**Response:**

In accordance with this condition, the Knudsen Trust contacted and employed Belt Collins Engineering in Honolulu to realign the boundaries of the land that was to be leased to the school. The original lease called for a 200 acre plot to be leased. The lease is for 197 acres after the boundaries were redrawn. The Conservation District is not included on the land leased to the school. The school is aware of the Conservation District and has no activities that come anywhere near that area.

12. "All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application."

**Response:**

Kahili Adventist School acknowledges that any future buildings are subject to design review and approval by the Planning Department prior to applying for a permit to build.

I trust this update is helpful to you. Please do not hesitate to contact me if you need any additional information.

Very sincerely yours,



Arnold Trujillo  
President

Enclosures



LAND USE COMMISSION  
STATE OF HAWAII

2003 FEB 28 A 9:59









LAND USE COMMISSION  
STATE OF HAWAII

2003 FEB 28 A 9:58





LAND USE COMMISSION  
STATE OF HAWAII

2003 FEB 28 A 9:59

# **Kahili Adventist School**



***The Standard of True Education***  
***Serving Kaua'i's children since 1938***

**School Bulletin**  
**2003-2004**



## School Information

### *Address*

PO Box 480 ▪ Lawa'i ▪ HI ▪ 96765-0480  
Kahili Mountain Park ▪ 2-4035 Kaumuali'i Highway ▪ Kaua'i, Hawaii  
On Hwy 50 - ¼ mile from Maluhia Junction 520 at the stand of Norfolk pine trees

### *Communication*

Telephone .....808•742•9294  
Tele Fax .....808•742•6628  
Email.....[kas@aloha.net](mailto:kas@aloha.net)  
Web site.....[www.kahili.org](http://www.kahili.org)

### *Affiliation*

- Hawaii Conference of Seventh-day Adventists  
Office of Education.....Deloris Trujillo, Superintendent of Schools  
2728 Pali Highway ▪ Honolulu ▪ HI ▪ Toll-free 1•877•632•2600
- Hawaiian Mission Academy.....Josue Rosado, Principal  
1438 Pensacola Street ▪ Honolulu ▪ HI ▪ 96822 ▪ 1•808•536•2207
- Kahili Mountain Park.....Don L. Weatherall, Park Manager  
PO Box 274 ▪ Koloa ▪ HI ▪ 96756 ▪ 808•742•9921
- Kapaa Seventh-day Adventist Church .....808•822•9230  
PO Box 1359 ▪ Kapaa ▪ HI ▪ 96746
- Lawai Valley Seventh-day Adventist Church .....808•332•9103  
PO Box 429 ▪ Lawai ▪ HI ▪ 96765

### *Hours of Operation*

Student session ▪ 8:00 a.m. to 2:35 p.m.  
Office hours ▪ 7:45 a.m. to 3:00 p.m.

### *Accreditation & Membership*

- Adventist Accrediting Association (AAA)
- Western Association of Schools & Colleges (WASC)
- National Council of Private Schools (NCPS)
- Hawaii Council of Private Schools (HCP)
- Hawaii Association of Independent Schools (HAIS)
- Kaua'i Association of Independent Schools (KAIS)
- Council for American Private Education (CAPE)



*School Flower: Kahili Ginger*  
*School Colors: Forest Green and Black*  
*School Mascot: The Mo' o - Gecko*



## *Mission Statement*

Kahili Adventist School is dedicated to leading students to a personal relationship with Jesus Christ – teaching them that a rewarding life is based upon unselfish service to others and achievement of their highest potential.

## *Philosophy*

Kahili Adventist School recognizes God as the ultimate source of existence and truth. We believe that every human being is made in God's image and endowed with attributes akin to those of the Creator. Therefore, we seek to nurture thinkers rather than mere reflectors of other's thoughts; loving service rather than selfish ambition; maximum development of one's potential; and an appreciation of all that is beautiful, true, and good. Education is far more than academic knowledge; it is a balanced development of the whole person.

## *Administration*

Don L. Weatherall, Ph.D. .... Administrator/Principal ..... 742-7851 ..... [dlweatherall@juno.com](mailto:dlweatherall@juno.com)  
..... Vice-principal/Science/English .....  
Lorelei J. Numazawa ..... School Treasurer ..... 337-9363 ..... [ntl@juno.com](mailto:ntl@juno.com)  
Stephanie C. Arthur ..... Secretary/Registrar ..... 245-4989 ..... [has@aloha.net](mailto:has@aloha.net)  
John Cagle ..... Grounds/Maintenance ..... 742-2448 .....  
Dellick Elua Numazawa ..... Grounds/Transportation ..... 337-9363 .....  
Arcadia M. Ancajas ..... Custodial ..... 822-1157 .....  
Robert Furutani ..... Vehicle Maintenance ..... 644-2455 ..... [robert.furutani@gte.net](mailto:robert.furutani@gte.net)  
VicLouis G. Arreola III Ph.D. .... Kapaa Pastor ..... 821-2258 ..... [viclouisarreola3@aol.com](mailto:viclouisarreola3@aol.com)  
Melvin C. Johnson, M.A. .... Lawai Valley Pastor ..... 742-9760 ..... [mcajj@juno.com](mailto:mcajj@juno.com)

## *Instructional*

Jeanne S.V. Alonzo ..... Preschool/Kindergarten ..... 822-2653 ..... [puakinikini66@yahoo.com](mailto:puakinikini66@yahoo.com)  
Melody L. Antonson, B.S. .... 1 & 2/Elementary Music ..... 742-2068 ..... [amigos3@aloha.net](mailto:amigos3@aloha.net)  
Martin E. Arthur II ..... Substitute Teacher 7 & 8 ..... 652-2067 [Arthur\\_Associates2001@yahoo.com](mailto:Arthur_Associates2001@yahoo.com)  
Merrilee H. Cremer ..... PE/Teacher's Aide ..... 822-3864 ..... [btcm17@gte.net](mailto:btcm17@gte.net)  
Evangeline K. Hoopi'i, D.S. .... Aide/Arts/Bus ..... 639-4376 ..... [khoop@yahoo.com](mailto:khoop@yahoo.com)  
Jeffrey L. Kumalae, B.S. .... Mathematics/Science ..... 742-5191 ..... [jkumalae@aol.com](mailto:jkumalae@aol.com)  
Kristina G. Kumalae, B.A. .... English/Biology ..... 742-5191 ..... [jkumalae@aol.com](mailto:jkumalae@aol.com)  
Angela J. Kuzma, M.A. .... Grades 3 & 4 ..... 742-8780 ..... [kevangkuz@yahoo.com](mailto:kevangkuz@yahoo.com)  
Kevin C. Kuzma, M.A. .... Computer Specialist/PE ..... 742-8780 ..... [kevangkuz@yahoo.com](mailto:kevangkuz@yahoo.com)  
Blanca I. Manzanares ..... Spanish/Student Teacher ..... 818-943-8487 ..... [bmanzanares@hotmail.com](mailto:bmanzanares@hotmail.com)  
Ryan D. Potterton, B.A. .... History/Religion ..... 742-7679 ..... [rpotterton@hotmail.com](mailto:rpotterton@hotmail.com)  
Aletha A. Thomas, B.S. .... Grades 5 & 6 ..... 742-1415 ..... [haolegrri@yahoo.com](mailto:haolegrri@yahoo.com)



### *Seventh-day Adventists believe...*

- That God is one: the Father, Son, and Holy Spirit. (Hebrews 1:1-1; Matthew 28:19,20)
- That God inspired the entire Bible. (2 Timothy 3:16,17)
- That Jesus is the perfect revelation of God in human form. (John 1:1-3, 14; John 14:9)
- That God created a perfect earth in seven literal days, making humans in His image. (Genesis 1,2)
- That sin has distorted God's image in all humanity, bringing death to all. (Romans 5:12; Romans 3:23)
- That God has provided a way out of sin through the life, death and resurrection of Jesus. (John 3:16, 36; Isaiah 53)
- That all who have faith in Jesus will be saved from sin, now and forever. (John 10:25-30; John 11:25,26)
- That all who have faith in Jesus will do what God asks; cooperating with divine power in restoring God's image in them. (John 15:1-10; John 17:20-23)
- That the seventh-day Sabbath is blessed by God as His holy day. (Genesis 2:2,3; Exodus 20:8-11; Mark 2:27)
- That God will deal fairly with everyone, carefully taking all into account. (Romans 3:4; Revelation 20:11-15)
- That Jesus is coming soon, bodily and visible. (1 Thessalonians 4:13-18; John 14:1-3)
- That God will end sin and restore this earth to perfection for all who have believed in Jesus. (2 Peter 3:11-14; Revelation 21:1-4)



## History

The educational work of Seventh-day Adventists in the Hawaiian Island was started in 1894 on the island of O'ahu with a boarding school for boys. This school was named the Anglo-Chinese Academy. It is now known as Hawaiian Mission Academy, a nine through twelve grades, co-ed boarding school. There are eleven Adventist elementary and secondary schools in the state.

The first school on the island of Kaua'i was started in 1938 it was called Kapaa Mission School. We moved to this present location in 1986 on a 66-year lease from the Knudsen Family Trust.

Kahili Adventist School is one of more than 5,000 Adventist elementary and advanced schools around the world. This system of education began as a single college in 1872. In the United States alone, the church operates 1,843 elementary schools, 311 secondary schools, 13 colleges and universities and numerous school of nursing, medical technology and physical therapy. We are proud to be part of the second largest private education system in the world.

Kahili campus remains the oldest private high school on Kaua'i and offers a solid college preparatory curriculum with several Advance Placement courses. We operate under an expanded school schedule using the standard 180 instruction days. This provides for an extended learning experience, better retention, frequent travel periods and helps lessen burnout and absenteeism.

## Goals

The following statements have been established to support the unique philosophy of Seventh-day Adventist education.

### *Student Goals:*

*Acceptance of God and His Word* - Learn to use the Bible as a basis or a relationship with Jesus Christ and a guide in all areas of life.

*Religious Education* - Understand the basic tenets of the Christian faith including the beliefs of the Seventh-day Adventist church.

*Family and Interpersonal Relationships* - Develop a sense of self-worth, along with skills in interpersonal relationships needed for meeting the responsibilities of family membership and respond with sensitivity to the needs of others.

*Responsible Citizenship* - Develop an understanding of multi-cultural diversity and historical heritage and a working knowledge of governmental processes, while affirming a belief in the dignity and worth of others and a responsibility for one's local, national and global environments.

*Healthy Balanced Living* - Accept personal responsibility for achieving and maintaining optimum physical, mental and spiritual health.

*Intellectual Development* - Adopt a systematic, logical approach to decision-making and problem solving based on a body of scientific, mathematical and historical knowledge within the context of a biblical perspective.

*Communication Skills* - Acquire optimum competency in verbal and nonverbal communication, in the use of information technology and in the effective communication of one's faith.

*Life Skills* - Function responsibly in life, using Christian principles of stewardship, economy and personal management.

*Aesthetic Appreciation* - Develop an appreciation of beauty, both in God's creation and in human expression, while nurturing individual ability in the fine arts.

*Career and Service* - Develop a strong work ethic and an appreciation of the dignity of service, along with an awareness of career options and opportunities.

## **Admission Policy and Procedures**

### ***Nondiscrimination***

Students are admitted to Kahili Adventist School without regard to race, color, national and ethnic origin.

### ***Parental Involvement***

The successful school program includes involvement of faculty, students and parents. Many opportunities will be presented over the course of the year for parental involvement. Regular events that offer parent this opportunity include the annual walkathon, car washes, field trips, room parents and other school/community service projects. Each parent of Kahili Adventist School students are expected to donate a minimum of ten (10) hours of service during the course of the year

### ***Entrance Age***

The entrance age requirement for a kindergarten student is that the child must be five years old by December 31 of the year in which the child enrolls. A birth certificate is required.

### ***Medical Requirements***

By Hawaii state law, the applicant must provide documentation of current and up-to-date immunizations before first day admittance.

Doctor's verification of physical examination and the following:

- DTP-diphtheria/tetanus/pertussis, + 4 boosters
- OPV-polio, + 3 boosters
- MMR-measles/mumps/rubella, + 1 booster
- HepB-complete series of 3 vaccines



A TB Clearance before entering Hawaii school for the first time.  
Varicella vaccine, before entry into kindergarten and 7th grade.

***New Applicants:***

- ▶ Kindergarten applicants must be five years old by December 31 of the entrance year.
- ▶ Have a grade point average of 2.0 (S/C) for the last grading period in core subjects.
- ▶ For grade 3 and above, applicant should have average or above average standardized achievement test scores. Test must have been taken within the last three years.
- ▶ Obtain three (3) Confidential Evaluation Form recommendations, to be completed by at least two current teachers and one of the following (pastor, principal, club director, or employer) and mailed to the school.
- ▶ Obtain a Release of Student Record (withdrawal or transfer form) from the previous school attended.
- ▶ Submit the last two (2) years progress report cards for elementary applicants.
- ▶ Submit a complete high school transcript. (7th and 8th grade report cards for freshmen applicants.)
- ▶ Submit pupil's health record (Form 14).
- ▶ Submit the \$150 application fee.

Applicants may be required to take an admissions or placement test. A fee will be charged according to the type of test given. The result of the examination may be used in placing the student in the class that best suits his/her abilities.

***Re-applicants:***

- ▶ Submit a complete reapplication form with \$150 enrollment fee.
- ▶ Submit a current Consent to Treatment form.

## **Tuition Fees**

The school is operated with substantial financial subsidies from the Hawaii Conference of Seventh-day Adventist and its supporting district churches. These subsidies are derived from gifts and offerings of its church members. For this reason, the tuition rates indicate a discount for it supporting church members.

Tuition fees will be discounted to families with 2 (5%), 3 (10%), and 4 or more (15%) students in one immediate family.

The school reserves the right to change the rates charged at any time in order to meet changing economic conditions. Unused tuition will be refunded on the following conditions:

- ▶ Any student who withdraws will have his/her tuition and bus fees prorated to the number of days of instruction.
- ▶ Any student who receives semester credit for semester work, although not in attendance, will be billed for the entire semester.



- ▶ All tuition fees will be charged to a student who arrives late, if a space has been reserved.
- ▶ All school accounts must be paid in full to be eligible for graduation.

### ***Tuition Fees***

Elementary (K-8th grades) .....	\$ 4,229.00
High School (9 through 12 <sup>th</sup> grades) .....	\$ 5,040.00

### ***Tuition Payment Schedule***

Tuition payments are received in the following manner:

- ▶ By **1 annual payment** due by August 8, 2003 – includes the \$66 annual technology fee.

<u>Grades</u>	<u>2 % Discount</u>	<u>Tech Fee</u>	<u>Actual</u>
K-8 \$4,229.00..... - .....	\$ 84.58 ..... + .....	\$ 66.00 .....	\$ 4,210.42
9-12 \$5,040.00..... - .....	\$ 100.80 ..... + .....	\$ 66.00 .....	\$ 5,005.20

- ▶ Or by **4 quarterly payments** at registration, October 20, January 5 and March 30 – includes the \$16.50 quarterly technology fee.

<u>Grade</u>	<u>Quarterly</u>
Elementary (K-8 <sup>th</sup> ) .....	\$ 1,073.75
High School (9-12 <sup>th</sup> ) .....	\$ 1,276.50

- ▶ Or by **11 monthly installments through Visa or MasterCard only** at the beginning of each month – includes the \$6 monthly technology fee.

<u>Grade</u>	<u>Monthly</u>
Elementary (K-8 <sup>th</sup> ) .....	\$ 390.46
High School (9-12 <sup>th</sup> ) .....	\$ 464.19

Please request and sign a credit card authorization form from the school treasurer.

### ***Application Fee***

This \$150 fee is due upon application and is itemized as follows:

Registration fee.....	25.00
Enrollment fee.....	75.00
Yearbook fee.....	25.00
Class dues .....	25.00

### ***Bus Fee***

Round trip.....	\$700	One-way .....	\$350
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### ***Computer Technology Fee.....***

All students from kindergarten through 12<sup>th</sup> grades are charged this technology fee.

### ***Textbook Fee (for all students in grades 7-12).....***

Grades 7 through 12 are charge for textbooks during registration week. This is a one time fee of \$125.00; no refunds. For textbooks found on campus, there is a \$5.00 retrieval fee per book. For all lost books the student's account will be assessed the replacement value.

***Fine Art Fees*** (for all students in grades 7-12).....\$15.00 per semester  
Music lessons, sports club dues, art lessons and supplies, and additional creative living  
coursework expenses are not included in the tuition rate. This fee will be charged the 3<sup>rd</sup>  
week after the student enrolls in an elective class.

***Library Fines*** ..... 10 cents per day  
Books checked out from the school library must be returned by the due date. Individuals  
with overdue books will be charged 10 cents per day. A student will not be allowed to  
borrow another book until the fine is paid. The replacement value of lost or damaged  
books will be charged to the student's account.

***Other Possible Fees***

Specified field trips may require additional fees that are not included in the tuition rate.  
Families will be notified in advance whenever this should occur.

***Refunds***

Refunds are only applicable to tuition payments made in advance.

***Additional Financial Information***

When enrolling a student, the parent or guardian accepts financial responsibility for the  
student's account upon signing the application form.

1. It is necessary for an account from the previous school year to be paid in full before  
being accepted as a student for the new school year.
2. Partial scholarship aid is available to qualifying students. It is an outright grant to  
elementary students. A work program is administered in the high school where the  
students receive a minimum wage that is payable to their student account.
3. Diplomas will be given to graduating students, only after accounts have been paid in full.
4. Official high school transcripts are sent to two colleges free of charge. Request for  
additional transcripts will accrue a \$5.00 fee per copy.

## **Transportation Service**

Round trip ..... \$700      1-way ..... \$350

Non-riders needing transportation are required to come to the office to purchase a one time  
pass before boarding the bus. Parent of non-riders are urged to purchase a weekly pass (10  
one-way rides that need not be used consecutively) in order to avoid confusion and enable  
their student to ride should and emergency occur.

North-East bus begins its run from Anahola  
South-West van begins its run from Kekaha

1-Trip Pass ..... \$2      10-Trip Pass ..... \$20

### ***School Bus Guidelines***

- ▶ Be at your stop on time.
- ▶ All schools rules apply while on the bus.
- ▶ Stay in your seat while the bus is in motion.
- ▶ No objects are to be tossed out of the bus window.
- ▶ All windows are to be closed when exiting.
- ▶ The driver is always the final authority.
- ▶ Follow directions the first time they are given.
- ▶ Direct all inquiries to the principal.

An effort is made to be as accommodating as possible, however, door-to-door service is not provided.

## **Motor Vehicles**

The following regulations apply to all motorized vehicles, including mopeds and motorcycles. They are to be parked in designated parking areas only. Student drivers are required to register the vehicle with the school office by submitting copies of the following:

- ▶ A valid driver's license
- ▶ Proof of insurance
- ▶ Vehicle registration
- ▶ A list of approved passengers
- ▶ Authorized parental signature of passengers

### ***Student Driver Guidelines***

- ▶ Observe the 15-mile an hour speed limit.
- ▶ Vehicles are to remain in the parking areas during school hours.
- ▶ Students are not allowed linger in parking areas,
- ▶ Student driven cars are to arrive on campus no sooner than 15 minutes before the start of school and leave no later than 15 minutes after the end of the school day, unless work is being done on a school related project.



- ▶ No student will be allowed to ride in a student driven car unless the office received parental notification from both parties by telephone or by written approval.
- ▶ A fine and/or the repair cost will be charged for tampering with or damaging another person's vehicle.

The following disciplinary actions may take place after a violation:

1. The student will be asked to submit the vehicle keys to the office upon arrival.
2. Driving privilege on school property will be revoked.

## **Standards of Conduct and Attire**

### *Fundamental Standards*

KAS students and staff will uphold Christian standards, which includes being respectful, cooperative and honest.

### *Dress Policy for Staff and Students*

Simplicity and appropriateness for the activity are the guidelines to be used in the selection of school clothing.

- ▶ The length and fit of clothing should permit the wearer to walk, bend and sit easily. Undergarments must not be visible.
- ▶ Tops should be modest and exemplary for students attending a Christian school. Guidelines to be followed for parents and students include:
  1. Tops should be long enough to completely cover front and back even when bending.
  2. Spaghetti straps are not allowed. Straps over the shoulder narrower than two inches are not allowed.
  3. Tight and short-cropped tops are inappropriate.
  4. Tops may not gape around the armhole and must be buttoned appropriately. Undergarments or midriffs must not be visible.
- ▶ Dress hems are to be two inches or more below the fingertips when the arms are straight down. The top of slits must end below the two-inch limit. The hem of shorts must extend below the fingertips. Boy's pants shall not sag below the waistline.
- ▶ Clothing that is very tight is not acceptable; this includes tops, bottoms and dresses.
- ▶ Clothing should be clean and neat, not torn or ragged.
- ▶ Clothing with advertisements or endorsements of any harmful substances, non-Christian principles, music groups or with suggestive, double-meaning slogans and emblems are not permitted.

- ▶ Footwear is to be worn at all times. Appropriate sport shoes are required for PE class. High school PE requires a uniform that may be purchased from the school.
- ▶ Hats, caps, visors and sunglasses must be removed before classes, assemblies, and meetings.
- ▶ Hair must be neat and well groomed. Bizarre or extreme haircuts or unnatural colors are not permitted.
- ▶ Cosmetics should be used only to enhance the natural appearance. Excessive makeup and nail polish will be removed upon request.
- ▶ All rings, bracelets, anklets and necklaces are not permitted. Confiscated items will be returned upon the parent's request or at the end of the year.
- ▶ Should a student's clothing not meet with policy, the parent will be notified. School T-shirts are available for purchase at the office.
- ▶ The dress code applies to all school-related activities and programs unless otherwise announced.

### *Harassment Policy*

This school is committed to providing an environment free from harassment of any kind for everyone. Incidents of harassment should be reported to school authorities, in accordance with these procedures, so appropriate action can be taken.

Federal and State law prohibits sexual harassment. Harassment of any form goes against our Christian beliefs and against basic human dignity. This policy governs behavior of individuals toward members of the opposite sex as well as members of the same sex.

Any individual (staff or student) who willfully causes discomfort to another person through use of intimidation or force will be dealt with in a manner appropriate to the age or development of the offender. All charges of harassment will be investigated. Harassment, whether spoken, pictorial or gestured, involving either students or staff, will be handled by proper authorities. Consequences will range from verbal warning to immediate dismissal.

### **A Definition**

Demearing or intimidating conduct directed toward another student or staff member may constitute harassment.

The effect on the victim is the main gauge of whether or not harassment is occurring. Any repeated behavior which causes a person to view school as a frightening or hostile environment and which detracts from the victim's ability to participate in school offerings may be harassment.

Discipline or reasonable punishment is not harassment. Invited flirting or dating behavior is not sexual harassment.



### *Miscellaneous Guideline*

- ▶ Keep the campus and all its facilities clean and unmarked.
- ▶ Leave electronic entertainment devices at home.
- ▶ Bring only wholesome literature to school.
- ▶ Do not bring explosives, matches and other dangerous materials on campus.
- ▶ Stay on campus and always away from Kahili Mountain Park camp facilities. KAS is a closed campus. Permission to leave early must be obtained from the teachers involved, the office and the principal
- ▶ Do not bring visitors on campus without having obtained permission from the principal and all teachers involved, at least one day in advance. The host student must sign the visitor in upon arrival. The visitor will remain with and attend all classes with the host.
- ▶ Plan on eating during lunch and snack time not during class time.
- ▶ Do not bring playing cards and gambling games and devices on campus.
- ▶ Avoid public display of affection.

*Note: Any student caught or reported committing an act of vandalism or destruction of school or another person's property will cause the parent to pay for all damages.*

## **Discipline**

Teachers will handle minor discipline in their classrooms. Action may be taken when a junior and senior high student (7-12) becomes disruptive, disrespectful or uncontrollable to either the teacher in charge or to another student. One of the following procedures may be taken:

### *Yellow Card - Period Suspension*

Student will report to the office until the end of the period and write a one page essay, that will be due the following day, on a) Student characteristics that can help make the classroom a positive environment; 2) Student goals and how education will help to reach those goals; 3) Parental roll-play, your hopes and dreams for your child. At the end of the period, the student will report to the next class.

### *Red Card - Major Offense*

The teacher as to the offense will inform the principal. This will enable that proper action to be taken when the student reports to the office. The student will not be readmitted to that class period until notified by the principal. The parents will be notified when a red card has been issued.

### *Suspension*

If a student's conduct, attitude or academic efforts are out of step with the goals and fundamental standards of KAS then the student may be suspended from school. A suspension is not a vacation. Academic and citizenship grades will be affected. While suspended, a student is not allowed to attend school-related activities. A suspension is issued by the administration.

1. Teachers may suspend students from their class(es) for misbehavior until the student meets with the teacher in private conference to resolve the problem. Students will report to the principal for supervision only.
2. The principal has options ranging from private consultation with the student to suspension of the student for up to three (3) days. The parent will be contacted by telephone or a written notice, before suspension is enforced.

Suspended students will be required to complete all assignments while on suspension and will receive half credit for the assignment.

Appeals of suspension and dismissal may be made in writing by the parent/student to the school board.

### *Dismissal*

Dismissal of a student will take place if a student's conduct, attitude or academic efforts are severely or repeatedly out of step with the goals and fundamental standards of KAS. A student who is not responding to counsel, guidance or discipline may be dismissed.

A student may be dismissed on the first offense for:

- ▶ Repeated suspensions and possession or use of alcohol, tobacco, firearms or drugs.
- ▶ Involvement with satanic literature, materials or games.
- ▶ Engagement in inappropriate sexual activity.
- ▶ Involvement in any illegal activity (for which the student could be formally charged.)
- ▶ Possession of a deadly weapon on campus.

An appeal process to the school board for dismissal of students is to be done in the following manner:

1. A request, in writing, is to be made to the principal and/or school board chairperson that allows for adequate time for processing the request before a regularly scheduled or special meeting of the school board from the parent/guardian(s) who wish to appeal a decision of the school board.



2. The board chairperson and principal will decide if the appeal should be presented to an appropriate committee for discussion and review first or directly to the school board. The school will notify the parties involved as to the date and time of any meeting.
3. At the meeting, only parties involved may make the presentation as to their appeal and their request to change the decision of the board, as well as the right to present relevant evidence. They may have another person present with them, but this person must be someone that is not acting as a representing attorney and/or legal counsel. An attorney(s) cannot be present who has been retained in order to represent those who are appealing, nor as legal representation for the school board or its members.
4. Confidentiality will be required from those present at the meeting and the school board members.

The procedures are as follows:

1. A brief review will be made by the school administration as to the actions taken and the facts supporting them.
2. Those who are directly involved and appealing the decisions of the school board may present information to support the claim that the process was not fair, and/or there was lack of evidence to support a reasonable basis for the decision. Clarifying questions may be asked.
3. The school board reserves the right to set reasonable limits on the length of the presentation and other procedures of the meeting.
4. The school board will go into Executive Session to make a decision. Those appealing will not be present for this discussion or vote. The vote will be by secret ballot.
5. The school board chairperson or principal will notify, in writing, the parties involved as to the action taken.

### *Random Drug Testing*

Any student may be asked to submit to a drug test at the discretion of the administration. The cost of a positive test will be paid for by the parent/student. The school will pay for the cost of a negative test result. Refusal to submit to a drug test will be taken as a positive result.

## **General Information**

### *Hours of Operation*

School begins at 8:00 a.m. and dismisses at 2:35 p.m. Please note that the staff and faculty cannot assume responsibility for the students more than thirty (30) minutes before or after school hours.

Office hours are from 7:45 a.m. to 3:00 p.m.

### *Telephone*

A phone for student use is located in the office. Students are allowed to use the phone only before and after classes or with permission from the teacher during classes.

Messages for teachers and students will be taken when they cannot conveniently come to the phone. Only in cases of emergency will someone be summoned for a phone call.

### *School Lunch*

Kahili does not operate a cafeteria. Parents will have to provide lunch for the student. Microwave ovens and refrigerators are located in each classroom. You will be informed when hot lunch is available for purchase on certain days of the week.

### *Attendance*

Attendance record is taken every morning in all grades. Parents will be notified by telephone when a student is reported as absent, unless the school is notified in advance. Missing more than ten (10) minutes of any class period is considered tardy.

In high school grades, Three (3) tardies equals on absence. Missing a class to attend an alternate school function, such as a field trip or mission trip, is not considered an absence.

### *Trips and Outings*

Parents authorize field trips and outings when signing the Consent to Treatment form at the beginning of the school year. Beach and overnight outings will require an additional authorization form.

### *Student Participation*

From time to time throughout the year, students will be involved in various programs, activities and related services outside of regular school time. Student attendance may be required. Parents will be notified in advance.

### *Student Insurance*

Students are insured under our school insurance underwriters policy covered in the application fee.

When a student is hurt during school hours he/she will receive an injury report and a claim form that needs to be taken to the attending physician at time of service. The form must be returned to the school office for processing and prompt reimbursement. Student insurance is effective for the current school year and school time policy may not cover all of the medical service costs.

### *Non-published Regulations*

All non-published regulations adopted during the year and announced to the students are binding as those currently published in this handbook.



## Elementary Scholastics

A typical course of study for all grades includes, but is not limited to: Bible, art, computers, language arts, mathematics, music, physical education, science, health and social studies. In addition to the scholastic program, Kahili has strong expectation is the belief that students will learn to be responsible and know how to use their hands. Teachers at the elementary level will develop very small garden plots where students will plant vegetables as a part of the class work. The school also has a flower garden and plans to have several flower beds on campus. On a rotating basis, students will be asked to help plans and weed these beds.

Progress reports will be issued every 9-10 weeks during the school year. Elementary promotion is determined by the final grade that is the average of the 4-quarter grades.

### *Standardized Testing*

The Iowa Test of Basic Skills is administered each fall for all elementary grades. This achievement test provides information to help the student; teacher and parent understand and evaluate the student's abilities.

## Administering Medication

Teachers and office personnel are not qualified to diagnose a health condition or give any internal medication, including aspirin or other nonprescription pain relievers, except in accordance with the following guidelines:

1. Prescription drugs - a member of the faculty or staff can assist a student in administering prescribed medication, if
  - a. the medication being prescribed is in its original container from the pharmacy.
  - b. the school has on file from the parent or guardian a written statement requesting that the school assist in the matters set forth in a physician's statement.
2. Aspirin - or other nonprescription pain relievers may be administered to a student on a one-time basis when provided by the parent.

A parent or guardian will be notified if a student become ill or sustains more than a minor injury during school hours.

## **Emergency School Closing**

Emergencies and disasters can occur at anytime. Kahili is in a unique situation where a stream runs through its property. Should we experience an unusual amount of rainfall, the stream may become impassible. We may have to close school, although it may not be raining in other areas of the island.

### *To be prepared:*

1. Formulate your family's emergency plans well ahead of time, rehearse it with your student and do not deviate from it. This plan will help to keep him/her calm and informed.
2. Listen to the radio (KQNG, KFMN, KUAI) to learn of Kahili's closing.
3. All communication will be done through an authorized staff member. When possible, we will notify each family by telephone. If you cannot be reached, your student will be sent home via his/her usual transportation. To avoid confusion or tying up telephone communication, students will not be allowed to use the telephone until our personnel have notified all parents.

## **Student Association Officers**

This association is comprised of volunteer high school student leaders who work with a faculty advisor on extracurricular projects and activities during school and non-school hours. Its primary function is to help build school spirit by offering various programs that benefit the whole school. SA also provides input to the administration on decisions impacting student life. Its budget is generated from income received from sales in the Logo Shop or by incurring a fee for participation in certain events. Students acquire skill through sales and marketing skills through this operation.

## **Home & School Association**

The Home & School Association is our organizations name for the PTSA in other schools. Representatives from our two constituent churches partner with Kahili in providing funding and resource information. Together we work to provide opportunities for parents to be involved in school life through fundraising activities, community service and other resource projects. The HSA also provides hot lunches on occasion for students.



# **Notification to Students, Parents and Guardians in Compliance with Asbestos-Containing Materials in Schools**

March 1, 2002

On October 22, 1986, President Reagan signed into law the Asbestos Hazard Emergency Response Act (AHERAP, Public Law 99-519). The law required the U.S. Environmental Protection Agency (EPA) to develop regulations that provide a comprehensive framework to address asbestos problems in public and private schools. On October 30, 1987, the EPA published the "*Asbestos Containing Materials in Schools*" Rule.

The new rule requires all schools to inspect for asbestos and assess it's condition, develop management plans that address asbestos hazards and implement response actions in a timely fashion.

Kahili Adventist School has complied with all the requirement of the Rule. We have hired an EPA accredited asbestos inspector for the inspection and assessment.

The inspection has been completed and results of laboratory analysis show that there are no friable or non-friable asbestos-containing materials in the school.

Each school is required to develop and submit to the State an asbestos management plan. Our school's plan was prepared by and EPA accredited management planner and submitted to the Department of Health at its October 12, 1988 deadline.

You are welcome to review the Management Plan and the Inspection Report located in the business office.

Sincerely,

*Don L. Weatherall*

Don L. Weatherall, Ph.D.  
Principal

DW:sa

# High School Curriculum

## *Scholastic Information*

Progress reports will be issued every 4-5 weeks during the school year. High school credit is issued by semester grade, which are recorded on the student transcript.

## *Semester Period*

A class that meets a minimum of 200 minutes per week (240 for laboratory classes) for one semester receives 5 semester period credits. 10-semester period credits are equal to the Carnegie unit utilized by the public school system.

## *Standardized Testing*

Tests are given to provide information to help the student, teacher and parent understand and evaluate the student's abilities.

The Iowa Test of Aptitude and Proficiency (TAP) is administered in the fall of each year to all high school students. The annual Preliminary Scholastic Achievement Test (PSAT)/National Merit Scholarship Qualifying Test (NMQT) is recommended for sophomores and is highly recommended for juniors. The Scholastic Assessment Test (SAT) is administered to juniors and senior students each year. There is a fee to administer these tests.

## *Attendance*

More than ten (10) absences per class, per semester will result in no credit for that class for that semester unless for each excess absence, one hour of directed study as determined by the class instructor is completed. In cases such as a severe, lengthy illness, this may be appealed to the administrative committee. Individual teachers reserve the right to reduce a student's participation grade for any absence or tardy.

## *Class Officers*

To be eligible for election to a class or student association office, a student must have and maintain a 2.00 GPA for a minor office (2.50 GPA for a major office) and have no F's or more than two D's. All academy students are classified by their grade and are eligible to participate as a voting member of that class. To be eligible for office, the student must be taking at least 40 semester period class credits, not including physical education. The student must meet faculty approval. To be eligible for senior class office, the student must be eligible for graduation that year.

A suspension resulting from disciplinary action automatically disqualifies the student from holding office for at least one semester.



## Graduation Requirements

A student may be granted a diploma if he/she has:

1. Been in attendance at HMA-Kahili Campus for the entire senior year, unless approved by the admissions committee and the school board.
2. Presented evidence of having completed the eighth grade.
3. Achieved a ninth grade equivalency score on the Iowa Test of Aptitude and Proficiency.
4. Maintained satisfactory records in conduct and attendance.
5. The student's financial accounting is up to date.
6. The student has met community service and work experience requirements.

There are recommended programs of study depending upon the student's level and goals. The College Preparatory program (CP) should be taken by those students who are planning to seek a bachelor's degree or higher. The General Completion program (GC) meets the minimum requirements for obtaining a high school diploma in the State of Hawaii. Breakdowns of these program requirements are described on the following page.

### ***Community Service***

*"No man is an island"*. Each of us has a better life because of the work others have done for us. Being a good member of this community means "paying back" making a contribution. A major part of Christian belief is that we should develop a good work ethic and improve the world however we find it, wherever we go. Twenty-five (25) hours of community service are required of each student, each year. Student goals should be at least six (6) hours per quarter. The school has banana trees, a flower garden and several flower beds. High school students may count time working in any of these areas as part of the community service requirement.

### **A Definition**

1. For the benefit of the community or an individual in need.
2. Not to benefit a profit-making business, the school or the student's own family or friends.
3. Not done for pay.

## Community Service Record

Date	Project	Hours

# Graduation Requirements

## Hawaiian Mission Academy - Kahili Adventist School Campus

CREDIT COURSE REQUIREMENTS (in semester periods)	College	General
English..... 5 s.p. each semester of English, plus reading and writing proficiency.	40	40
Mathematics..... Plus math proficiency at the 9 <sup>th</sup> grade equivalency. College Preparatory graduates must include algebra 2 and geometry	30	30
Science..... At least 10 s.p. must be in a laboratory-required class. College Preparatory graduates need biology, chemistry and physics.	40	30
Social Studies..... To include 10 s.p. in World History, US History; 5 s.p. in American Government and Hawaiian History.	30	30
Religion ..... 5 s.p. per semester of attendance at a church related secondary school. This means that a student may earn as little as 5 s.p. or as many as 40 s.p., depending upon the duration the student is enrolled at any SDA church school.	40	40
Health.....	5	5
Physical Education (Co-ed).....	20	20
Business Education ..... The computer literacy, word and data processing courses meet this requirement.	10	10
Fine Art ..... Music and art courses meeting two (2) days a week earns 5 s.p. per year. A student taking private lessons may request credit to apply toward this requirement. A maximum of 20 s.p. Credits can be applied toward graduation.	10	10
Practical or Applied Art ..... Advanced Computer applications, Auto shop, Home Economics, and Accounting courses meet this requirement.	10	10
Foreign Language.....	20	0
Electives ..... The graduating students must take enough courses to earn the total number of semester periods required.	25	15
Community Service - Clock hours per year .....	<u>25</u>	<u>25</u>
<b>TOTAL SEMESTER PERIODS .....</b>	<b>280</b>	<b>240</b>



# Course Description

## ENGLISH

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### English 9

Required  
2 semesters 10 s.p.  
Grade 9

This course is designed to build on a review of English grammar, placing emphasis on sentence structure, vocabulary building and correct spelling and punctuation. It presents opportunities to develop techniques in paragraph writing and oral reporting. An introduction to choice selection from world literature is enriched via a varied, but required reading program. Honors 9 – class covers two additional texts and a drama unit.

### English 10

Required  
2 semesters 10 s.p.  
Grade 10

This course develops skills in grammar and usage through composition. Reading comprehension, spelling and vocabulary are stressed. Literature including essays, biographies, and magazine and news stories are covered. Outside reading is required. Honors 10 – covers additional texts and writing exercises.

### English 11

Required  
2 semester, 10 s.p.  
Grade 11

This course stresses the mastery of grammar and usage through composition. American literature is the focus and includes material from an anthology in addition to required outside reading. Honors 11 – covers two additional texts and does more writing based on reading.

### English 12

Required  
2 semester, 10 s.p.  
Grade 12

This course stresses development of communication skills through reading and discussing selected literary works and writing themes on those works as well as on other subjects and interests. It includes textbook theory, a general review of grammar, a survey of English literature, the study of vocabulary and required outside reading. Term paper production may be reviewed when necessary. Honors 12 – covers two additional texts and does more writing based on reading.

\*Honors courses may earn a five-point grade point average.

## **AP English**

Elective

1 semester, 5 s.p.

Grade 12

This advanced placement course is designed to cover additional text and emphasizes additional writing based on reading.

## **MATHEMATICS**

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### **Pre-algebra**

Required/Elective

2 semester, 10 s.p.

Grade 9

This course strengthens mathematical foundations and helps the student transition from basic elementary mathematics into topics of algebra and geometry. Topics include problem solving, designs and patterns, simple algebraic equations, ration and proportion, basic trigonometric functions and probability.

### **Algebra 1**

Required

2 semester, 10 s.p.

Grades 9, 10, 11

This course has elements of an integrated curriculum with connections to geometry, statistics and probability and real-world problem solving. Topics include patterns and geometric figures, data manipulation, graphs, real numbers, equations and inequalities, matrices, polynomial operations, graph variations and functions.

### **Algebra 2**

Required/Elective

Prerequisite – Algebra 1 (C or above)

2 semester, 10 s.p.

Grade 10, 11, 12

This course has elements of an integrated curriculum including circular functions, the underpinning of calculus, discrete mathematics such as matrices, probability and statistics and real-world problem solving. Topics include number properties, solving and graphing linear equations and inequalities, quadratic equations, functions, polynomials, matrices, complex numbers exponential and logarithmic functions, sequences and series and rational expressions.

### **Geometry**

Required/Elective

Prerequisite – Algebra 1 (C or above)

2 semester, 10 s.p.

Grades 10, 11, 12

Geometry is the deductive study of points, lines, planes and shapes, involving both function and application. Biochemical, architectural, astronomical and practical illusions will be used to demonstrate the wide range of useful applications.



## **Advanced Mathematics**

Elective

Prerequisite – Algebra 2 & Geometry (C or above)

2 semester, 10 s.p.

Grade 12

This course is the culmination in the process of acquiring the fundamental skills of algebra, geometry, and trigonometry. It will cover a concentrated study of the proofs of geometry, trigonometric identities, infinite series, conic sections, matrices and determinants, and echelon solutions.

## **AP Calculus**

Elective

Prerequisite – Algebra 2 & Geometry (C or above)

1 semester, 5 s.p.

Grade 12

This is an enrichment course recommended for college-bound students. It is not a course in trigonometry and analytic geometry *per se*, but includes most aspects of standard high school mathematics through Algebra 2 and introduces a light treatment of topics from introductory calculus such as, concepts of continuity, limits and derivative of algebraic functions.

## **SCIENCE**

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### **Physical Science**

Required/Elective

2 semester, 10 s.p.

Grade 9

This laboratory enrichment course of study provides an introduction to physics and chemistry. Students will cover topics of energy, motion, nature of matter and chemical equations through theory and demonstration.

### **Biology**

Required

2 semester, 10 s.p.

Grade 10, 11, 12

This is a generalized study of plant and animal life from a biblical creationist perspective. Some major topics will be cell structure and function, genetics and heredity, classification, the history of life on earth and ecology. Daily emphasis is on building vocabulary, critical thinking skills and personal responsibility. Laboratory sessions are required.

## **Chemistry**

Required/Elective

Prerequisite – Algebra 1 (C or above)

2 semester, 10 s.p.

Grade 10, 11, 12

This course is planned to meet the needs of students who plan to continue studies in the sciences in college. Early emphasis is placed on problem solving and continued thereafter. Familiarity with the periodic table is developed as units on the language of chemistry, chemical reactions, organic and nuclear chemistry and other topics are presented. An integral part of the curriculum, safety, is stressed in the required laboratory and modeled and discussed in classroom demonstrations. A good understanding of mathematics and a willingness to study diligently are essentials.

## **Physics**

Required/Elective

Prerequisite – Geometry & Algebra 2 (C or above)

2 semester, 10 s.p.

Grade 11, 12

A conceptual approach is studied into the laws of matter, energy and natural science on the college preparatory level. Special emphasis on problem solving, demonstrations and student experiments in a laboratory setting will be utilized. Topics include force, motion radioactivity, heat, light, sound, electrical current and machines which apply these phenomena. A good understanding of mathematics and willingness to diligent study are essentials. Laboratory sessions are required.

## **Marine Biology**

Elective

Prerequisite – Biology (C or above)

2 semester, 10 s.p.

Grade 11, 12

This is a modern approach to the laws of natural science on the college preparatory level with special emphasis on problem-solving, demonstrations and student experiments. Laboratory period is required

## **SOCIAL STUDIES**

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### **World Geography**

Required/Elective

2 semester, 10 s.p.

Grade 9, 10

This course is a study of our world in all of its aspects – physical, geographical, topographical, weather, population, economic, political – and the beginnings of this world in the light of the teaching of the Holy Bible relating to Creation Week.



**World History**

Required  
2 semester, 10 s.p.  
Grade 9,10

A survey of ancient, medieval and modern history directed toward understanding the background of current nations, present-day cultures and conditions and the development of God's purposes for man.

**US History**

Required  
2 semester, 10 s.p.  
Grade 11

A survey course covering the development of the United States from discovery to the present. The course includes the geography of America, the people and the ideas significant to America's history.

**American Government**

Required  
1 semester, 5 s.p.  
Grade 12

This course will allow students to take a concentrated look at the three branches of the Federal government and their affect upon Americans, with special emphasis on current events and politics.

**Hawaiian History**

Required  
1 semester, 5 s.p.  
Grade 12

This course covers the history of Hawaii from ancient civilization to the overthrow of the monarchy to the present. Political, economic and social changes, and developments are examined as they influence the future growth of Hawaii.

**RELIGION**

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**Religion I**

Required  
2 semesters 10 s.p.  
Grades 9, 10

A comprehensive study of Genesis (first semester) and Matthew (second semester). It begins with man's origin from a Biblical perspective with emphasis on Hebrew History until Joseph's time. Second semester continues with an examination of the life of Jesus Christ and the principles that helped to establish the Christianity as a major world religion.

## **Religion II**

Required  
2 semesters 10 s.p.  
Grades 9, 10

A one-year, four-unit course which gives the student opportunities to better understand the story of the Adventist church – its heritage, principles and operation.

## **Religion III**

Required  
2 semesters 10 s.p.  
Grade 11

A study of the books of Romans, Daniel and Revelation to discover relevant truths for today's youth. An emphasis is given to Seventh-day Adventist doctrines and its roll in the church – prophecy, the three angels message, Sabbath, the second coming of Jesus and the state of the dead.

## **Religion IV**

Required  
2 semester 10 s.p.  
Grade 12

This course emphasizes Biblical principles helping youth to make major decisions – education and career, romance and marriage, lifestyle goals and spiritual commitment.

# **PHYSICAL EDUCATION**

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## **Physical Education**

Required  
4 semesters, 20 s.p.  
Grades 9, 10

This 4-semester program is designed to promote health, physical fitness and motor coordination activities. Fundamental games and skills are taught. This course is required unless a written exemption for physical or medical reasons is received from a qualified physician. A written doctor's excuse is required for non-class participation. Uniform required.

# **HEALTH EDUCATION**

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## **Health**

Required  
1 semester, 5 s.p.  
Grade 9-12

One semester of health is designed to help students gain an appreciation for a healthy life-style. Students are motivated to become responsible for their own health as they learn the connection between establishing good health habits now and enjoying their lives in the future.



## **COMPUTER/BUSINESS EDUCATION**

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### **Keyboarding**

Required

Prerequisite – Basic keyboarding skills

1 semester, 5 s.p.

Grade 9

A course in the study of the proper techniques in keyboarding or touch typing for personal and professional use which provides practice opportunities to develop accuracy and speed. Techniques learned are put into practice in a simulation project.

### **Computer Literacy**

Required

Prerequisite – Keyboarding

1 semester, 5 s.p.

Grade 10

This is a course in computer literacy and information technology via the internet. Students will develop basic skills in how to type term papers, business and personal letters and other reports utilizing all of the features on the keyboard. They are introduced to data, word, and spreadsheet applications. This class may be waived by passing of a Competency Test.

### **Advanced Computer Applications**

Elective

1 semester, 5 s.p.

Grades 11, 12

Spreadsheet and database management are emphasized in this class. Students learn to create and use these applications to create queries, tables, forms, reports, statements and graphs. Digital imagery is emphasized in this class. Students learn Microsoft Publisher, Access, Excel and PowerPoint, as well as, Adobe Photoshop, Illustrator and PageMaker to create projects and to expand knowledge in report presentations. Techniques are developed to produce a personal portfolio. Course offerings enable the student to learn other computer applications and how effectively surf the web.

### **Web Design**

Elective

1 semester, 5, s.p.

Grades 10-12

This is an advanced course that gets behind the bits and bytes. The student will learn how a central processing unit is built along with its component parts elements of design and layout in creating their own web page. Digital photography, scanning, web animation and hypertext links will be used to produce an attractive personal homepage and help to manage the school's web site: [www.kahili.org](http://www.kahili.org)

## **PRACTICAL/APPLIED ARTS**

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### **Business Mathematics**

Required/Elective

2 semester, 10 s.p.

Grades 9, 10, 11

Teaches the practical skills and concepts necessary for personal and business applications with an emphasis on developing proficiency in business math.

### **Accounting**

Required/Elective

1 semester, 5 s.p.

Grade 9 - 12

This course is also designed to teach practical skills and concepts necessary for personal finance and money management.

### **Home Economics**

Required/Elective

1 semester, 5 s.p.

Grades 9, 10, 11, 12

Emphasis on this practical arts credit course is on the student's relationships with the world around him/her. The class touches on personal, clothing, food, home and career management.

### **Career Guidance**

Required/Elective

1 semester, 5 s.p.

Grades 9, 10, 11, 12

Emphasis is placed on personal assessment and management of goals, values, time, and money. Interpersonal skills are developed to help the student determine a career and lifestyle that best support their talent and calling.

## **FINE ART**

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### **Art**

Required/Elective

1 semester, 5 s.p.

Grades 9, 10, 11, 12

This course facilitates understanding of student's self, develops a recognition of talents, inspires art appreciation and enables a student to develop criteria for making value judgment through their surroundings.



### **Handbell Choir**

Required/Elective

Prerequisite – Music Experience

1 semester, 5 s.p.

Grades 9, 10, 11, 12

The Kahili Bells is a performing organization open to students who have experience reading music or have taken at least one year of instrumental lessons. Grades will be based on participation, attendance, and scheduled performances. Group size is limited.

### **Ceramics**

Required/Elective

1 semester, 5 s.p.

Grades 9, 10, 11, 12

This art class will involve students who wish to complete their high school credit in art or as an elective utilizing the materials relative and applying the procedures needed to complete projects in clay.

### **Chorale**

Required/Elective

1 semester, 5 s.p.

Grades 9, 10, 11, 12

The Kahili Chorale is a performing organization, which will involve students who wish to complete their high school credit in art or as an elective. Credit will be based on class participation, as well as, and on scheduled performances and tests. Basic music fundamentals, note recognition and evaluation, basic rhythm is taught through lecture and practical application.

## **FOREIGN LANGUAGE**

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### **Spanish 1**

Required/Elective

2 semester, 10 s.p.

Grade 11

This course is offered with an emphasis on reading, speaking, writing and listening to the Spanish language. The student is also introduced to the cultural and historical aspects of the Hispanic civilization.

### **Spanish 2**

Required/Elective

2 semester, 10 s.p.

Grade 12

This second year course develops further competence in skills already learned and broadens the overview of Hispanic literature, history and culture.

## **OTHER ELECTIVES**

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### **Publication Workshop**

Elective

1 semester yearbook, 5 s.p.

1 semester newspaper, 5 s.p.

Grades 11, 12

A course open to students (pre-selected by the editor and approved by the advisor) who show an interest in working on the Mākanalani yearbook and the Ke Kukini newspaper, while learning the basics of publishing, copy writing, layout application and computer technological skills. Class work-studies will their production.

### **Private Lessons**

Elective

1 semester, 5 s.p.

Grades 9, 10, 11, 12

Kahili accepts 30 half hour lessons for 5 semester periods of credit in practical or fine arts from private instructors. Certain restrictions apply. See the registrar for information and an application.

### **College Course Offerings**

Courses for college credit are offered by the Pacific Union College on a regular basis (generally during the Winter and Spring quarters of the school year). It provides an opportunity for seniors to earn credit in a variety of disciplines. These credits are transferable to most, if not all, colleges or universities. Inquires should be directed to:

Office of Records  
Pacific Union College  
One Angwin Avenue  
Angwin, CA 94508

What's available? Four (4) quarter hours of credit in Developmental Psychology, Human Development (Family Living and Child Development is a recommended prerequisite for the two previous courses); and United States History. Instructor approval is required.



## School Calendar 2003-2004 Year

### **JULY**

28 Teacher's Pre-session

### **AUGUST**

4 First Day of School

11-13 Proposed 4-day Worker's Meeting

25-29 Fall Week of Prayer

### **SEPTEMBER**

1 Labor Day Holiday

22-26 ITBS/TAP Test Week

### **OCTOBER**

3 End of 1<sup>st</sup> Quarter

6-17 2-week Fall Break

20 2<sup>nd</sup> Quarter begins at 8:00 a.m.

29-30 Parent/Teacher Conferences (classes end at noon)

### **NOVEMBER**

10 Veteran's Day Holiday

27-28 Thanksgiving Holidays

### **DECEMBER**

18 Proposed Christmas Program

19 Winter Break begins (classes end at noon)

22-31 2-week Winter Break

### **JANUARY**

1-2 Winter Break, continues

5 3<sup>rd</sup> Quarter begins at 8:00 a.m.

19 Martin Luther King, Jr. Holiday

### **FEBRUARY**

16 President's Day Holiday

17 Proposed Teacher In-service, No school

### **MARCH**

1-5 Proposed Spring Week of Prayer

12 End of 3<sup>rd</sup> Quarter (classes end at noon)

15-26 2-week Spring Break

22-29 "He's Alive" Youth Crusade

30 4<sup>th</sup> Quarter begins at 8:00 a.m.

### **APRIL**

14-15 Parent/Teacher Conferences (classes end at noon)

24 Adventist Education Sabbath

### **MAY**

24 Memorial Day Holiday

### **JUNE**

2 Senior Graduation Exercise 7:00 p.m.

3 8<sup>th</sup> Grade Graduation 7:00 p.m.

4 Last day of classes (classes end at noon)

5 Graduates Consecration Service 11:00 a.m.

7-11 Teacher Post-session

## Map Key:

### Katherine Lui Hall

Administrative Offices

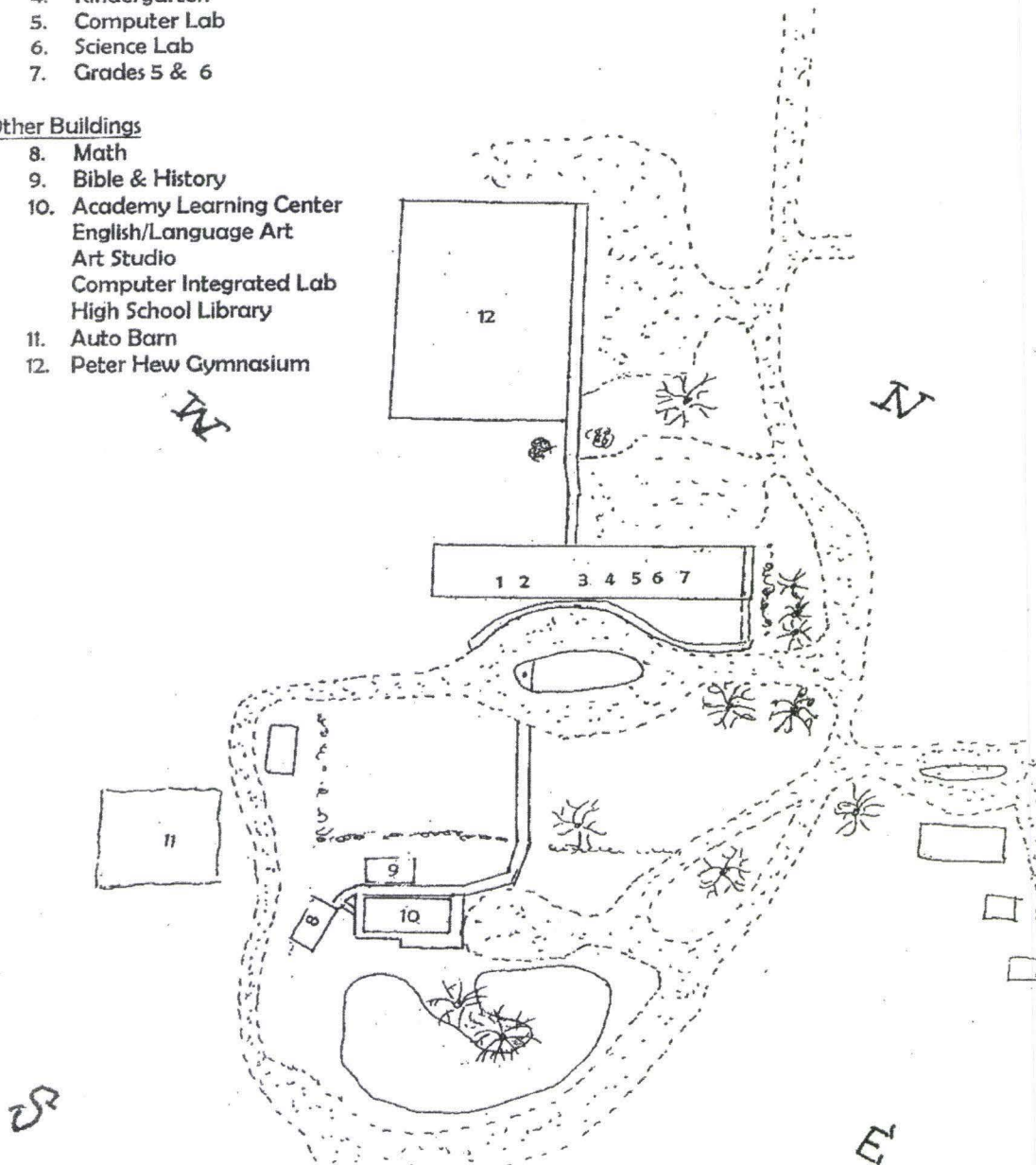
Library

Logo Shop & HSA Snack Shoppe

1. Music/Multi-purpose
2. Grades 3 & 4
3. Grades 1 & 2
4. Kindergarten
5. Computer Lab
6. Science Lab
7. Grades 5 & 6

### Other Buildings

8. Math
9. Bible & History
10. Academy Learning Center  
English/Language Art  
Art Studio  
Computer Integrated Lab  
High School Library
11. Auto Barn
12. Peter Hew Gymnasium





# MESSAGE CONFIRMATION

JUN-16-2008 11:23 AM MON

FAX NUMBER : 8085873827  
NAME : LAND USE COMMISSION

NAME/NUMBER : PRO FILE / 96826402  
PAGE : 1  
START TIME : JUN-16-2008 11:23AM MON  
ELAPSED TIME : 00'12"  
MODE : STD ECM  
RESULTS : [ O.K ]

## PRO-FILE RECORD SYSTEMS

PH: 682-6400 Fax 682-6402

### CONTAINER / FILE FOLDER

### REQUEST / RETURN SHEET

Date: 6-16-08 Time: 11:40 (AM) / PM

Company: LAND USE COMMISSION

Account # 9763

From: CAROLINE LORENZO

Phone: 587-3822

Facsimile: 587-3827

Please check **ONLY ONE**. ☒ Delivery ☐ Pick-Up ☐ Destroy  
If you need a delivery and pick-up, please use separate sheets. For afternoon service, requests must be faxed by 11:00am. For next day morning service, request must be faxed by 4:00pm.

☒ CONTAINER(S) List Bar Code Numbers

217613 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### // FILE FOLDER(S)

File Folder Description or Number Container # \*Location #

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* Pro-File use only

TOTAL AMOUNT OF CONTAINER(S) 1 FILE FOLDER(S) \_\_\_\_\_

QUANTITY BARCODES NEEDED: \_\_\_\_\_

KD RECORD STORAGE BOXES NEEDED: \_\_\_\_\_ single wall \_\_\_\_\_ double wall

Date needed: 6-17-08 ☒ AM or ☐ PM

Requested by: (please print) CAROLINE LORENZO

AUTHORIZED ACCESS SIGNATURE

*Carol Sh. Lorenzo*

6-17-08 Mtg w/ Kalili Adventist School Atty Mark Valencia  
said Mike ~~Laure~~ <sup>Paul</sup> w/ County of Kauai

Wants to treat it as a County issue

Dan - asked for a status report, written. Said they were  
Working with Greg who looked at the issues.

concludes the surface is sufficient  
Have to go to DOT also to see if what they have is

okay  
Early next week - Dan wants status report  
Kathleen



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LAND USE COMMISSION  
STATE OF HAWAI'I

CONT'D HEARING AND ACTION	PAGE
SP05-399 KAUAI ATV, LCC )	4
ACTION )	
SP87-364 KAHILI ADVENTIST SCHOOL )	25

TRANSCRIPT OF PROCEEDINGS

The above-entitled matters came on for a Public Hearing at the Hilton Kauai Beach Resort, 4331 Kauai Beach Drive, Lihue, Hawai'i, commencing at 11:40 a.m. on September 20, 2007 pursuant to Notice.

REPORTED BY: HOLLY M. HACKETT, RPR, CSR #130  
Certified Shorthand Reporter

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2

A P P E A R A N C E S

COMMISSIONERS:  
THOMAS CONTRADES

3 VLADIMIR DEVENS  
DUANE KANUHA (Vice Chairman)  
4 RANSOM PILTZ  
REUBEN WONG

5 EXECUTIVE OFFICER: ANTHONY CHING  
6 CHIEF CLERK: SANDRA MATSUSHIMA  
STAFF PLANNER: CAMERON LOWRY  
7 DEPUTY ATTORNEY GENERAL: DIANE ERICKSON  
8 AUDIO TECHNICIAN: WALTER MENCHING

9 Docket No. SP05-399 KAUAI ATV, LLC (Kauai)

10 For the Petitioner: WALTON HONG, ESQ.

11 For the County: JAMES TAGUPA, ESQ.  
Deputy Corporation Counsel  
12 MICHAEL LAURETA, Planning Dept.

13 For the State of Hawai'i: BRYAN YEE, ESQ.  
Deputy Attorney General  
14 ABE MITSUDA  
Office of Planning  
15

16 Docket No. SP87-364 KAHILI ADVENTIST SCHOOL

17 For the Petitioner: MARK VALENCIA, ESQ.

18 For the County: JAMES TAGUPA, ESQ.  
Deputy Corporation Counsel  
19

20 For the State: BRYAN YEE, ESQ.  
Deputy Attorney General  
21 ABE MITSUDA  
Office of Planning  
22

23

24

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1 I N D E X

2	PUBLIC WITNESSES:	PAGE
3	Cheryl Lovell-Obatake	6
4	David whatmore	9

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DOCKET WITNESSES - Kauai ATV

MARLENY COTRIM

Direct Examinatin by Mr. Hong 11

Cross-Examination by Mr. Tagupa 14

MICHAEL LAURETA 18

Cross-Examination by Mr. Hong 20

DOCKET WITNESSES - SP87-364 Kahili Adventist School

STEVE KYONO 27

4

1 September 20, 2007 Kauai

2 PRESIDING OFFICER KANUHA: Good morning, everybody.

3 This is a continued Land Use Commission order to show cause

4 hearing on docket No. SP05-399 Kauai ATV, LLC.

5 On August 3rd, 2007 the Commission conducted a site  
6 visit to the waterfall area which is the subject of this order to  
7 show cause hearing.

8 On September 18th, 2007 the Commission received  
9 written testimony from Glenn Mickens seeking compliance and  
10 remedial action been the permittee.

11 William Hillyard asking that the permittee is

12 prevented from doing anymore damage to the watershed.

13 Sa'le and Ruth Potts noting Mr. Rivera's past support  
14 of the Koloa Hawaiian Outrigger Canoe Club and expressing their  
15 own support in Mr. Rivera in this matter.

16 The Commission also received on this date the written  
17 statement of Kaua'i ATV, LLC.

18 On September 19th, 2007 the Commission received  
19 written testimony from Margery Freeman seeking reprimand of the  
20 permittee; Chris Fernandes calling for correction of the  
21 violation by the permittee, and several recently received  
22 correspondences, one from Sandy and Lynn Brodie, Kaua'i Koa Farm  
23 requesting an investigation, testimony from Malia Kruse Fu in  
24 support, Kaulana Smith in support, Kimberly A. Barnes, and a  
25 letter raising various comments from Mr. Dave Whatmore.

5

1 Let me briefly describe our procedure for today on  
2 this docket. First, we will have the parties identify themselves  
3 for the record. I will then call for those individuals desiring  
4 to provide public testimony to identify themselves. All such  
5 individuals will be called in turn to our witness box where they  
6 will be sworn in prior to their testimony.

7 Next, for the sake of any Commissioners and members of  
8 the public who were not present at our last hearing on this  
9 matter I will have the parties, Kaua'i ATV and the county of  
10 Kaua'i summarize in turn their respective case and position.

11 I note that this hearing has been convened to consider  
12 whether there is sufficient cause to revoke the subject special  
13 permit area due to construction of a stairway structure in the  
14 permit area without appropriate building permits and prior notice  
15 being given to this Commission.

16 The Commission will then conduct its deliberations.

17 Are there any questions on our procedure for today? Petitioner?

18 MR. HONG: Thank you, Mr. Chairman. Good morning,  
19 Commissioners. For the record my name is Walton P. Hong  
20 representing the Petitioner Kauai ATV LLC.

21 With me is Marleny Cotrim who submitted the written  
22 testimony as well as Ole Rivera who's also available for  
23 questions if necessary.

24 PRESIDING OFFICER KANUHA: Thank you. County of  
25 Kaua'i.

6

1 MR. TAGUPA: Good morning, Mr. Chairman, members of  
2 the Commission. My name is James Tagupa, deputy county attorney.  
3 Also with me is Mike Laureta. He's a planner with our planning  
4 department.

5 PRESIDING OFFICER KANUHA: Chair's assuming by your  
6 statements that you have no questions on our procedure that I've  
7 just outlined.

8 MR. TAGUPA: No questions.

9 PRESIDING OFFICER KANUHA: Thank you. Is there anyone  
10 in the audience who desires to provide public testimony on this  
11 matter? We have one person signed up. Is it Steven Kyono?

12 AUDIENCE MEMBER: I signed up for the wrong docket.  
13 It's the next one.

14 PRESIDING OFFICER KANUHA: All right. Again, is there  
15 anyone in the audience who desires to provide public testimony on  
16 this matter? Please come forward.

17 AUDIENCE MEMBER: Sir, I got confused because it  
18 doesn't show a docket there. So I didn't know what to sign.

19 PRESIDING OFFICER KANUHA: This is on the Kauai ATV  
20 docket.



1uc92007kauai  
21 AUDIENCE MEMBER: Yes. Cheryl Lovell-Obatake.

22 CHERYL LOVELL-OBATAKE

23 being first duly sworn to tell the truth, was examined and  
24 testified as follows:

25 THE WITNESS: Yes, I do sir.

7

1 PRESIDING OFFICER KANUHA: Please have a seat.

2 THE WITNESS: Thank you.

3 PRESIDING OFFICER KANUHA: Please state your name and  
4 address for the record.

5 THE WITNESS: My name is Cheryl Lovell-Obatake. I'm  
6 from the ahupua'a of Niumalu, Kalapaki, and Nawiliwili. And my  
7 P. O. Box is 366 Lihue, 96766.

8 PRESIDING OFFICER KANUHA: Thank you, Ms. Obatake.  
9 Please proceed.

10 THE WITNESS: Thank you. I wasn't aware of this  
11 meeting. Only by telephone that somebody told me because usually  
12 I get an agenda and I did not receive one. And I did call your  
13 office and make sure I get one the next time.

14 Regarding this application, I'm with the Nawiliwili  
15 Bay Watershed Council. I'm a member. And because of this  
16 project being in the watershed and of course the Ahuleia Stream  
17 that comes down to our watershed in Nawiliwili, my purpose of  
18 being here from the last meeting is to monitor the matters that  
19 have been discussed in the docket.

20 And I'm very concerned. And I have received  
21 transcripts from the last meeting. And I was present. I'm  
22 feeling a little personally, not from the watershed  
23 representation or consensus, but personally by observation it  
24 seems that there is a lot of violations according to transcripts  
25 that I've read and, of course, with being at the certain

1 meetings. I don't have an evaluation as to your consensus of the  
2 site visit.

3 This is a very sensitive area for me and others that  
4 look at the watershed. Nawiliwili Bay is presently under the  
5 Environmental Protection Agency impaired list for water quality.  
6 We're losing water as well. Water has been diverted, evidence of  
7 the Waita Reservoir taking of water.

8 And I've been trying to be a very responsible person  
9 in attending different meetings that I see our water in our  
10 watershed is slowly being depreciated. We're now in very much  
11 turmoil with no water, sedimentation buildup due to other  
12 developments.

13 In this case with the Kauai ATV I believe as a native  
14 Hawaiian I'm culturally sensitive. I would really recommend  
15 besides an investigation the investigation should involve a  
16 culture impact assessment. I am aware of the process of a  
17 cultural impact assessment with an EA draft, EA final, EIS draft,  
18 EIS final.

19 But because it encompasses a large portion of property  
20 which the Applicant occupies, I would recommend an investigation.  
21 And I would also agree with Sandy Brodie's request for an  
22 investigation. Therefore, I thank you for your time.

23 PRESIDING OFFICER KANUHA: Thank you. Petitioner --  
24 Cheryl, can you hang on for a second see if the Petitioner or the  
25 county has any questions. Any questions for the public witness?

1 MR. HONG: No questions.

2 MR. TAGUPA: No questions.

3                   PRESIDING OFFICER KANUHA: Thank you, Cheryl. Can you  
4 please step forward.

5                   THE WITNESS: My name is David Whatmore.

6                   DAVID WHATMORE  
7 being first duly sworn to tell the truth, was examined and  
8 testified as follows:

9                   THE WITNESS: Yes, I do.

10                  PRESIDING OFFICER KANUHA: You've stated your name for  
11 the record but what about an address.

12                  THE WITNESS: P. O. Box 541 Kilauea, 96754. I just  
13 want to make a very brief comment 'cause I know you guys have a  
14 lot of other work to do. The motion that was made for the public  
15 hearing April 26th, it was pretty general.

16                  And it just said that we set a hearing to show cause  
17 why the special permit should not be revoked for violations of  
18 conditions and/or representations.

19                  And I wasn't aware -- I've read all the transcripts of  
20 all the public meetings -- and I wasn't aware that the State Land  
21 Use Commission had made a decision to narrow the issue to  
22 specifically the stairway.

23                  I just wanted to mention that and get that on the  
24 record. Because I mean a lot of these other issues were brought  
25 up before this motion. It seems to me they should be a part of

10

1 it rather than having different hearings for different issues.  
2 It should all be wrapped together for simplicity. That's all I  
3 had to say.

4                  PRESIDING OFFICER KANUHA: Thank you, Mr. Whatmore.  
5 Petitioner, any questions for the witness?

6                  MR. HONG: No questions.

7                  PRESIDING OFFICER KANUHA: County?



8 MR. TAGUPA: No questions.

9 PRESIDING OFFICER KANUHA: Thank you, Mr. Whatmore.  
10 Petitioner, will you proceed with your presentation.

11 MR. HONG: Mr. Chairman, before I proceed if I can  
12 make a comment. We're expecting some people to testify publicly  
13 on behalf of the applicant. However, due to prior commitments  
14 they said they'd try to be here by noon. If they show up fine,  
15 if they come later I would ask the Chair to indulge them and take  
16 the testimony if necessary.

17 First of all, we did submit the written testimony of  
18 Marleny Cotrim in writing. That will be my first witness. We  
19 already indicated that we have letters and would like to have  
20 them received as part of the record from Sa'le and Ruth Potts,  
21 Kimberly Barnes, Kaulana Smith, and Malia Fu. I'm not sure if  
22 that is already automatically made part of the record.

23 PRESIDING OFFICER KANUHA: Mr. Hong, we have received  
24 those letters and they are a part of the record.

25 MR. HONG: Thank you. My first witness and only

11

1 witness will be Marleny Cotrim.

2 MARLENY COTRIM

3 called as a witness at the instance of Applicant, being  
4 first duly sworn to tell the truth, was examined and  
5 testified as follows:

6 THE WITNESS: I do.

7 PRESIDING OFFICER KANUHA: Can you state your name and  
8 your address for the record.

9 THE WITNESS: Marleny Cotrim, P. O. Box 800 Kalaheo,  
10 Kaua'i 96741.

11 DIRECT EXAMINATION

12 BY MR. HONG:

13 Q. Ms. Cotrim, would you tell the Commission what your  
14 position is with Kauai ATV?

15 A. I'm the manager at Kauai ATV.

16 Q. You did submit prior to this hearing your written  
17 testimony, is that correct?

18 A. Correct.

19 Q. That is your testimony on behalf of Kauai ATV?

20 A. Yes.

21 Q. We've heard your -- let me ask are you related to  
22 Olegario Rivera?

23 A. Yes, I am.

24 Q. How are you related?

25 A. He's my father.

12

1 Q. You're testifying on behalf of Kauai ATV because of a  
2 potential language problem because of your father's difficulty?

3 A. Yes.

4 Q. And the written testimony you submitted is your  
5 written testimony on behalf of the applicant?

6 A. Yes, it is.

7 Q. Would you briefly summarize your testimony.

8 A. Okay. We recognized we built the stairway initially  
9 for our tours to have a safe passage and a viewing point for our  
10 guests. We did so admittedly in error.

11 And this is something that we want to be very candid  
12 about, that we understand now, more than ever, the error in our  
13 ways of building a structure unpermitted. It wasn't done  
14 maliciously or it wasn't even done with the knowledge that that  
15 was the process that we had to go through.

16 So in talking to as many individuals that we could,  
Page 10

17 county, state officials they were very helpful, we came to the  
18 determination that the best thing to do was remove the offending  
19 structure.

20 we did so in consultation with several agencies that  
21 came in prior to the visit. They watched us during the removal,  
22 they saw the temporary structure, they helped us remove the  
23 staircase, the offending staircase.

24 At this point we know now what we have to do and how  
25 to go about it. And, again, everybody's been very helpful in

13

1 helping us along that process. And I just want to make clear  
2 that it wasn't done in any malicious form, that we've done  
3 everything possible to rectify the issue at hand and even looked  
4 at going forward to see how we as a company can lighten our  
5 impact on the environment. We take that very seriously. We hope  
6 that we've acted appropriately and that our review for your  
7 permit is not affected. Because we have a commitment to not just  
8 ourselves but 40 to 50 families that use Kauai ATV as a primary  
9 source of income. So this would greatly impact their futures as  
10 well.

11 Q. Ms. Cotrim, just to avoid any future misunderstanding  
12 or allegations of not being truthful with this Commission, the  
13 staircase was removed, is that correct?

14 A. That's correct.

15 Q. However, aren't there several cement footings that are  
16 still left in place?

17 A. Yes, there are. The reason for that is that we didn't  
18 want to be accused of doing further damage to the existing area.  
19 When the footings are removed there is going to be a little bit  
20 of soil movement. We're more than willing to comply with



21 removing every part of that structure. Everything else is  
22 removed.

23 But we want to do so with, you know, people aware of  
24 what we're doing because we don't want to be accused of doing  
25 further damage to the environment. So we'd be happy to take the

14

1 recommendation of whatever bodies will...

2 Q. So you're saying you want to leave it in place unless  
3 you're asked to remove these footings?

4 A. Yeah. At this point we'll do whatever it takes to  
5 comply. But we didn't want to cause further damage or raise  
6 suspicions that we're doing something other than we should be  
7 doing.

8 Q. These footings, you said several, would you describe  
9 them based on how big they are?

10 A. They're support structures to support the 4 by 4  
11 footings for the staircase.

12 Q. The staircase had a 4 by 4?

13 A. The footprints aren't much bigger than that.  
14 (indicating)

15 Q. It's about not more than a square foot?

16 A. Not more than a square foot.

17 Q. And they were pored in place cement?

18 A. Yes.

19 MR. HONG: That's all the questions I have of  
20 Ms. Cotrim.

21 PRESIDING OFFICER KANUHA: County, do you have any  
22 questions for the witness?

23 MR. TAGUPA: Yes, thank you.

24 CROSS-EXAMINATION

25 BY MR. TAGUPA:

1 Q. Ms. Cotrim, you said the footings were left in place.  
2 How many footings are there?

3 A. The exact number -- I know there's two. There's  
4 possibly three. That's why I said several. We have to go back  
5 and look exactly. They were hidden and some were removed so we  
6 have to look. So if that's a request by the county we can  
7 certainly do that.

8 But we want it to be known that we are going to do  
9 that, so if somebody perhaps takes pictures of us moving dirt or  
10 whatever it's known that that's the reason or request from the  
11 county.

12 Q. You said each footing is no more than a foot square?

13 A. Yes.

14 Q. And how deep are they in the ground? Do you know?

15 A. I believe they're 24 inches.

16 Q. Twenty-four inches into the ground?

17 A. Yes.

18 Q. Besides that all the other structures have been  
19 removed?

20 A. Yes.

21 Q. Including the temporary --

22 A. Yes.

23 Q. -- stairway?

24 A. Yes, the stairway was removed.

25 MR. TAGUPA: Thank you. No further questions.

1 PRESIDING OFFICER KANUHA: Thank you. Commissioners,  
2 any questions? Mr. Hong, any redirect?

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MR. HONG: No.

PRESIDING OFFICER KANUHA: Thank you for your  
testimony.

MR. HONG: I don't have any other witnesses at this  
time. I guess we'll reserve final arguments after everybody gets  
through, if the county wants to put anybody else on.

PRESIDING OFFICER KANUHA: Mr. Tagupa?

MR. TAGUPA: Yes. I just want to just clarify the  
only issue we are here for is the offending structure. I  
remember last time I made a request on whether or not the board  
was going to consider any other alleged violations. And I  
haven't received anything. So, Mr. Chairman, is that all we're  
here for is just this stairway?

PRESIDING OFFICER KANUHA: That's correct.

MR. TAGUPA: With respect to that the county's  
position is that we believe that, you know, since they removed  
the offending structure then that satisfies the county. So we  
have nothing further on that issue.

PRESIDING OFFICER KANUHA: Commissioners, any  
questions? Commissioner Wong.

COMMISSIONER WONG: Mr. Tagupa.

MR. TAGUPA: Yes.

COMMISSIONER WONG: My question is that after those

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stairways were built, would that have violated any county  
ordinance in any way?

MR. TAGUPA: Yes. We believe they would have required  
building permits.

COMMISSIONER WONG: In other words, building permits  
were required for the construction of it. And was the county  
aware of this problem before it came to the Land Use Commission?



8 MR. TAGUPA: No. We don't believe that we were aware  
9 of that. It was just built without our permission. Then when it  
10 was brought up through the board we went out, took a look at the  
11 structure.

12 COMMISSIONER WONG: When it was brought up to the  
13 board could the county have enforced its ordinance in compelling  
14 the occupant or landowner to remove it?

15 MR. TAGUPA: The county does have some powers to  
16 remove offending structures that are nonpermitted.

17 COMMISSIONER WONG: But it didn't take any action, did  
18 it?

19 MR. TAGUPA: No. Not in this case.

20 COMMISSIONER WONG: Thank you.

21 MR. TAGUPA: Mr. Laureta would like to address the  
22 board if that's okay.

23 MR. LAURETA: Mr. Wong, in relation to your  
24 question --

25 PRESIDING OFFICER KANUHA: Mr. Tagupa, I'm going to

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1 need to swear him in if he's going to be providing testimony.  
2 why don't you come up to the witness box, please. Can you raise  
3 your right hand.

4 MICHAEL LAURETA  
5 called as a witness at the instance of the County being  
6 first duly sworn to tell the truth, was examined and  
7 testified as follows:

8 THE WITNESS: Yes.

9 PRESIDING OFFICER KANUHA: Would you state your name  
10 and address for the record.

11 THE WITNESS: Michael Laureta, planning department

12                                    luc92007kauai  
county of Kaua'i. You want my mailing address? Okay.

13                    PRESIDING OFFICER KANUHA: Please proceed.

14                    THE WITNESS: After the last meeting the Applicants  
15 had come into the Department. And we were talking about several  
16 issues. And one was the stairs. And based on my previous  
17 experience with DLNR, we, I and the Department had recommended  
18 that you put it in without permits, you should take it out.

19                    However, you can't just take it out anymore because  
20 now you have other issues that are involved. And we suggested  
21 that they contact Nancy McMahon of Historic Preservation Division  
22 specifically regarding the method of removal and when.

23                    So, and they did. To their credit they did remove it  
24 and they did leave the footings. Because in the removal of the  
25 footings it's either you're going to create holes and if it rains

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1     you're going to have siltation. It brings up a whole bunch of  
2     other stuff.

3                    So we did recommend that they remove the improvements  
4 that were constructed without permits. So that was in response  
5 to Commissioner Wong's question. They did, they were in contact  
6 with us with the agencies.

7                    PRESIDING OFFICER KANUHA: Commissioner Wong.

8                    COMMISSIONER WONG: The question is that if there were  
9 a violation of a county ordinance could the county have issued a  
10 citation to compel the land owner to remove the stairs?

11                   THE WITNESS: They could have done that or they could  
12 have recommended the alternative which was to seek authorization  
13 for those improvements which would have meant coming back here to  
14 amend the permits. So the alternatives could have been remove --  
15 cite and remove or go back and amend the permits.

16                   COMMISSIONER WONG: It would appear to me that if the  
Page 16

17 county had taken action, and you can correct me if I'm wrong,  
18 taken appropriate action to issue a citation to have it  
19 corrected, then perhaps this matter would not come to the level  
20 on the state level at the Land Use Commission level and that the  
21 matter would be solely handled on the local county level.

22 THE WITNESS: I absolutely agree.

23 COMMISSIONER WONG: Thank you.

24 PRESIDING OFFICER KANUHA: Commissioner Piltz.

25 COMMISSIONER PILTZ: Could you tell me is there a fee

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1 schedule as far as fines on this type of thing? Normally in the  
2 building department when you go in and get a building permit you  
3 pay a permit fee. And I know in other counties that when you  
4 don't pay the fee you may have to pay a penalty. Was there any  
5 penalties, financial penalties imposed?

6 THE WITNESS: That would have been for an  
7 after-the-fact building permit if one had, in fact, been pursued.  
8 But in terms from planning department there's no after-the-fact  
9 fee schedule. But if they had come in for an after-the-fact  
10 building permit to legalize the stairs that would have solved the  
11 problem.

12 COMMISSIONER PILTZ: All right. Thank you.

13 PRESIDING OFFICER KANUHA: Mr. Tagupa, any....?

14 MR. TAGUPA: No further questions.

15 PRESIDING OFFICER KANUHA: Petitioner, any questions?

16 MR. HONG: Yes, just a question.

17 CROSS-EXAMINATION

18 BY MR. HONG:

19 Q. Mr. Laureta, isn't it the practice also of the county  
20 when they get notified of a potential problem or violation that



21 it is often the case they will send the alleged perpetrator, if  
22 you want to call it that, a letter saying: we've been notified  
23 and if you don't cure the problem that you will be cited and the  
24 matter may be referred to the prosecutor's office for  
25 prosecution?

21

1 A. Yes. Our inspectors, upon receipt of a complaint they  
2 do a field inspection. Once the field inspection determines a  
3 problem, they're given a letter confirming what happened in the  
4 field, given the alternatives and given a certain time period in  
5 which to perform.

6 If you don't perform then you're served with a notice  
7 of violation which then establishes a clock by which you will  
8 perform or else.

9 Q. The county in this case is satisfied that the  
10 voluntary removal of a stair after the errors of its ways were  
11 brought to its attention by Kauai ATV that that satisfied the  
12 county?

13 A. Yes.

14 MR. HONG: That's all the questions I have.

15 PRESIDING OFFICER KANUHA: Thank you, Mr. Laureta.  
16 Commissioners, what is your pleasure on this item? Commissioner  
17 Contrades.

18 COMMISSIONER CONTRADES: First of all, I just wanted  
19 to state that I did make the site visit and I was satisfied with  
20 what I saw. I believe there were two areas where you had your  
21 footings left. But they were very hard to see anyway.  
22 Mr. Chairman, based on the information that has been presented it  
23 appears and actually is true that the unpermitted stairway has  
24 been removed.

25 There does not appear to me to be any unpermitted

1 activity and there is not sufficient evidence at this time to  
2 show that the Petitioner has failed to comply with the conditions  
3 imposed or the representations of the Petitioner. Therefore I  
4 move that this order to show cause hearing be dismissed.

5 COMMISSIONER DEVENS: Second.

6 PRESIDING OFFICER KANUHA: Second by Commissioner  
7 Devens. Any discussion? Commissioner Wong.

8 COMMISSIONER WONG: Mr. Chairman, it would appear to  
9 me that this matter should never have even come to the level of  
10 the Land Use Commission. In other words, the county it appears  
11 to me is the enforcing agency.

12 with the ordinance behind them they had the power to  
13 compel removal of the stairs and to see that it's done. It's one  
14 thing to come before this Commission and say, we have no  
15 objection. The stairs have been removed. But why wasn't action  
16 taken on the local level?

17 If we say the county should be given more power to  
18 handle their own affairs within their counties, then I think they  
19 should step to the plate and do it.

20 To have this come to the Land Use Commission is very  
21 expensive for the taxpayers, to fly us Commissioners from  
22 neighbor islands to come here, to have a hearing when it could  
23 have been done on the local level.

24 I'm saying this only so that in the future that there  
25 are other problems that the counties, whether it's Kaua'i, Maui

1 or Honolulu, step to the plate and take care of it.

2 why should it have to come up to the Land Use

3 Commission whose primary obligations is to review the whole land  
4 use requirements of the state of Hawai'i and reclassification and  
5 along those lines rather than to be the policemen to see whether  
6 or not one concrete footing has been removed or not.

7 So I submit, Mr. Chairman, that while I support  
8 Commission Contrades' motion I think the message ought to go to  
9 the counties, all of them, not just Kaua'i, but Maui and  
10 Honolulu, as well as the Big Island, that when this kind of  
11 problem occurs please step to the plate and go take care of it  
12 rather than just came to the Commission and say, "well, it's okay  
13 with us now they've done it." I think they've got to step to the  
14 plate and do their job. That's my point, Mr. Chairman.

15 PRESIDING OFFICER KANUHA: Thank you, Commissioner  
16 Wong. The Chair also shares your concern on that very point.

17 My recollection was that during the course of these  
18 proceedings my recollection was the county was not, could not  
19 tell us whether or not, in fact, a violation of their building  
20 permit laws had occurred even after our hearings were in  
21 procession.

22 So your point is well taken and I share that as well.  
23 Roll call vote.

24 MR. CHING: Commissioners, a motion has been made and  
25 seconded that this Order to Show Cause hearing be dismissed.

24

1 On that motion, Commissioner Contrades?

2 COMMISSIONER CONTRADES: Aye.

3 MR. CHING: Commission Devens?

4 COMMISSIONER DEVENS: Yes.

5 MR. CHING: Commissioner Wong?

6 COMMISSIONER WONG: Yes.

7 MR. CHING: Commissioner Piltz?



8 COMMISSIONER PILTZ: Yes.

9 MR. CHING: Presiding Officer Kanuha?

10 PRESIDING OFFICER KANUHA: Yes.

11 MR. CHING: Your motion passes with a vote of five for  
12 the motion and two absent.

13 PRESIDING OFFICER KANUHA: Thank you. We'll take a  
14 short 5 minute recess to set up for the next item.

15 MR. HONG: Thank you, Commissioners.

16 (Recess was held.)

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1 xxx

2 PRESIDING OFFICER KANUHA: Okay. We're back on the  
3 record. The next item on the agenda is an action item on  
4 SP87-364 Kahili Adventist School to receive a status report from  
5 the Petitioner.

6 On June 14, 2007 and August 30, 2007 the Commission  
7 received correspondence from Michael E. Tom seeking verification  
8 that the Petitioner is complying with all of the requirements of  
9 the orders issued by the Commission in this matter.

10 Let me briefly describe our procedure for today on  
11 this docket. First, we will have the parties identify themselves

12 for the record. I will then call for those individuals desiring  
13 to provide public testimony to identify themselves. All such  
14 individuals will be called in turn to our witness box where they  
15 will be sworn in prior to their testimony.

16 After completion of the public testimony portion of  
17 the proceedings, the Petitioner will make its status report with  
18 respect to compliance with the conditions of approval and order  
19 issued by the Commission.

20 After the completion of Petitioner's report we will  
21 then solicit any position statement from the county of Kaua'i and  
22 public comment from the Office of Planning.

23 Are there any questions on our procedure for today?  
24 Hearing none, will the parties and representatives of the State  
25 office of Planning please identify themselves for the record.

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1 Petitioner?

2 MR. VALENCIA: Good morning, Mr. Chairman, members of  
3 the Commission. My name is Mark Valencia. I'm an attorney with  
4 Case, Lombardi and Pettit. We represent Kahili Adventist School,  
5 the Petitioner. Also present is the superintendent for the  
6 Hawai'i Conference of Seventh Day Adventists, Mr. Teryl Loeffler  
7 T-e-r-y-l L-o-e-f-f-l-e-r. Present also is the park manager for  
8 Kahili Mountain Park Dennis Miller.

9 PRESIDING OFFICER KANUHA: Thank you. County.

10 MR. TAGUPA: Morning, Mr. Chair, members of the  
11 Commission. My name is James Tagupa, deputy county attorney.  
12 Also with me is Mike Laureta. He's a planner with the planning  
13 department.

14 PRESIDING OFFICER KANUHA: State.

15 MR. YEE: Good morning. Deputy Attorney General Bryan  
16 Yee on behalf of the Office of Planning. With me is Abe Mitsuda

17 from the Office of Planning.

18 PRESIDING OFFICER KANUHA: Thank you and good  
19 afternoon. Is there anyone in the audience who desires to  
20 provide public testimony on this matter?

21 MR. ISHIDA: Your Honor, Commissioners, Lyle Ishida.  
22 I'm here for Mr. Tom who was the author of the letters you  
23 referenced. Also with me is Stacey Wong trustee of the lessor.  
24 And we're here to respond to any questions the Commissioners may  
25 have.

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1 PRESIDING OFFICER KANUHA: Thank you for that  
2 statement. But in as much as you are representing Mr. Tom who is  
3 actually not a party to these proceedings --

4 MR. ISHIDA: I understand.

5 PRESIDING OFFICER KANUHA: So as long as all the  
6 participants understand that. We have one public witness,  
7 Mr. Steve Kyono. Would you raise your right hand.

8 STEVE KYONO  
9 being first duly sworn to tell the truth, was examined and  
10 testified as follows:

11 THE WITNESS: I do.

12 PRESIDING OFFICER KANUHA: Would you please state your  
13 name and address for the record.

14 THE WITNESS: Yes certainly. My name is Steve Kyono  
15 and I'm with the State Department of Transportation Highways  
16 Division here on Kaua'i in the capacity as district engineer.  
17 Address is 1720 Hale Ukana Street, Lihue, 96766.

18 PRESIDING OFFICER KANUHA: Thank you. Please proceed.

19 THE WITNESS: I'm here representing our agency. In  
20 regard to this docket I am, wanted to say that none of the



21 conditions which were imposed at the time of the approval of the  
 22 docket have been fulfilled. Namely, as it regards the state  
 23 highways division they are: Left turn storage lanes on  
 24 Kaumuali'i Highway, acceleration and deceleration lanes and  
 25 streetlights at that particular intersection.

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1 Also one thing that is of importance to us and concern  
 2 is the so called all-weather surfacing of the access to the  
 3 school. That becomes an issue for us.

4 Because what we have experienced in that particular  
 5 area and especially during times of very heavy rain, is an  
 6 excessive amount of mud and gravel which washes down onto our  
 7 highway.

8 We have, definitely it's taxed our crews every time  
 9 we've got to respond to clean up this stuff. So that is  
 10 definitely an important issue for us.

11 I might also point out that on the shoulder which is  
 12 opposite the intersection or the roadway that serves the school,  
 13 if one were to go out there may be some of you Commissioners saw  
 14 that today, if you look at the west side, west end of that  
 15 shoulder, the makai shoulder, you would have seen a very, very  
 16 large depression in the shoulder with water standing in it. That  
 17 depression actually is caused by motorists going around vehicles  
 18 turning left at that intersection.

19 And it's gotten worse over the years. It's really  
 20 posed a safety concern to us. So, you know, really it really  
 21 that much more exacerbates or actually accelerates the need for  
 22 putting in the left turn storage lanes.

23 PRESIDING OFFICER KANUHA: Thank you, Mr. Kyono.  
 24 Petitioner, any questions?

25 MR. VALENCIA: I do intend to ask for a continuance,  
 Page 24

1 Mr. Chairman. But I do have one question if I may.

2 PRESIDING OFFICER KANUHA: Go ahead.

3 MR. VALENCIA: Mr. Kyono, have you raised any of these  
4 concerns with the Kahili Adventist School?

5 THE WITNESS: Not directly with the school, no.

6 MR. VALENCIA: That's all I have.

7 PRESIDING OFFICER KANUHA: County?

8 MR. TAGUPA: No questions.

9 PRESIDING OFFICER KANUHA: State?

10 MR. YEE: Mr. Kyono, have you raised these issues with  
11 the owner of the property?

12 THE WITNESS: I brought up the issues specifically  
13 relating to the runoff coming off of that roadway and damaging  
14 our highway.

15 MR. YEE: With the owner of the property?

16 THE WITNESS: Yes.

17 MR. YEE: Nothing further.

18 PRESIDING OFFICER KANUHA: Commissioners?  
19 Commissioner Wong.

20 COMMISSIONER WONG: I have a question. Suppose I own  
21 land next to that highway and it was not reclassified and never  
22 went before the Land Use Commission. And I have a road  
23 connection the highway. And I have runoff going into the  
24 highway.

25 Do you have jurisdiction or any power to prevent that

1 from occurring?

2 THE WITNESS: Runoff coming onto our highway. The way

3 that we exercise any jurisdictional power I would say is through  
4 the land use process.

5 COMMISSIONER WONG: I understand. But assuming that  
6 it did not go before the Land Use Commission so that there was no  
7 reclassification and it was just agricultural land. And I had a  
8 driveway that comes into my land off of that Kaumuali'i Highway.  
9 And because of my road, my access road water is with mud poring  
10 onto the highway.

11 Are you saying there's nothing the state of Hawai'i  
12 Department of Transportation can do about it?

13 THE WITNESS: I wouldn't say there's nothing that we  
14 could do. We would probably in all likelihood call the situation  
15 to the owner's intention. However, from a regulatory perspective  
16 I don't believe there is anything that the DOT Highways could  
17 specifically do.

18 But I think the matter of runoff and especially if  
19 you've got pollutants that may have the potential of entering  
20 what they call waters of the U.S. then you would have the  
21 probability of having the Department of Health and the U.S. EPA  
22 involved in such a case.

23 COMMISSIONER WONG: In other words, if I had that  
24 property and I had an access road and mud and chemicals and  
25 whatever runoff from my driveway goes into your highway, there's

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1 nothing the state of Hawai'i Department of Transportation could  
2 do about it.

3 THE WITNESS: We can. We can.

4 COMMISSIONER WONG: You could. And what could you  
5 have done in my situation?

6 THE WITNESS: In your particular situation, since you  
7 brought it up, is we would give you notification. And if there



8 are, depending on what it is you're bringing out, if you're  
9 tracking mud onto the highway you've got issues, which again I  
10 restate that involve the Department of Health who actually  
11 oversees the federal laws as they relate to what we called the  
12 NPDES regulations, National Pollutant Discharge Elimination  
13 System Regulations which pretty much dictate pollutants entering  
14 possible bodies of water.

15 COMMISSIONER WONG: Assuming there are no pollutants  
16 the Department of Health is not involved, could the Department of  
17 Transportation prevent me as a landowner from allowing my mud to  
18 flow over the highway?

19 THE WITNESS: If you mention mud, mud in itself, we  
20 would consider that as a possible pollutant. That would be an  
21 issue.

22 COMMISSIONER WONG: Secondly, now because people  
23 turning into my driveway making left turn cause people going in  
24 whatever direction it is to drive on the shoulder, could you do  
25 anything to have me as a landowner correct that?

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1 THE WITNESS: I could.

2 COMMISSIONER WONG: You could. Now let me ask you in  
3 this situation while you suggest that the school is not complying  
4 with these things, has the Department of Transportation taken any  
5 action to prevent these improprieties from occurring?

6 THE WITNESS: Well, number one, we don't deal with  
7 tenants. We deal with the landowners. In the particular case  
8 that you bring up about the left turn movements from our highway  
9 into that particular access, we could take action such as putting  
10 in "no left turn" signs and actually prohibiting left turn  
11 movements there.

12 It would become a regulatory situation which would  
13 probably in all likelihood involve the Kaua'i Police Department  
14 and issuing citations to those that violated such a sign.

15 COMMISSIONER WONG: All I'm getting at rather than the  
16 Department of Transportation stepping to the plate and having  
17 these concerns that you have raised corrected, you rather rely on  
18 the Land Use Commission to step to the plate to try to correct  
19 these so called improprieties. Is that the essence of your  
20 testimony?

21 THE WITNESS: No. I think the essence of my testimony  
22 is that these conditions that were imposed on the original docket  
23 have not been fulfilled. That is purely my position.

24 COMMISSIONER WONG: All I'm saying that's for me to  
25 decide as a Commissioner for the Land Use Commission. What I'm

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1 concerned is what is the state Department of Transportation doing  
2 if it knows of any improprieties and do nothing about it?

3 THE WITNESS: We're not the agency that approved this.  
4 I think you have to understand that we take a supporting role  
5 when you have matters that come before you. We get asked to  
6 provide comments.

7 I think what you receive and made conditions of the  
8 approval of that particular docket were the comments which came  
9 in from our agency.

10 COMMISSIONER WONG: I have no further questions.

11 PRESIDING OFFICER KANUHA: Commissioners, any other  
12 question? Commissioner Piltz.

13 COMMISSIONER PILTZ: In regards to the decision and  
14 order that was passed in 1987, it states that there should be  
15 some improvements, I think it's Condition No. 3, where -- let me  
16 read that, "Improvements required by State Highways Division

17 shall be provided as required but not later than five years from  
18 the year of the date of the review and approval by the Land Use  
19 Commission."

20 Five years is 1992. So I guess from where I could see  
21 that they haven't done what they were supposed to do. Is that  
22 what you're saying you'd like to see done now?

23 THE WITNESS: That's correct.

24 COMMISSIONER PILTZ: And I guess what Commissioner  
25 Wong was bringing up about the roadway bringing mud onto it, they

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1 also say in Condition No. 1 "That interior roadways shall  
2 constitute a 16-foot penetration base or better. Road width,  
3 waterline improvements shall constitute the provision of the  
4 necessary pipe width to provide sufficient fire flow."

5 Then they go on to say, and this is where: "Asphalt  
6 or concrete roadway improvements to the interior roadway shall be  
7 provided within five years from the date of the land use  
8 approval," which goes back to 1987. And here we are 2007. What  
9 I saw today was not asphalt or asphalt/concrete or better.

10 THE WITNESS: You're right.

11 COMMISSIONER PILTZ: All you're asking is for them to  
12 do what they're supposed to do, right?

13 THE WITNESS: That's correct?

14 COMMISSIONER PILTZ: Thank you.

15 PRESIDING OFFICER KANUHA: Mr. Kyono, I had a question  
16 or two. If the improvements both to the interior roadway and to  
17 the state highway as requested by the Department of  
18 Transportation at the time this permit was issued, if those  
19 improvements had been done would the situation that you have now,  
20 that depression of the highway, would that have been alleviated?



21 THE WITNESS: Yes, it would.

22 PRESIDING OFFICER KANUHA: So what exactly would be as  
23 a remedial action -- let me put it this way. That depression as  
24 it exists today is it at the level where it's constituting a  
25 public health or safety concern?

35

1 THE WITNESS: Yes, it is. It's, it definitely is  
2 posing a safety concern to us for the public.

3 PRESIDING OFFICER KANUHA: For the public. What would  
4 be involved in correcting that situation in terms of physical  
5 construction? What would be involved?

6 THE WITNESS: The mediation of that would be to go in,  
7 obviously fill the hole with proper backfill material.

8 PRESIDING OFFICER KANUHA: How big an area is it do  
9 you estimate?

10 THE WITNESS: I would guesstimate right now probably  
11 would take about a 7 cubic yards of material to fill that hole.

12 PRESIDING OFFICER KANUHA: Has that situation  
13 deteriorated over time? And if it's not corrected by someone,  
14 either state Highways or the Petitioner, will that continue to  
15 deteriorate further?

16 THE WITNESS: Yes. It has progressively gotten worse  
17 over time. We have gone in on occasion, albeit not that often,  
18 try and remedy the situation but it keeps, keeps getting worse  
19 and worse.

20 PRESIDING OFFICER KANUHA: Then also to clarify, that  
21 situation in your opinion is caused by vehicles going around  
22 other vehicles who are waiting to turn left into the property  
23 rather than from drainage issue related to the access road.

24 THE WITNESS: Yes.

25 PRESIDING OFFICER KANUHA: Thank you. Thank you,  
Page 30

1 Mr. Kyono, can you hang on one second. Commissioner Wong has  
2 another question for you.

3 COMMISSIONER WONG: Based upon what the Chairman  
4 indicated, where cars are, shall we say, going in the depression  
5 area because of left turns, now is that a problem that is to be  
6 resolved by the government? Or is that a private landowner's  
7 issue? Let me start again. I'm sorry.

8 I take it that when people make left turns into this  
9 road, as the traffic increases there's cars waiting behind.  
10 Because they're impatient the motorist then swings over to the  
11 right sort of off the paved area then proceeds. Is that the  
12 idea?

13 THE WITNESS: I don't know if I could classify it as  
14 impatience. That might be in some cases so. I think you will  
15 find Kaua'i as compared to some of the other islands maybe even  
16 namely O'ahu, people are accustomed to going around vehicles  
17 turning left over here. You'll find.

18 It may be a false sense of security that they might  
19 think it might be safe to just go around to the right. As you  
20 look at it today some of you may have seen the situation out  
21 there as it exists today.

22 COMMISSIONER WONG: In other words, that usually  
23 occurs because there's more oncoming traffic so people will have  
24 to wait longer to make a left turn.

25 THE WITNESS: That's correct.

1 COMMISSIONER WONG: So over the years, ten, 15 years  
2 as traffic increases this kind of problem only gets worse,

3 doesn't it.

4 THE WITNESS: That's correct.

5 COMMISSIONER WONG: When these problems occur is it  
6 the taxpayer, the Department of Transportation through its  
7 appropriate funding is it their obligation to widen that section  
8 or make some correction? Or is it the landowner's or all of the  
9 landowners whose land is up on this Kaumūlali'i Road to make that  
10 correction?

11 THE WITNESS: It is the landowner's responsibility.

12 COMMISSIONER WONG: In other words, because there's a  
13 lot of traffic coming to my property I may be required to go fix  
14 the state highway?

15 THE WITNESS: That's correct.

16 COMMISSIONER WONG: Is that supported by statute?

17 THE WITNESS: That is through, that is normally  
18 handled through the land use process.

19 COMMISSIONER WONG: I'm assuming, for example, the  
20 land use is not involved. I've agricultural land. I'm just up  
21 the street. But, golly, I have tons of people wanting to come to  
22 see me. The traffic 10 years later is so busy that one car  
23 making a left turn is going to have to wait however long.  
24 Therefore now it's appropriate to widen that section to make a  
25 little extra lane. Is that me the landowner's obligation to go

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1 fix the state highway?

2 THE WITNESS: If the activity that you're doing is  
3 causing the highway to be impacted, and if there is, if there are  
4 provisions for the state Highways to pursue in having the  
5 landowner to do something about it I think we will do everything  
6 we can.

7 As I mentioned earlier, the only situations I've seen  
Page 32



8 the Highways Division being able to require a private landowner  
9 to make improvements to the highway is when that particular  
10 landowner comes through some legal review process such as through  
11 the planning department, building division or State Land Use  
12 Commission, something where they've got to come in for some  
13 approval which whereby we can impose or actually recommend a  
14 condition for inclusion in that final decision, order or  
15 approval.

16 COMMISSIONER WONG: But there's nothing to prevent the  
17 state Department of Transportation to ask for funding and to add  
18 another lane, so to speak, in order to alleviate this problem, is  
19 there?

20 THE WITNESS: Nothing that would prevent it. However,  
21 it would be highly unlikely for the state to go in improve a  
22 private access. We commonly do that with the county roadways.

23 COMMISSIONER WONG: Yet you ask the Land Use  
24 Commission, "Oh, you go do it. You go ask the landowner to put  
25 in an extra lane." Isn't that the essence of your testimony?

39

1 THE WITNESS: No. It's, I think the essence of my  
2 testimony is that the Petitioner came before you to ask for  
3 certain things.

4 In the asking for certain things obviously the Land  
5 Use Commission in its normal course of business will ask for  
6 agency reviews. We conducted such a review. As part of the  
7 review you had recommendations made by us of which were made  
8 conditions upon your approval.

9 It is merely that that we're coming to do you today  
10 saying that wasn't done.

11 COMMISSIONER WONG: I'm looking for the provision that

12 says you need to widen the highway for people making left turns.  
13 I have difficulty finding it.

14 THE WITNESS: It's not widening the highway. It's  
15 creating a left turn storage lane.

16 COMMISSIONER WONG: Okay. That's one of the  
17 provisions in here, the storage lane. Is that the idea?

18 THE WITNESS: Exactly.

19 PRESIDING OFFICER KANUHA: Commissioner Devens.

20 COMMISSIONER DEVENS: Mr. Kyono, do you have any  
21 understanding as to why the improvements were not done or have  
22 not been done?

23 THE WITNESS: I don't know. The initial approval of  
24 the Applicant's petition was, actually predates me. It was  
25 before I came to the State Highways. So I'm not sure what

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1 occurred prior to my watch. But nothing was done obviously  
2 during my watch.

3 COMMISSIONER DEVENS: Fair enough. Just one last  
4 question. Are there any short-term remedies that have been  
5 considered or discussed with the owner, with the school to  
6 address these safety problems?

7 THE WITNESS: Not as it relates to the situation on  
8 the state highway itself and our right-of-way. But as far as the  
9 drainage coming onto the highway I did meet with the owner's  
10 trustee. And they assured me that they would be doing what they  
11 needed to do on their lands.

12 COMMISSIONER DEVENS: Thank you very much.

13 PRESIDING OFFICER KANUHA: Thank you, Mr. Kyono.  
14 Mr. Valencia, could you please proceed with your report.

15 MR. VALENCIA: Thank you, Mr. Chairman. What I would  
16 ask is that this status report be continued to the next

17 Commission meeting. The reason I'm asking for the continuance is  
18 that we've had a large turnover with the school and with the  
19 Hawai'i Conference of Seventh Day Adventists which is actually  
20 the lessee of the property.

21 We have a new principal. We have a new park manager  
22 and the park is a part of the property as well. We have a new  
23 superintendent of education.

24 The person with the most institutional knowledge is  
25 Mr. Ron Lindsey. He's undergoing cancer treatments shuttling

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1 between here and the state of Washington. He's currently on the  
2 mainland. He needs to participate in this for the Commission to  
3 get a complete status report.

4 I am here because the landlord and the lessee are in  
5 active litigation. I think it's important for the Commission to  
6 know that, that this letter that was sent to the Commission, the  
7 two letters were not random.

8 It was not just an inquiry by the landowner to ask  
9 whether or not the school was complying with the conditions. It  
10 is actually an attempt by the landlord to try and terminate the  
11 lease. That's part of the litigation that we're involved in now.  
12 The landlord is trying to terminate the lease.

13 We have had several years of litigation. Matter is  
14 now on appeal. We expect it will take about two years to get the  
15 litigation resolved on appeal. So when the Commission looks at  
16 this issue, I know that the overriding concern is compliance with  
17 the conditions of the permit and also any safety issues that  
18 might be involved.

19 But there does need to be some context. And I think  
20 the context is we are in litigation. We would ask that the



21 Commission be very sensitive to this issue, not do anything to  
22 give the landlord leverage in the litigation. And it's my  
23 opinion -- I'm sure my esteemed counsel will have a different  
24 opinion -- it's my opinion that part of the reason why we're here  
25 today is to give the landowner some sort of leverage in

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1 litigation.

2 But it is my request that the Commission continue this  
3 matter. And we would hope to provide a complete status report at  
4 your next scheduled meeting wherever that may be. We will travel  
5 to whatever island the meeting will be on.

6 We also need time to consult with the county and with  
7 the Department of Transportation because we have never received  
8 any complaints or directives or anything like that. So we need  
9 to discuss these issue with the county and with the Department of  
10 Transportation as well.

11 PRESIDING OFFICER KANUHA: Thank you. County, do you  
12 have any position on this request?

13 MR. TAGUPA: We have no objection to that request.

14 PRESIDING OFFICER KANUHA: Office of Planning?

15 MR. YEE: We would only note that the potential  
16 outcome of this hearing is an order to show cause. And that it  
17 is not, the outcome of this sharing is not a revocation of the  
18 permit. It would be another hearing to determine whether or not  
19 to revoke the permit.

20 So we would only note for you or to provide you the  
21 potential option if you wanted to make a decision today and then  
22 give Kalihi Adventist as much time as they need to prepare their  
23 case on the order to show cause.

24 It's not so much that we object to a two or four week  
25 extension as much as, quite frankly, in my mind I'm not sure

1 what's going to happen in two to four weeks that would change  
2 your decision.

3 The likelihood, to be quite honest, they're not  
4 complying, it's quite clear they're not complying. And I don't  
5 think they're going to come into compliance in two to four weeks.  
6 I think it would be unreasonable to expect them to do that.

7 So while I guess they could provide more information  
8 in two to four weeks I don't know that's going to change the  
9 ultimate outcome. I think really what they need is more time to  
10 fix.

11 And so to give perhaps the time that they really need  
12 and maybe you should ask them -- the time they really need is not  
13 their status report. The time they really need is what are they  
14 prepared to do, when are they going to do it and what have they  
15 done so far?

16 So we don't necessarily object to the continuance but  
17 I'm just not exactly sure what's going to happen because of it.

18 We do have some comments about this matter. Would you  
19 like me to get into that or just stick to the motion to continue?

20 PRESIDING OFFICER KANUHA: Since you have the floor,  
21 why don't you just spit it out.

22 MR. YEE: I did want to note just for your information  
23 the Department of Transportation did not ask the Land Use  
24 Commission to hold this. The Department of Transportation went  
25 to talk to the landowner because they were concerned about a

1 problem. So, you know, I know there might be some concern that  
2 state agencies aren't stepping to the plate, aren't doing what

3 they're supposed to be doing.

4 The Department of Transportation was trying to resolve  
5 this questions by themselves with the landowner. So there was no  
6 intentional, obviously their testimony today is to ask for the  
7 LUC's effort in enforcing the LUCs order. But it's not because  
8 they came to you first because they were trying to avoid any work  
9 on their own behalf.

10 I also want to acknowledge the idea that, yes, the  
11 state could pay for all the work. Quite frankly, that's a fight  
12 that's over and done with. That's a fight that Kahili Adventist  
13 could have raised at the time of the district boundary amendment  
14 saying, "We shouldn't have to pay for any of this. And, yes, it  
15 may have an impact on the state highway but we don't want to pay  
16 for any of the improvements."

17 That decision already came out. The LUC issued an  
18 order that required certain things to be done. So, yes, the  
19 state could pay for all of it but they shouldn't have to because  
20 it's a requirement of the Land Use Commission decision that's  
21 already been made.

22 So quite frankly, maybe in some future docket you may  
23 want to revisit the question. But in this docket those are the  
24 conditions; that's what was required; that's what Kahili  
25 Adventist should be required to comply with. And, quite frankly,

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1 the impact on state resources from a district boundary amendment  
2 is a factor in your decision-making.

3 So it is very typical for you to look at the impact of  
4 a development on state resources such as highways and to impose  
5 appropriate conditions to mitigate or reduce those impacts caused  
6 by that particular development.

7 So if a development creates a need for a storage lane



8 or an acceleration lane or deceleration lane, those are typical  
9 requirements imposed by the LUC pursuant to the criteria set out  
10 in statute to mitigate the impact on state resources  
11 from the development. So with that I'll conclude. Thank  
12 you.

13 PRESIDING OFFICER KANUHA: Thank you. I think we'll  
14 take a short five minute recess at this point.

15 (Recess was held.)

16 PRESIDING OFFICER KANUHA: Okay. We're back on the  
17 record. Petitioner has requested that this matter be continued.  
18 Before we consider that, how much time are you requesting here  
19 given that you just made a statement that you think you will be  
20 in litigation for two years, you know, don't even go there.  
21 (Laughter) But what kind of time are you talking about to get  
22 ready?

23 MR. VALENCIA: I have to think for a minute now. No,  
24 I'm kidding. I was only mentioning the litigation just so the  
25 Commission has some context. It wasn't trying to get more time

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1 on that basis. It's really because the person with institutional  
2 knowledge is on the mainland getting treatment. I did  
3 communicate with him this week after receiving the Commission's  
4 letter. He will be back on O'ahu and be done with treatment at  
5 the end of next month.

6 I don't know when the next Commission meeting is. But  
7 I would imagine if he's coming back at the end of October we  
8 could meet in November if you have a meeting in November.

9 COMMISSIONER WONG: I have a question.

10 PRESIDING OFFICER KANUHA: Thank you. Based on that  
11 timeframe the Chair is inclined to grant the continuance but

12 nevertheless, Commissioner Wong I believe has a question.

13 COMMISSIONER WONG: Just a fast question to  
14 Mr. Valencia. The issues that are now before the Commission such  
15 as the failure to build a road, so on, are those items of  
16 discussion in the lawsuit?

17 MR. VALENCIA: The roadway is not an item of  
18 discussion. One of the issues the landowner did raise was the  
19 failure of the school to comply with various provisions of the  
20 special permit. So to that extent some of these issues are at  
21 issue.

22 For example, the agricultural work study program is  
23 one of the issues they raised as a basis to terminate the lease.  
24 That request was denied by the judge. That's one of the issues  
25 that's on the field.

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1 COMMISSIONER WONG: All right.

2 PRESIDING OFFICER KANUHA: Commissioner Contrades.

3 COMMISSIONER CONTRADES: Before making my motion I  
4 would like a moment just to make a statement here. If you read  
5 carefully the State Land Use Commission approved this docket with  
6 conditions which were presented to us at the request of the  
7 Planning Commission of the county of Kaua'i. And I really think  
8 that a lot of these issues should not be before us today.

9 we should be hearing the status report. But if there  
10 are issues about the roadway and all these other things, all  
11 Planning Commission conditions which should be going to the  
12 county which I believe is where it properly belongs, not before  
13 us.

14 Anyway, that's just my feelings. In light of that,  
15 Mr. Chairman I move that we grant the request of the Petitioner  
16 and that we schedule the status report for our next meeting here

17 on Kaua'i.

18 PRESIDING OFFICER KANUHA: Thank you, Commissioner  
19 Contrades. Any other comments? Commissioners? Actually there  
20 is no motion or voting necessary. As I indicated the Chair is  
21 inclined to grant a continuance.

22 I was just looking for a timeframe. So tentatively  
23 we'll grant a continuance of this docket item until November. Is  
24 there any other business? If not we are adjourned. Thank you.

25 MR. VALENCIA: Thank you. (1:10 p.m. pau)

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C E R T I F I C A T E

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I, HOLLY HACKETT, R.P.R., C.S.R. in and for the State  
of Hawai'i, do hereby certify;

6

7

That I was acting as shorthand reporter in the  
foregoing LUC matter on the 20th day of September, 2007

8

9

10

That the proceedings were taken down in  
computerized machine shorthand by me and were thereafter  
reduced to print by me;

11

12

13

That the foregoing represents, to the best  
of my ability, a correct transcript of the proceedings  
had in the foregoing matter.

14

15

16

I further certify that I am not counsel for any of the  
parties hereto, nor in any way interested in the outcome of the  
cause named in the caption.

17

18

19

DATED: This\_\_\_\_\_ day of\_\_\_\_\_2007

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\_\_\_\_\_  
HOLLY M. HACKETT, R.P.R., C.S.R. #130  
Certified Shorthand Reporter  
Page 41



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March 3, 2003

Mr. Ian Costa, Director  
Department of Planning  
County of Kauai  
4444 Rice Street, Suite 473  
Lihue, Hawaii 96766

Dear Mr. Costa:

Subject: Filing of the Status Report for LUC Docket No. SP87-364

For your information and files, we are forwarding a copy of the Seventh Day Adventist Church's status report, dated February 27, 2003.

Should you have any comments regarding the Petitioner's compliance with conditions, please sent the LUC a copy of your comments. Please feel free to contact Russell Kumabe of my staff at (808) 587-3822, should you require clarification or any further assistance.

Sincerely,

ANTHONY J. H. CHING  
Executive Officer

Enclosure

# TOM PETRUS & MILLER

ATTORNEYS AT LAW  
A Limited Liability Law Company

Carol pls add  
for next mtg  
w/ Diane  
LAND USE COMMISSION  
STATE OF HAWAII  
2007 JUN 15 A 9:39

Michael D. Tom  
808.792.5802  
[mtom@tpm-hawaii.com](mailto:mtom@tpm-hawaii.com)

June 14, 2007

Anthony Ching  
Executive Director  
Land Use Commission  
State of Hawaii  
Box 2359  
Honolulu, Hawaii 96804-2359

Re: Kahili Adventist School  
Docket No. SP87-364

Dear Mr. Ching:

We represent Stacey T. J. Wong, as Trustee of the Eric A. Knudsen Trust. The Trust is the lessor of the property upon which the Kahili Adventist School, the Petitioner in the above referenced matter, is located.

I am enclosing a Findings of Fact, Conclusion of Law and Decision and Order dated August 13, 1987 and another Findings of Fact, Conclusion of Law and Decision and Order dated July 17, 1990.

Both Decisions and Orders contain a number of requirements for the Petitioner to satisfy within a period of time after they were issued. In particular, the interior roadways were to be asphalt concrete or concrete by 1993. We understand that the existing interior roadways have never been paved.

Both Decisions and Orders require that the access road from Kaumualii Highway to the school be of an all weather surface by 1993. We do not know whether the access road in its current condition complies with this requirement.

Both Decisions and Orders likewise require that improvements required by the Highways Division of the State Department of Transportation be provided by 1993. The 1987 Decision and Order noted that the Department wanted left turn storage lanes on Kaumualii Highway, acceleration and deceleration lanes and street lights to be provided. We understand that the Department of Transportation would like the storage, acceleration and deceleration lanes installed.



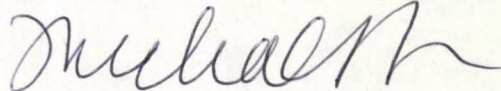
Anthony Ching  
June 14, 2007  
Page 2

The purpose for the development was to establish a church, school and related uses. The Decisions and Orders mandated that the Petitioner submit proof to the Kauai Planning Department that a work study program was being provided each school year.

We request that you verify that the Petitioner is complying with all of the requirements of the Decisions and Orders. Please call me if you have any questions.

Very truly yours,

TOM PETRUS & MILLER, LLLC

A handwritten signature in dark ink, appearing to read "Michael D. Tom", written in a cursive style.

Michael D. Tom

Enclosure

cc: Stacey Wong without enclosure

PETITION FILED: June 07, 1990		Mr. Shigenobu Arakaki, Director Kahili Adventist School P.O. Box 480 Lawai, HI 96765
SP87-364 - KAHILI ADVENTIST SCHOOL		
COUNTY	Mr. Peter Nakamura, Director County of Kauai, Planning Dept. 4280 Rice Street Lihue, HI 96766	COUNTY ATTORNEY  Michael Belles, Esq. County Attorney Office of the County Attorney County of Kauai 4396 <del>4444</del> Rice Street, Suite <sup>202</sup> <del>230</del> Honolulu, HI 96766
DATE		INI
6/07/90	File received from County of Kauai.	dk
6/18/90	Agenda sent to Peter Nakamura, Shigenobu Arakaki, and Michael Belles, and Plng. Commission, County of Kauai. Hearing set for 6/28/90.	fl
6/19/90	Agenda sent to all persons and organizations on the Statewide and Kauai Mailing Lists. Hearing set for 6/28/90.	fl
6/15/90	Staff Report sent to LUC, P. Nakamura, M. Belles, and Shigenobu Arakaki.	to
7/17/90	Served Findings of Fact, Conclusions of Law and Decision and Order to P.Nakamura, M.Belles,Esq., and S.Arakaki.	to





STATE OF HAWAII  
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359  
Honolulu, Hawaii 96804-2359  
Telephone: 808-587-3822  
Fax: 808-587-3827

September 10, 2007

Ms. Wanda Lee, Principal  
Kahili Adventist School  
P. O. Box 480  
Lawai, Hawaii 96765

Matthew Pyun, Esq.  
Office of County Attorney  
County of Kauai  
4444 Rice Street, Suite 220  
Lihue, Hawaii 96766

Mr. Ian Costa, Director  
County of Kauai  
Planning Department  
4444 Rice Street, Suite A473  
Lihue, Hawaii 96766

Dear Ms. Lee and Messrs. Costa and Pyun:

Subject: Docket No. SP87-364/Kahili Adventist School

On June 14 and August 30, 2007, the Land Use Commission (LUC) received correspondence inquiring as to the status of the Petitioner's conformance to conditions of approval imposed by the LUC in the Findings of Fact, Conclusions of Law, and Decision and Order dated August 13, 1987, and subsequently amended by the Findings of Fact, Conclusions of Law, and Decision and Order issued by the LUC and dated July 17, 1990. Conditions of approval imposed by the LUC in this docket include, but are not limited to:

- Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width.



Ms. Wanda Lee, Principal

Mr. Ian Costa, Director

Matthew Pyun, Esq.

September 10, 2007

Page 2

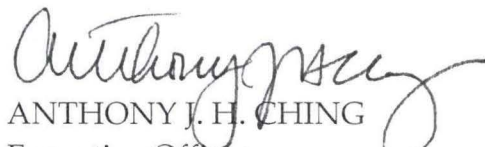
- Waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows.
- Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of LUC approval.
- The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the LUC, or earlier (all weather surface shall mean provision of penetration base treatment or better).
- The improvements (i.e., left turn storage lanes on Kaumualii Highway, acceleration and deceleration lanes and street lights) shall be provided as required, but no later than 5 years from the date of review and approval by the LUC.
- As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.
- The previously approved density of 20 cabins or units shall be reinstated, and shall apply to the additional cabins proposed or the retirement home. In addition to the 20 cabins/units, 14 more faculty/staff housing units are permissible.
- A conservation district boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.
- All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application.

Ms. Wanda Lee, Principal  
Mr. Ian Costa, Director  
Matthew Pyun, Esq.  
September 10, 2007  
Page 3

Accordingly, this is to inform you of a site visit by the LUC to view the access road, interior roadways and grounds of the Kahili Adventist School at approximately 10 am on September 20, 2007. The LUC will also be formally meeting later that day at the Hilton Kauai Beach Resort and requests that a status report describing the compliance of the Kahili Adventist School with the conditions enumerated in the orders previously issued by the LUC. Details regarding the time and location of each of these activities will be provided to you via the postal service shortly.

You or your representative should be present at both the site visit and status report hearing. If you cannot attend or have questions on this matter, please do not hesitate to contact me or Cameron Lowry of my office at 587-3822.

Sincerely,

  
ANTHONY J. H. CHING  
Executive Officer

c: Mary Lou Kobayashi, State Office of Planning  
Bryan Yee, Esq.

# TOM PETRUS & MILLER

ATTORNEYS AT LAW  
A Limited Liability Law Company

LAND USE COMMISSION  
STATE OF HAWAII

2007 AUG 31 P 12: 23

Michael D. Tom  
808.792.5802  
mtom@tpm-hawaii.com

August 30, 2007

Anthony Ching  
Executive Director  
Land Use Commission  
State of Hawaii  
Box 2359  
Honolulu, Hawaii 96804-2359

Re: Kahili Adventist School  
Docket No. SP87-364

Dear Mr. Ching:

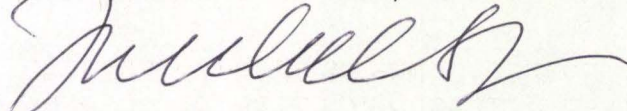
As we indicated in our letter of June 14, 2007, we represent Stacey T. J. Wong, as Trustee of the Eric A. Knudsen Trust. The Trust is the lessor of the property upon which the Kahili Adventist School, the Petitioner in the above referenced matter, is located.

Our earlier letter enclosed a Findings of Fact, Conclusion of Law and Decision and Order dated August 13, 1987 and another Findings of Fact, Conclusion of Law and Decision and Order dated July 17, 1990 and pointed out that both Decisions and Orders contain a number of requirements for the Petitioner to satisfy within a period of time after they were issued.

We requested verification that the Petitioner was complying with all of the requirements of the Decisions and Orders. Please advise if there has been verification of compliance.

Very truly yours,

TOM PETRUS & MILLER, LLLC



Michael D. Tom



# TOM PETRUS & MILLER

ATTORNEYS AT LAW  
A Limited Liability Law Company

Carol pls had  
for next mtg  
w/ Diane  
2007 JUN 15 A 9:39

Michael D. Tom  
808.792.5802  
[mtom@tpm-hawaii.com](mailto:mtom@tpm-hawaii.com)

June 14, 2007

Anthony Ching  
Executive Director  
Land Use Commission  
State of Hawaii  
Box 2359  
Honolulu, Hawaii 96804-2359

Re: Kahili Adventist School  
Docket No. SP87-364

Dear Mr. Ching:

We represent Stacey T. J. Wong, as Trustee of the Eric A. Knudsen Trust. The Trust is the lessor of the property upon which the Kahili Adventist School, the Petitioner in the above referenced matter, is located.

I am enclosing a Findings of Fact, Conclusion of Law and Decision and Order dated August 13, 1987 and another Findings of Fact, Conclusion of Law and Decision and Order dated July 17, 1990.

Both Decisions and Orders contain a number of requirements for the Petitioner to satisfy within a period of time after they were issued. In particular, the interior roadways were to be asphalt concrete or concrete by 1993. We understand that the existing interior roadways have never been paved.

Both Decisions and Orders require that the access road from Kaumualii Highway to the school be of an all weather surface by 1993. We do not know whether the access road in its current condition complies with this requirement.

Both Decisions and Orders likewise require that improvements required by the Highways Division of the State Department of Transportation be provided by 1993. The 1987 Decision and Order noted that the Department wanted left turn storage lanes on Kaumualii Highway, acceleration and deceleration lanes and street lights to be provided. We understand that the Department of Transportation would like the storage, acceleration and deceleration lanes installed.

Anthony Ching  
June 14, 2007  
Page 2

The purpose for the development was to establish a church, school and related uses. The Decisions and Orders mandated that the Petitioner submit proof to the Kauai Planning Department that a work study program was being provided each school year.

We request that you verify that the Petitioner is complying with all of the requirements of the Decisions and Orders. Please call me if you have any questions.

Very truly yours,

TOM PETRUS & MILLER, LLLC

A handwritten signature in black ink, appearing to read "Michael D. Tom", written in a cursive style.

Michael D. Tom

Enclosure

cc: Stacey Wong without enclosure

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
KAHILI ADVENTIST SCHOOL )  
For a Special Permit to Establish )  
a Church, School and Related Uses )  
on Approximately 197.463 acres )  
of Land within the Agricultural )  
District Koloa, Kauai, Tax Map Key )  
Number: 2-7-01: parcel 3 )  
\_\_\_\_\_ )

DOCKET NO. SP87-364

KAHILI ADVENTIST SCHOOL

This is to certify that this is a true and correct  
copy of the Decision and Order on file in the office  
of the State Land Use Commission, Honolulu Hawaii.

AUG 13 1987

Date

by

Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION AND ORDER

LAND USE COMMISSION  
STATE OF HAWAII  
AUG 13 2 15 PM '87

L00085



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )	DOCKET NO. SP87-364
KAHILI ADVENTIST SCHOOL )	KAHILI ADVENTIST SCHOOL
For a Special Permit to Establish )	
a Church, School and Related Uses )	
on Approximately 197.463 acres )	
of Land within the Agricultural )	
District Koloa, Kauai, Tax Map Key )	
Number: 2-7-01: parcel 3 )	

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION AND ORDER

Kahili Adventist School (hereinafter "Petitioner") initiated this proceeding pursuant to Section 205-6, Hawaii Revised Statutes, as amended, and Subchapter 12 of the Hawaii Land Use Commission Rules. The Land Use Commission (hereinafter the "Commission") having considered the entire record on this matter, hereby makes the following findings of fact, conclusions of law and decision and order:

FINDINGS OF FACT

Procedural Matters

1. The Petitioner filed the Special Permit application with the County of Kauai Planning Department (the "Planning Department") on March 18, 1987. The Kauai Planning Commission conducted the public hearing on May 13, 1987. No public testimony was presented at the hearing.

L00086

2. On May 27, 1987, the Kauai Planning Commission recommended approval of the Special Permit with eight conditions. A copy of the decision together with the Special Permit record of the proceeding before the Kauai Planning Commission was received by the Commission on June 4, 1987.

Description of Property

3. The proposed site, including the access road from Kaumualii Highway, is located within the State Land Use Agricultural District at Koloa, Kauai, Tax Map Key Number 2-7-01: parcel 3 (formerly known as TMK: 2-7-01: portion of parcel 1), consisting of approximately 197.463 acres (hereinafter referred to as the "Property"). According to the State of Hawaii tax map printed on June 8, 1987, and the Commission's Official Map K-8 Koloa, it appears that approximately 1.79 acres of the Property is designated within the State Land Use Conservation District.

4. The Property is owned by Augustus F. Knudsen Trust and Eric A. Knudsen Trust. Hawaii Association of the Seventh-day Adventist is the lessee.

5. The Property, also known as Kahili Mountain Park, is situated in Knudsen Gap about one mile mauka of Kaumualii Highway and abuts the Lihue-Koloa Forest Reserve. The Property currently contains 36 structures and cabins under construction. Fifty percent of the Property is in pasture or building use and the remaining balance consists of steep slope and gully land overgrown with natural vegetation.

6. Except for the forest reserve area to the north, the Property is surrounded by sugarcane cultivation.

7. Soils on the Property are classified by the U.S. Soil Conservation service as Lawai Silty Clay 0-25% slopes.

8. The Land Study Bureau's Agriculture Master Productivity Rating System rates the Property as "C", "D", and "E" ("E" being the lowest rating).

Previous Special Permits Approved for the Property

9. On December 15, 1967, the Commission approved Special Permit No. 67-48 to Kahili Mountain Park, Inc. for approximately 150 acres of land to develop a camping-recreational area and facilities building subject to five conditions.

10. On September 22, 1975, the Commission approved Special Permit No. 75-214 to Kahili Mountain Park, Inc. to expand the existing camp to add 20 two-bedroom, one-bath cabins with kitchenettes and other structures on portions of the 215 acre property subject to four conditions.

11. On December 14, 1983, the Kauai Planning Commission approved Special Permit No. SP83-1 to the Hawaiian Association of Seventh-Day Adventist to relocate the Kauai Adventist School and church from its Omao site to the Kahili Mountain Park subject to 8 conditions. The area approved was approximately 14.97 acres.



Summary of Proposed Use

12. Petitioner is requesting the Special Permit to allow the establishment of a school and church use.

Petitioner's Masterplan (Exhibit G) includes the following uses and facilities::

- 1) Elementary school and playground
- 2) Intermediate school
- 3) Administration/library
- 4) High school/academy
- 5) Junior college
- 6) Student dormitories
- 7) Faculty, staff and retirement homes
- 8) Gymnasium/swimming pool
- 9) Cafeteria/bakery
- 10) Maintenance shops/vocational training/laundry
- 11) Retirement/health conditioning center
- 12) Health museum; conditioning, physical/spiritual retreat areas
- 13) Chapel
- 14) Existing and new cabins
- 15) Lodge (retreat pavillion)
- 16) Furo
- 17) Retreat office/lecture rooms
- 18) Retreat cabins
- 19) Agricultural maintenance, greenhouse and sales
- 20) Parking areas

- 21) Sewage disposal facilities
- 22) Access and interior road improvements
- 23) Water transmission improvements
- 24) Expanded telephone system
- 25) Propane gas storage

13. More specifically, petitioner's masterplan (Exhibit G) reflects a total of 53 housing units, which are either existing and proposed (14 faculty housing units and 39 existing or proposed cabins).

14. Petitioner indicates its goal is to relocate its entire school facility (Kauai Adventist School, grade 1 thru 10), from its present Omao site to the Property. Petitioner proposes to expand its educational facilities and develop an agricultural and work-study program, and a spiritual retreat center, health conditioning center, and health museum to further work study opportunities.

15. Petitioner proposes to provide access to the Property from Kaumualii Highway over a 30-foot wide crushed cinder, coral, and dirt cane haul roadway.

16. Petitioner will provide water from the existing private water system. Petitioner states that with improvements, this system is adequate to accommodate water requirements.

17. All structures are wired for electricity for lighting and outlets. Power is presently supplied by Kauai Electric.

18. Individual gas cylinders and bulk tank storage provide propane gas, serviced by Gasco, Inc.

19. A single telephone line is provided by Hawaiian Telephone company at this time, but an expanded phone system is being designed by Hawaiian Telephone and will be installed.

20. Petitioner's tentative development timetable indicates that relocation of the present school facility (grades 1 through 10) would be completed by September 1987; the agriculture work study program would be implemented by September 1987 and the expansion of the school program (K through 12, Phase II) would be implemented 2 to 5 years from the start of Phase I.

#### State and County Plans and Programs

21. The Property is located within the State Land Use Agricultural and Conservation Districts as indicated on K-8 Koloa of the Land Use District Boundaries Map and the State Tax Map 2-7-01 for the Island of Kauai.

22. The Kauai County General Plan designation for the Property is Agriculture. The Property is zoned Agriculture/Open.

#### Summary of Major Concerns

23. The State Department of Health indicated that the proposed use may have an impact on Grove Farm's drinking water due to agricultural activities that require pesticides application; sewage disposal by individual cesspools may



adversely impact groundwater in the area, and potable water should be made available to the proposed development.

24. The State Department of Transportation stated that left turn storage lanes on Kaumualii Highway, acceleration and deceleration lanes and street lights should be provided.

25. The County Department of Public Works pointed out that access to the school site does not meet county standards and that drainage and flood studies should be made and buildings located away from the 100-year flood inundation limits.

Conformance With Special Permit Tests

26. The proposed school and church-related use of the Property is not considered contrary to the objectives sought to be accomplished by the Land Use Law since agriculture through work study programs will be emphasized within the school curriculum. Inasmuch as the school and church related improvements are dispersed throughout the parcel, a predominant portion will be utilized for agricultural uses.

27. The proposed development contains uses permissible in and compatible to the Agricultural District.

28. The school and church-related uses of the Property will not adversely affect the surrounding sugarcane operations of McBryde Sugar Company.

29. The development of the Property will not unreasonably burden public agencies to provide roads and

streets, sewers, water, drainage, and school improvements, and police and fire protection. Petitioner will be responsible for infrastructure improvements required by the State Highways Division, State Health Department, and County Public Works, Water, Fire and Planning Departments.

30. No unusual conditions have arisen since the district boundaries were established. However, the proposed use in conjunction with an agriculture work-study program can ensure that an educational base to encourage agriculture exists.

Planning Commission Recommendations

31. At its meeting held on May 27, 1987, the Planning Commission recommended approval of the Special Permit, subject to the following conditions:

- "1. Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval.

- "2. The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better.

- "3. The improvements required by the State Highways Division shall be provided as required, but no later than 5 years from the date of review and approval by the Land Use Commission.
- "4. As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.
- "5. Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments.
- "6. The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare.
- "7. Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented.
- "8. The applicant is advised that prior to an/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."

#### CONCLUSIONS OF LAW

The proposed use is an "unusual and reasonable" use as defined in Chapter 205-6, Hawaii Revised Statutes and the proposed use is not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.



ORDER

IT IS HEREBY ORDERED that Special Permit Docket Number 87-364 filed by Kahili Adventist School to establish a church, school and related uses on a portion of the Property, consisting of approximately 195.673 acres, situated within the State Land Use Agricultural District at Koloa, Kauai, Tax Map Key Number 2-7-01: portion of parcel 3, be approved subject to the following conditions as recommended by the Kauai Planning Commission:

1. Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval.

2. The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better.

3. The improvements required by the State Highways Division shall be provided as required, but no later than .5 years from the date of review and approval by the Land Use Commission.

4. As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.

5. Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments.

6. The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare.

7. Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented.

8. The applicant is advised that prior to an/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."

DOCKET NO. SP87-364 - KAHILI ADVENTIST SCHOOL

Done at Honolulu, Hawaii, this 13th day of August 1987,  
per motions on July 14, 1987 and August 12, 1987.

LAND USE COMMISSION  
STATE OF HAWAII

By *T. P. Tacbian*  
TEOFILO PHIL TACBIAN  
Chairman and Commissioner

By *Frederick P. Whittemore*  
FREDERICK P. WHITTEMORE  
Vice Chairman and Commissioner

By *Toru Suzuki*  
TORU SUZUKI  
Commissioner

By *Lawrence F. Chun*  
LAWRENCE F. CHUN  
Commissioner

By *Sharon R. Himeno*  
SHARON R. HIMENO  
Commissioner

By *Renton L. K. Nip*  
RENTON L. K. NIP  
Commissioner

By *Richard B. F. Choy*  
RICHARD B. F. CHOY  
Commissioner

By *Robert S. Tamaye*  
ROBERT S. TAMAYE  
Commissioner





STATE OF HAWAII  
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359  
Honolulu, Hawaii 96804-2359  
Telephone: 808-587-3822  
Fax: 808-587-3827

September 10, 2007

Ms. Wanda Lee, Principal  
Kahili Adventist School  
P. O. Box 480  
Lawai, Hawaii 96765

Matthew Pyun, Esq.  
Office of County Attorney  
County of Kauai  
4444 Rice Street, Suite 220  
Lihue, Hawaii 96766

Mr. Ian Costa, Director  
County of Kauai  
Planning Department  
4444 Rice Street, Suite A473  
Lihue, Hawaii 96766

Dear Ms. Lee and Messrs. Costa and Pyun:

Subject: Docket No. SP87-364/Kahili Adventist School

On June 14 and August 30, 2007, the Land Use Commission (LUC) received correspondence inquiring as to the status of the Petitioner's conformance to conditions of approval imposed by the LUC in the Findings of Fact, Conclusions of Law, and Decision and Order dated August 13, 1987, and subsequently amended by the Findings of Fact, Conclusions of Law, and Decision and Order issued by the LUC and dated July 17, 1990. Conditions of approval imposed by the LUC in this docket include, but are not limited to:

- Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width.

Ms. Wanda Lee, Principal

Mr. Ian Costa, Director

Matthew Pyun, Esq.

September 10, 2007

Page 2

- Waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows.
- Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of LUC approval.
- The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the LUC, or earlier (all weather surface shall mean provision of penetration base treatment or better).
- The improvements (i.e., left turn storage lanes on Kaumualii Highway, acceleration and deceleration lanes and street lights) shall be provided as required, but no later than 5 years from the date of review and approval by the LUC.
- As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.
- The previously approved density of 20 cabins or units shall be reinstated, and shall apply to the additional cabins proposed on the retirement home. In addition to the 20 cabins/units, 14 more faculty/staff housing units are permissible.
- A conservation district boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.
- All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application.

Ms. Wanda Lee, Principal  
Mr. Ian Costa, Director  
Matthew Pyun, Esq.  
September 10, 2007  
Page 3

Accordingly, this is to inform you of a site visit by the LUC to view the access road, interior roadways and grounds of the Kahili Adventist School at approximately 10 am on September 20, 2007. The LUC will also be formally meeting later that day at the Hilton Kauai Beach Resort and requests that a status report describing the compliance of the Kahili Adventist School with the conditions enumerated in the orders previously issued by the LUC. Details regarding the time and location of each of these activities will be provided to you via the postal service shortly.

You or your representative should be present at both the site visit and status report hearing. If you cannot attend or have questions on this matter, please do not hesitate to contact me or Cameron Lowry of my office at 587-3822.

Sincerely,

  
ANTHONY J. H. CHING  
Executive Officer

c: Mary Lou Kobayashi, State Office of Planning  
Bryan Yee, Esq.





STATE OF HAWAII  
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM  
LAND USE COMMISSION  
Room 104, Old Federal Building  
335 Merchant Street  
Honolulu, Hawaii 96813  
Telephone: 548-4611

August 7, 1990

NOTIFICATION OF SPECIAL PERMIT DECISION  
FILED BY THE STATE LAND USE COMMISSION

To all concerned agencies:

The Findings of Fact, Conclusions of Law and Decision and Order for the following special permit petition has been filed by the Land Use Commission:

<u>Petition Docket No.</u>	<u>Special Permit Requested</u>	<u>IUC Action on June 28, 1990</u>	<u>Date of Decision and Order</u>
SP87-364 KAHILI ADVENTIST SCHOOL	For an Amendment to the Special Permit Which Establishes a Church, School and Related Uses on Approximately 195.673 Acres of Land Within the Agricultural District at Koloa, Kauai	Approved amendment for approximately 195.673 acres at Koloa, Kauai, TMK: 2-7-01: parcel 3	July 17, 1990

Should you have any questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Esther Ueda".

ESTHER UEDA  
Executive Officer

EU:to

NOTIFICATION OF BOUNDARY AMENDMENT DECISIONS BY LUC

Concerned Agencies

State (all petitions)

1. Office of State Planning - (1) Harold Masumoto  
(2) LUD-Abe Mitsuda
2. Dept. of Transportation - Office of the Director
3. Board of Land & Natural Resources - Office of the Chairman
4. Dept. of Education - Facilities & Auxiliary Services Branch
5. Office of Environmental Quality Control
6. USDA Soil Conservation Service - Attention: Nicole Simmons
7. Board of Agriculture - Office of the Chairman
8. C&C, Dept. of Finance - Mapping Section
9. Deputy Attorney General - Rick Eichor, Esq.

City & County of Honolulu (Oahu petitions only)

1. Dept. of General Planning - Chief Planning Officer
2. Dept. of general Planning - Division Head,  
Policy Analysis Division
3. Dept. of Land Utilization - Director
4. Planning Commission - Executive Secretary
5. Board of Water Supply - Manager and Chief Engineer
6. Dept. of Public Works - Director
7. C&C, Dept. of Finance - Property Assessment Section
8. C&C, Dept. of Finance - Property Technical Office

Hawaii County (Hawaii petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Tax Office

Maui County (Maui petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Tax Division

Kauai County (Kauai petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Division



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Building, 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor

RENTON L.K. NIP  
Chairman

FREDERICK P. WHITEMORE  
Vice Chairman

COMMISSION MEMBERS:

Lawrence F. Chun  
Sharon R. Himeno  
Allen K. Hoe  
Allen Y. Kajioke  
Eusebio Lapenia, Jr.  
James M. Shinno  
Elton Wada

ESTHER UEDA  
Executive Officer

June 25, 1990

Mr. Peter A. Nakamura  
Planning Director  
County of Kauai  
4280 Rice Street  
Lihue, Hawaii 96766

Dear Mr. Nakamura:

Subject: Special Permit No. 87-364/Kahili Adventist School

Attached for your information is a copy of the LUC staff summary for the subject special permit which is being transmitted to the Commission members.

If you have any questions, please feel free to contact me or my staff at 548-4611.

Sincerely,

ESTHER UEDA  
Executive Officer

EU:to





STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Building, 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

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FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Lawrence F. Chun  
Sharon R. Himeno  
Allen K. Hoe  
Allen Y. Kajioke  
Eusebio Lapenia, Jr.  
James M. Shinno  
Elton Wada

ESTHER UEDA  
Executive Officer

June 25, 1990

Michael Belles, Esq.  
County Attorney, County of Kauai  
4444 Rice Street, Suite 230  
Lihue, Hawaii 96766

Dear Mr. Belles:

Subject: Special Permit No. 87-364/Kahili Adventist School

Attached for your information is a copy of the LUC staff summary for the subject special permit which is being transmitted to the Commission members.

If you have any questions, please feel free to contact me or my staff at 548-4611.

Sincerely,

ESTHER UEDA  
Executive Officer

EU:to



STATE OF HAWAII  
DEPARTMENT OF BUSINESS  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Building, 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor

RENTON L.K. NIP  
Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS:

Lawrence F. Chun  
Sharon R. Himeno  
Allen K. Hoe  
Allen Y. Kajioka  
Eusebio Lapenia, Jr.  
James M. Shinno  
Elton Wada

ESTHER UEDA  
Executive Officer

June 25, 1990

Mr. Shigenobu Arakaki, Director  
Kahili Adventist School  
P. O. Box 480  
Lawai, Hawaii 96765

Dear Mr. Arakaki:

Subject: Special Permit No. 87-364/Kahili Adventist School

Attached for your information is a copy of the LUC staff summary for the subject special permit which is being transmitted to the Commission members.

If you have any questions, please feel free to contact me or my staff at 548-4611.

Sincerely,

ESTHER UEDA  
Executive Officer

EU:to

# Kahili Adventist School

"The Standard of True Education"

RECEIVED

June 25, 1990

JUN 28 1990

Mr. Michael Laureta  
Planning Department  
4280 Rice Street  
Lihue, Kauai, HI 96766

State of Hawaii  
LAND USE COMMISSION

Dear Mr. Laureta:

This is to keep you informed about the development of Kahili Adventist School. The Planning Commission on July 22, 1989, approved the underlined projects listed below:

1. Expansion of the school program (K-12)

The first year at Kahili Adventist School we had 85 students; the second, 120 students; and the third, 158 students. It is likely that we will have our 12th grade in seven years rather than five. The delay will help us improve the quality of our education and its operation.

2. Agricultural work/study program

Our work/study program is still in the experimental stage because of heavy rainfall and poor quality of our soil. We are seriously considering building greenhouses for our agriculture program.

3. Campground site facilities

We have improved our campground road and cabins. Recently, we have received permits to build ten additional cabins and we have begun construction.

4. Physical and spiritual retreat center.

Our camp facility is being used for spiritual retreats by different religious organizations and health seminars have been presented on our campus. When finance permits, a permanent physical and spiritual center will be built.

5. Establishment of orchards

We now have a large tropical flower garden that is able to provide thousands of keikis for our tropical flower

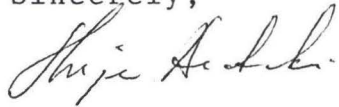




Mr. Michael Laureta  
June 25, 1990  
Page 2

farm. The progress of our fruit orchard has been slow. However, a few long rows of our bana trees are doing well and should provide many keikis that we need for our orchard.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shigenobu Arakaki".

Shigenobu Arakaki  
Director of Development

SA:1a

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )

KAHILI ADVENTIST SCHOOL )

For an Amendment to the Special )  
Permit Which Establishes a )  
Church, School and Related Uses )  
on Approximately 195.673 Acres )  
of Land Within the Agricultural )  
District at Koloa, Kauai, Tax )  
Map Key No.: 2-7-01: parcel 3 )

DOCKET NO. SP87-364

KAHILI ADVENTIST SCHOOL

**This is to certify that this is a true and correct  
copy of the Decision and Order on file in the office  
of the State Land Use Commission, Honolulu Hawaii.**

JUL 17 1990

Date

by

*Lotha*  
Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION AND ORDER

JUL 17 8 25 AM '90  
LAND USE COMMISSION  
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. SP87-364
	)	
KAHILI ADVENTIST SCHOOL	)	KAHILI ADVENTIST SCHOOL
	)	
For an Amendment to the Special	)	
Permit Which Establishes a	)	
Church, School and Related Uses	)	
on Approximately 195.673 Acres	)	
of Land Within the Agricultural	)	
District at Koloa, Kauai, Tax	)	
Map Key No.: 2-7-01: parcel 3	)	
<hr/>		

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION AND ORDER

Kahili Adventist School (hereinafter "Petitioner") initiated its First Amendment to Special Permit pursuant to Section 205-6, Hawaii Revised Statutes, as amended, and Subchapter 12 of the Hawaii Land Use Commission Rules. The Land Use Commission (hereinafter the "Commission") having considered the entire record on this matter, hereby makes the following findings of fact, conclusions of law and decision and order:

FINDINGS OF FACT

PROCEDURAL MATTERS

1. The original Special Permit application was filed by Petitioner with the County of Kauai Planning Department on March 18, 1987.

2. The Commission held a meeting on June 23, 1987, which was subsequently deferred in order to allow the Kauai



Planning Department an opportunity to address concerns raised by the Commission.

3. The Commission continued the matter to July 14, 1987, wherein it approved the Special Permit request as originally proposed and recommended for approval by the Kauai Planning Commission. Additional conditions, proposed by the Planning Department were not included in the Commission's approval.

4. On July 22, 1987, the Kauai Planning Commission adopted the recommendation of the Planning Department to incorporate four additional conditions to the Special Permit.

5. On August 3, 1987, the Commission received a copy of a letter dated July 31, 1987, from Avery H. Youn to Shigenobu Arakaki informing him of the Kauai Planning Commission's decision to adopt four additional conditions of approval.

6. On August 17, 1987, the Commission confirmed with the Planning Department the understanding that the record of the Kauai Planning Commission's proceedings on the adoption of four additional conditions of approval would be submitted to the Commission for approval.

7. On August 13, 1987, the Commission filed its Decision and Order approving the Special Permit, subject to eight conditions.

8. On June 7, 1990, the Commission received the record of the Kauai Planning Commission for the first amendment to the Special Permit.

Description of the Property

9. The subject property, including the access road from Kaumualii Highway, consists of approximately 195.673 acres, TMK: 2-7-01: portion of parcel 3, Koloa, Kauai (hereinafter referred to as the "Property").

10. The Property is represented to be designated within the Agricultural District except for a 1.79-acre portion of the Property which is represented to be designated within the Conservation District.

11. According to the City and County of Honolulu Finance Department records, the Property is owned by Augustus F. Knudsen Trust and Eric A. Knudsen Trust and is leased to the Hawaii Association of the Seventh-day Adventist.

12. The Property, also known as Kahili Mountain Park, is situated in Knudsen Gap about one mile mauka of Kaumualii Highway and abuts the Lihue-Koloa Forest Reserve.

13. In 1987, the Property contained 36 structures and cabins under construction. Fifty percent of the Property was in pasture or building use and the remaining balance consisted of steep slope and gully land overgrown with natural vegetation.

14. Except for the forest reserve area to the north, the Property was surrounded by sugarcane cultivation.

15. Soils on the Property are classified by the U.S. Soil Conservation Service as Lawai Silty Clay 0-25% slopes.

16. The Land Study Bureau's Agriculture Master Productivity Rating System rates the Property as "C", "D", and "E" ("E" being the lowest rating).

SUMMARY OF PROPOSED USE AND PROPOSED ADDITIONAL CONDITIONS

17. In its original request, Petitioner proposed the establishment of a school and church use. Petitioner's Masterplan included the following uses and facilities:

- 1) Elementary school and playground
- 2) Intermediate school
- 3) Administration/library
- 4) High school/academy
- 5) Junior college
- 6) Student dormitories
- 7) Faculty, staff and retirement homes
- 8) Gymnasium/swimming pool
- 9) Cafeteria/bakery
- 10) Maintenance shops/vocational training/laundry
- 11) Retirement/health conditioning center
- 12) Health museum; conditioning, physical/spiritual retreat areas
- 13) Chapel
- 14) Existing and new cabins
- 15) Lodge (retreat pavilion)
- 16) Furo



- 17) Retreat office/lecture rooms
- 18) Retreat cabins
- 19) Agricultural maintenance, greenhouse and sales
- 20) Parking areas
- 21) Sewage disposal facilities
- 22) Access and interior road improvements
- 23) Water transmission improvements
- 24) Expanded telephone system
- 25) Propane gas storage

18. Specifically, Petitioner's masterplan reflected a total of 53 housing units which were either existing or proposed (14 faculty housing units and 39 existing or proposed cabins).

19. Petitioner proposed to provide access to the Property from Kaumualii Highway over a 30-foot wide crushed cinder, coral, and dirt cane haul roadway.

20. Petitioner indicated that water from the existing private water system, with improvements, was adequate to accommodate water requirements.

21. All structures were to be wired for electricity for lighting and outlets. Electricity was being supplied by Kauai Electric and gas by individual gas cylinders.

22. An expanded phone system was being designed which would be installed by Hawaiian Telephone Company.

23. Petitioner's tentative development timetable at the time indicated that relocation of the present school

facility (grades 1 through 10) would be completed by September 1987; the agriculture work study program would be implemented by September 1987 and the expansion of the school program (K through 12, Phase II) would be implemented 2 to 5 years from the start of Phase I.

24. This request is to amend the Special Permit by adopting the following four additional conditions:

"9. Based on the timetable submitted, Petitioner shall complete within five (5) years of Land Use Commission approval:

- a. Expansion of the school program (K-12);
- b. Agricultural work study program;
- c. Campground site facilities;
- d. Health conditioning, physical and spiritual retreat center; and
- e. Establishment of orchards as per Exhibit "G."

"10. The previously approved density of 20 cabins or units shall be reinstated, and shall apply to the additional cabins proposed or the retirement home. Should the number of additional cabins or retirement home units cumulatively exceed 20 units, then new Special, Use, & Class IV Zoning Permits shall be required. In addition to the 20 cabins/units, 14 more faculty/staff housing units (as per Petitioner's Exhibit "G") are permissible.

- "11. A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.
- "12. All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application."

#### CONCLUSIONS OF LAW

The request to amend the Special Permit which establishes a church, school and related uses, by incorporating four additional conditions as reflected in the Order below, is reasonable and non-violative of Section 205-6, Hawaii Revised Statutes and is not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.

#### ORDER

IT IS HEREBY ORDERED that First Amendment to Special Permit Docket No. 87-364/Kahili Adventist School, to incorporate four additional conditions, is hereby approved, and the conditions of the Special Permit, including the additional



four conditions as recommended by the Kauai Planning Commission, shall be as follows:

1. Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval.

2. The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better.

3. The improvements required by the State Highways Division shall be provided as required, but no later than 5 years from the date of review and approval by the Land Use Commission.

4. As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.

5. Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments.

6. The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare.

7. Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented.

8. The applicant is advised that prior to an/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).

9. Based on the timetable submitted, Petitioner shall complete within five (5) years of Land Use Commission approval:

- a. Expansion of the school program (K-12);
- b. Agricultural work study program;
- c. Campground site facilities;
- d. Health conditioning, physical and spiritual retreat center; and

e. Establishment of orchards as per Exhibit "G."

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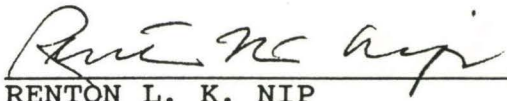
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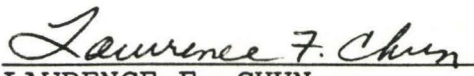


Done at Honolulu, Hawaii, this 17th day of July 1990,  
per motions on June 28, 1990 and July 13, 1990.

LAND USE COMMISSION  
STATE OF HAWAII

By   
RENTON L. K. NIP  
Chairman and Commissioner


By   
FREDERICK P. WHITTEMORE  
Vice Chairman and Commissioner

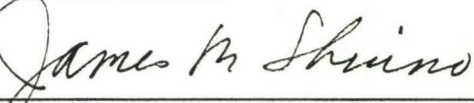
By   
LAWRENCE F. CHUN  
Commissioner

By   
SHARON R. HIMENO  
Commissioner

By (absent)  
ALLEN K. HOE  
Commissioner

By   
ALLEN Y. KAJIOKA  
Commissioner

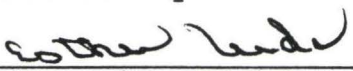
By   
EUSEBIO LAPENIA, JR.  
Commissioner

By   
JAMES M. SHINNO  
Commissioner

By   
ELTON WADA  
Commissioner

Filed and effective on  
July 17, 1990

Certified by:

  
Executive Officer

P 563 348 736

# RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

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SP87-364/Kahili Adventist School

☆ U.S.G.P.O. 1989-234-555

Sent to Peter A. Nakamura	
Street and No. 4280 Rice Street	
P.O., State and ZIP Code Lihue 96766	
Postage	\$ .65
Certified Fee	.85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.40
Postmark or Date	



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3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.



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Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge)      2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:  
Mr. Peter A. Nakamura  
Planning Director  
Kauai County Planning Dept.  
4280 Rice Street  
Lihue, HI 96766

4. Article Number  
P 563 348 736

Type of Service:

- ☐ Registered      ☐ Insured  
☒ Certified      ☐ COD  
☐ Express Mail      ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

PR 7-18

8. Addressee's Address (*ONLY if requested and fee paid*)

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LAND USE COMMISSION  
Rm. 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

P 563 348 737

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SP87-364/Kahili Adventist School

☆ U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985

Sent to Michael Belles, Esq.	
Street and No. 4396 Rice St., #202	
P.O. State and ZIP Code Lihue 96766	
Postage	\$ .65
Certified Fee	.85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.40
Postmark or Date	





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1. ☐ Show to whom delivered, date, and addressee's address.      2. ☐ Restricted Delivery  
(Extra charge) (Extra charge)

3. Article Addressed to:

Michael Belles, Esq.  
Office of the County Attorney  
County of Kauai  
4396 Rice Street, #202  
Lihue, HI 96766

4. Article Number

P 563 348 737

Type of Service:

- ☐ Registered      ☐ Insured  
☒ Certified      ☐ COD  
☐ Express Mail      ☐ Return Receipt  
for Merchandise

Always obtain signature of addressee  
or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

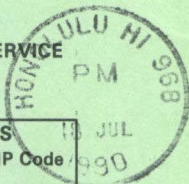
X Valerie Coyaso

7. Date of Delivery

22 7-18

8. Addressee's Address (ONLY if  
requested and fee paid)

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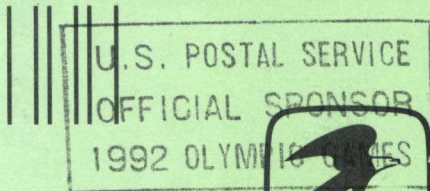
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- Endorse article "Return Receipt Requested" adjacent to number.

RETURN  
TO



Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii  
LAND USE COMMISSION  
Rm. 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813



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P 563 348 738

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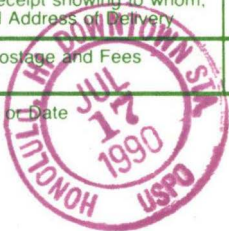
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NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP87-364/Kahili Adventist School

☆ U.S.G.P.O. 1989-234-555

Sent to Mr. Shigenobu Arakaki	
Street and No. P. O. Box 480	
P.O., State and ZIP Code Lawai 96765	
Postage	\$ .65
Certified Fee	.85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.40
Postmark or Date	



PS Form 3800, June 1985

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SP87-364/Kahili Adventist School

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1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge)      2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Mr. Shigenobu Arakaki, Director  
Kahili Adventist School  
P. O. Box 480  
Lawai, Hawaii 96765

5. Signature — Addressee  
X *Koreki Tanigawa*

6. Signature — Agent  
X

7. Date of Delivery  
*7/18/90*

4. Article Number  
P 563 348 738

Type of Service:

<input type="checkbox"/> Registered	<input type="checkbox"/> Insured
<input checked="" type="checkbox"/> Certified	<input type="checkbox"/> COD
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

8. Addressee's Address (ONLY if requested and fee paid)



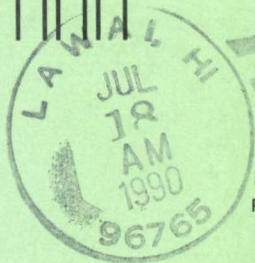
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LAND USE COMMISSION  
Rm. 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) KAHILI ADVENTIST SCHOOL ) For an Amendment to the Special ) Permit Which Establishes a ) Church, School and Related Uses ) on Approximately 195.673 Acres ) of Land Within the Agricultural ) District at Koloa, Kauai, Tax ) Map Key No.: 2-7-01: parcel 3 ) _____ )	DOCKET NO. SP87-364  KAHILI ADVENTIST SCHOOL
---	--

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT.      PETER A. NAKAMURA, Planning Director  
             Planning Department, County of Kauai  
             4280 Rice Street  
             Lihue, Hawaii 96766

CERT.      MICHAEL BELLES, ESQ.  
             County Attorney  
             Office of the County Attorney  
             County of Kauai  
             4444 Rice Street, #230  
             Lihue, Hawaii 96766

CERT.      SHIGENOBU ARAKAKI, Director  
             Kahili Adventist School  
             P. O. Box 480  
             Lawai, Hawaii 96765

DATED:      Honolulu, Hawaii, this 17th day of July 1990.

  
\_\_\_\_\_  
ESTHER UEDA  
Executive Officer



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Building, 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor

RENTON L.K. NIP  
Chairman

FREDERICK P. WHITEMORE  
Vice Chairman

COMMISSION MEMBERS:

Lawrence F. Chun  
Sharon R. Himeno  
Allen K. Hoe  
Allen Y. Kajioka  
Eusebio Lapenia, Jr.  
James M. Shinno  
Elton Wada

ESTHER UEDA  
Executive Officer

June 28, 1990

MEMORANDUM

TO: Land Use Commission

FROM: Staff *Esther Ueda*

SUBJECT: First Amendment to Special Permit 87-364 Filed by  
Kahili Adventist School

Background Information

The original Special Permit application was filed by Kahili Adventist School (hereinafter the "Petitioner") with the County of Kauai Planning Department on March 18, 1987.

The Land Use Commission ("Commission") held a meeting on June 23, 1987, which was subsequently deferred in order to allow the Kauai Planning Department to address concerns raised in the LUC Staff Report dated June 16, 1987.

The Commission continued the matter on July 14, 1987, and approved the Special Permit request as originally proposed and recommended for approval by the Kauai Planning Commission. Additional conditions, proposed by the Planning Department (See letter dated July 1, 1987 from Avery H. Youn to Phil Tacbian), were not included in the Commission's approval.

On July 22, 1987, the Kauai Planning Commission adopted the recommendation of the Planning Department to incorporate four additional conditions to the Special Permit. (See Planning Department Staff Report labeled "A-3")

On August 3, 1987, the Commission received a copy of a letter dated July 31, 1987, from Avery H. Youn to Shigenobu Arakaki informing him of the Kauai Planning Commission's decision to adopt four additional conditions of approval.

On August 17, 1987, Commission Staff confirmed with the Planning Department the understanding that the record of the



Kauai Planning Commission's proceedings on the adoption of four additional conditions of approval would be submitted to the Commission for approval.

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On June 7, 1990, the Commission received the record of the request to amend the Special Permit.

#### Description of the Property

The subject property, including the access road from Kaumualii Highway, consists of approximately 195.673 acres, TMK: 2-7-01: portion of parcel 3, Koloa, Kauai (hereinafter referred to as the "Property").

The Property appears to be designated within the Agricultural District. A 1.79-acre portion of the property appears to be designated within the Conservation District. (Staff is preparing a boundary interpretation for this area.)

According to the City and County of Honolulu Finance Department, the Property is owned by Augustus F. Knudsen Trust and Eric A. Knudsen Trust. Hawaii Association of the Seventh-day Adventist is the lessee.

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In 1987, the Property contained 36 structures and cabins under construction. Fifty percent of the Property was in pasture or building use and the remaining balance consisted of steep slope and gully land overgrown with natural vegetation.

Except for the forest reserve area to the north, the Property was surrounded by sugarcane cultivation.

Soils on the Property are classified by the U.S. Soil Conservation Service as Lawai Silty Clay 0-25% slopes.

The Land Study Bureau's Agriculture Master Productivity Rating System rates the Property as "C", "D", and "E" ("E" being the lowest rating).

### Summary of Proposed Use and Proposed Additional Conditions

In its original request, Petitioner proposed the establishment of a school and church use. Petitioner's Masterplan included the following uses and facilities:

- 1) Elementary school and playground
- 2) Intermediate school
- 3) Administration/library
- 4) High school/academy
- 5) Junior college
- 6) Student dormitories
- 7) Faculty, staff and retirement homes
- 8) Gymnasium/swimming pool
- 9) Cafeteria/bakery
- 10) Maintenance shops/vocational training/laundry
- 11) Retirement/health conditioning center
- 12) Health museum; conditioning, physical/spiritual retreat areas
- 13) Chapel
- 14) Existing and new cabins
- 15) Lodge (retreat pavilion)
- 16) Furo
- 17) Retreat office/lecture rooms
- 18) Retreat cabins
- 19) Agricultural maintenance, greenhouse and sales
- 20) Parking areas
- 21) Sewage disposal facilities
- 22) Access and interior road improvements

- 23) Water transmission improvements
- 24) Expanded telephone system
- 25) Propane gas storage

Specifically, Petitioner's masterplan reflected a total of 53 housing units, which were either existing and proposed (14 faculty housing units and 39 existing or proposed cabins).

Petitioner proposed to provide access to the Property from Kaumualii Highway over a 30-foot wide crushed cinder, coral, and dirt cane haul roadway.

Petitioner indicated that water from the existing private water system, with improvements, is adequate to accommodate water requirements.

All structures were to be wired for electricity for lighting and outlets. Power was presently being supplied by Kauai Electric and individual gas cylinders.

An expanded phone system was being designed and would be installed by Hawaiian Telephone Company.

Petitioner's tentative development timetable at the time indicated that relocation of the present school facility (grades 1 through 10) would be completed by September 1987; the agriculture work study program would be implemented by September 1987 and the expansion of the school program (K through 12, Phase II) would be implemented 2 to 5 years from the start of Phase I.

At the time of the Special Permit approval, Staff pointed out the following:

- "1. The Planning Commission's recommendation does not include a time limit to establish the use as required by Land Use Commission Rule Section 15-15-95(e);
- "2. It appeared that portions of the subject property are within the State Conservation District. Petitioner should obtain a boundary interpretation for the area to clarify the location of the district boundary.
- "3. Due to the scale and type of uses proposed, Petitioner and/or the county should be requested to clarify why the proposal was not considered for a district boundary amendment instead of a special use permit.



- "4. Should the Special Use permit be approved, consideration should be given to voiding or withdrawing the previous special use permits granted for the area."

Items 3 and 4 were addressed by letter dated July 1, 1987, from Avery Youn to Phil Tacbian, and considered during the July 14, 1987 Commission meeting. However, the Commission took the position it could not consider additional conditions proposed by the Planning Department since it was not considered by the Kauai Planning Commission.

Subsequently, on July 22, 1987, the Kauai Planning Commission adopted the Planning Department's recommendation to allow four additional conditions. However, the record of the Planning Commission's recommendation to adopt four additional conditions was not transmitted to the Commission until June 7, 1990.

This request is to amend the Special Permit by adopting four additional conditions as follows:

- "9. Based on the timetable submitted, the applicant shall complete within five (5) years of Land Use Commission approval:
- a. Expansion of the school program (K-12);
  - b. Agricultural work study program;
  - c. Campground site facilities;
  - d. Health conditioning, physical and spiritual retreat center; and
  - e. Establishment of orchards as per Exhibit "G."
- "10. The previously approved density of 20 cabins or units shall be reinstated, and shall apply to the additional cabins proposed or the retirement home. Should the number of additional cabins or retirement home units cumulatively exceed 20 units, then new Special, Use, & Class IV Zoning Permits shall be required. In addition to the 20 cabins/units, 14 more faculty/staff housing units (as per Exhibit "G") are permissible.
- "11. A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.

"12. All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application."

Note: To date, the Kauai Planning Department indicates that the Petitioner has secured permits for the construction of 20 of the 34 cabin/units.

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

House Conference Room 310  
State Capitol, Third Floor  
Honolulu, Hawaii

June 28, 1990

*approved  
7/13/90*

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman  
Frederick P. Whittemore, Vice-Chairman  
Lawrence Chun (Portion Proceeding)  
Sharon R. Himeno (Portion of  
Proceeding)  
Elton Wada  
Allen K. Hoe (Portion of Proceeding)  
Allen Y. Kajioaka  
James M. Shinno  
Eusebio Lapenia, Jr. (Portion of  
Proceeding)

COMMISSIONERS ABSENT:

STAFF PRESENT: Esther Ueda, Executive Officer  
Russell Suzuki, Esq, Deputy Attorney  
General  
Raymond Young, Staff Planner  
Steven Tagawa  
Darlene Kinoshita, Chief Clerk  
Holly Hackett, Court Reporter

Chairman Nip called the meeting to order.

Commissioner Hoe was absent from the proceeding at this time.

ACTION

A87-613 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF  
JAMES CAMPBELL, DECEASED (OAHU)

Chairman Nip announced that the Commission would take action to consider Petitioner's Motion for Order Approving Executed Agreement Satisfying Department of Health Condition in Decision and Order dated September 23, 1988, as amended, which incrementally reclassified approximately 813.02 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu.



Appearances

Ivan Lui-Kwan, Esq., Attorney for Petitioner

Dave Rae, for Petitioner

Betsy Marcinkus, Department of General Planning, City and County of Honolulu

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments were heard from Mr. Lui-Kwan and Mr. Mitsuda. The Department of General Planning had no comments.

Commissioner Kajioka moved to approve the executed agreement satisfying Department of Health's condition in Decision and Order dated September 23, 1988, as amended, and that this condition will be subject to review as to its applicability to the proposed Kapolei Industrial Park petition when it is filed with the Commission. The motion was seconded by Commissioner Shinno and polled as follows:

Ayes: Commissioner Kajioka, Himeno, Lapenia, Shinno, Wada, Chun, Whittemore, and Chairman Nip.

A89-649 - LANAI RESORT PARTNERS (Manele)

Chairman Nip announced that the Commission would take action to consider Intervenor's Motion requesting the Commission's determination as to whether an Environmental Assessment for the Petition is required since the proposed development involves the use of the shoreline area and to consider Intervenor's Motion to Continue Hearing to consider reclassifying approximately 458.024 acres of land currently in the Agricultural and Rural Districts into the Urban District at Manele, Lanai for single and multi-family residential, an 18-hole golf course and accessory uses.

Commissioner Kajioka was excused from this proceeding due to a previously declared conflict of interest.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

Rick Eichor, Esq., Deputy Attorney General, Office of  
State Planning

Abe Mitsuda, Land Use Division, Office of State  
Planning

Karen Yamamoto, Land Use Division, Office of State  
Planning

Livia Wang, Esq., Attorney for Intervenors

The Department of Planning, County of Maui, was not  
present to the proceeding at this time.

Arguments on the motion to continue hearing were heard  
from Ms. Wang, Mr. Funaki, and Mr. Eichor. After hearing  
arguments, questions were asked by the Commissioners.

Commissioner Wada moved for an executive session to  
confer with the Commission's attorney on legal matters. The  
motion was seconded by Commissioner Whittemore and unanimously  
carried by voice votes.

Commissioner Wada moved that Intervenor's Motion to  
Continue Hearing on Docket No. A89-649 be denied. The motion  
was seconded by Commissioner Lapenia and polled as follows:

Ayes: Commissioner Wada, Lapenia, Shinno, Whittemore,  
Chun, Himeno, and Chairman Nip.

Arguments on the Motion to require an Environmental  
Assessment were heard from Ms. Wang, Mr. Funaki, and Mr. Eichor.

Commissioner Wada moved that Intervenor's Motion to  
request a determination as to whether an Environmental  
Assessment for the petition is required be denied. The motion  
was seconded by Commissioner Chun and polled as follows:

Commissioner Wada, Lapenia, Shinno, Whittemore, Chun,  
Himeno, and Chairman Nip.



Commissioner Kajioka joined the proceeding at this time.

\* SP87-364 - KAHILI ADVENTIST SCHOOL (FIRST AMENDMENT) (Kauai)

Chairman Nip announced that the Commission would take action to consider adopting four additional conditions to the Commission's Decision and Order dated August 13, 1987, which allowed the establishment of a church, school and related uses on approximately 197.463 acres of land within the Agricultural District at Kahili Mountain Park, Koloa, Kauai.

Appearances

Raymond Hoe, for Petitioner

Shigenobu Arakaki

The Department of Planning, County of Kauai, was not present to the proceeding at this time.

Raymond Young, staff planner, oriented the Commission to the special permit area on the Land Use District Boundaries and tax maps and also gave a summary report of the special use permit request.

Comments on the special use permit were heard from Mr. Hoe. After hearing comments, questions were asked by the Commissioners.

Commissioner Shinno moved to approve the adoption of the four additional conditions to the Commission's Decision and Order dated August 13, 1987. The motion was seconded by Commissioner Kajioka and polled as follows:

Ayes: Commissioner Shinno, Chun, Himeno, Kajioka, Lapenia, Wada, Whittemore, and Chairman Nip.

A75-404 - HONOKAA SUGAR COMPANY (Hawaii)

Vice-Chairman Whittemore announced that the Commission would take action to consider Petitioner's Motion to Delete Conditions No. 1, 2, and 4 of the Decision and Order dated June 3, 1976 which reclassified approximately 42 acres of land



from the Agricultural District into the Urban District at Honokaa, Hawaii for residential use and Condition No. 3 of the Decision and Order on Motion to Modify Condition dated July 3, 1984 and to consider Petitioner's Motion to Modify Decision and Order for Interpretation of June 3, 1976 Decision and Order which reclassified approximately 42 acres of land from the Agricultural District into the Urban District at Honokaa, Hawaii for residential use.

Chairman Nip was excused from the proceeding due to a declared conflict of interest.

Appearances

Steven Lim, Esq., Attorney for Petitioner

Francis Morgan, Petitioner

Norman Hayashi, Department Planning, County of Hawaii

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Alan Okamoto, Esq., Attorney for Hamakua Oceanview Estates and Milton and Leslie Hagiwara.

Arguments on both motions were heard from Mr. Lim and a statement was made by Mr. Morgan. Arguments on both motions were also heard from Mr. Hayashi, Mr. Mitsuda, and Mr. Okamoto. After hearing arguments, questions were asked by the Commissioners.

Commissioner Lapenia moved to delete the four conditions of the Decision and Order dated June 3, 1976. The motion was seconded by Commissioner Shinno and polled as follows:

Ayes: Commissioner Lapenia, Shinno, Wada, Chun, Himeno, Kajioka, and Vice-Chairman Whittemore.



Commissioner Wada moved to amend the decision and order to include a new condition as follows: "Hamakua Sugar Company, Inc., within two (2) years of the release of the existing mortgage and forbearance agreements which cover the real property owned by Hamakua Sugar Company, Inc. located in the County and State of Hawaii, shall provide housing opportunities to the current employees and pensioners of Hamakua Sugar Company, Inc. by offering for sale or rent a minimum of 100 lots or units, or a combination thereof, wherein at least thirty percent (30%) of the lots or units at prices which families with an income range of up to one hundred twenty percent (120%) of the County of Hawaii's median income can afford, and seventy percent (70%) of the lots or units at prices which families with an income range of one hundred twenty to one hundred forty percent (120% - 140%) of the County of Hawaii's median income can afford, at an off-site location or locations under such terms as may be mutually agreeable between Hamakua Sugar Company, Inc., the Housing Finance and Development Corporation of the State of Hawaii, and the County of Hawaii." Commissioner Wada also moved to correct the acreage of the petition area and to amend the State Land Use Commission's official maps accordingly. The motion was seconded by Commissioner Shinno and polled as follows:

Ayes: Commissioner Lapenia, Shinno, Wada, Chun, Himeno, Kajioka, and Vice-Chairman Whittemore.

Commissioner Hoe was present to the proceeding at this time and Commissioner Himeno was absent from the proceeding at this time.

CONTINUED HEARING

A89-651 - HASEKO (HAWAII), INC. (Oahu)

Chairman Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on April 23 & 24, 1990.

Appearances

Steven Chung, Esq., Attorney for Petitioner

Angela Fong, Esq., Attorney for Petitioner

Betsy Marcinkus, Department of General Planning, City and County of Honolulu

Rick Eichor, Esq., Deputy Attorney General, Office of  
State Planning

Abe Mitsuda, Land Use Division, Office of State  
Planning

Jean Nishida, Land Use Division, Office of State  
Planning

Rebecca Greenway, Esq., Attorney for, Intervenor,  
Department of the Navy

Stanley Uehara, for Intervenor, Department of the Navy

EXHIBITS

1. All untimely public witness letters that the  
Commission received were admitted into evidence by the Land Use  
Commission.

2. The petitions received from Jeffrey Alexander were  
admitted into evidence by the Land Use Commission.

3. Petitioner's Exhibits PP, QQ, RR, RR-1, and SS  
were admitted into evidence by the Land Use Commission.

4. State's Exhibit Nos. 4 through 7 were admitted  
into evidence by the Land Use Commission.

PUBLIC WITNESSES

1. Jeffrey Alexander

2. Clifford Oliveira

The Motion to Seal Financial Records filed by  
Petitioner was approved by Chairman Nip. There were no  
objections heard from the parties.

A lunch recess was taken at 11:53 a.m. to reconvene at  
1:30 p.m.

- 2:00 p.m. -



PETITIONER'S WITNESSES

1. Bruce Plasch

Commissioner Chun was absent from the proceeding at this time.

An untimely motion for intervention was filed by Save Ewa Beach Ohana. Arguments on this motion were heard from Mr. Alexander, Mr. Chung, Ms. Marcinkus, Mr. Eichor, and Ms. Greenway. After hearing arguments, questions were asked by the Commissioners.

Commissioner Hoe moved to deny the motion for intervention by Save Ewa Beach Ohana. The motion was seconded by Commissioner Whittemore and unanimously carried by voice votes.

PETITIONER'S WITNESSES (Continued)

2. Ronald Darby
3. Jonathan Shimada
4. Berna Cabacungan
5. Barry Brennan
6. Winona Char

Commissioner Lapenia was absent from the proceeding at this time.

7. Hallett Hammatt

COUNTY'S WITNESS

1. Betsy Marcinkus

STATE'S WITNESSES

1. Ron Tsuzuki

The meeting was adjourned at 4:45 p.m.



STATE OF HAWAII  
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

June 28, 1990 - 9:00 a.m.  
June 29, 1990\*

House Conference Room 310  
Third Floor, State Capitol  
Honolulu, Hawaii

JUN 19 2 21 PM '90

LEUTENANT GOVERNOR'S  
OFFICE

A G E N D A

I. ACTION

1. A87-613 - THE TRUSTEES UNDER THE WILL AND OF THE  
ESTATE OF JAMES CAMPBELL, DECEASED (Oahu)

To consider Petitioner's Motion for Order Approving Executed Agreement Satisfying Department of Health Condition in Decision and Order dated September 23, 1988, as amended, which incrementally reclassified approximately 813.02 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu.

2. A89-649 - LANAI RESORT PARTNERS (Manele)

To consider Intervenor's Oral Motion requesting the Commission's determination as to whether an Environmental Assessment for the Petition is required since the proposed development involves the use of the shoreline area.

3. A89-649 - LANAI RESORT PARTNERS (Manele)

To consider Intervenor's Motion to Continue Hearing to consider reclassifying approximately 458.024 acres of land currently in the Agricultural and Rural Districts into the Urban District at Manele, Lanai for single and multi-family residential, an 18-hole golf course and accessory uses.



4. ✓ SP87-364 - KAHILI ADVENTIST SCHOOL (FIRST AMENDMENT)  
(Kauai)

To consider adopting four additional conditions to the Commission's Decision and Order dated August 13, 1987, which allowed the establishment of a church, school and related uses on approximately 197.463 acres of land within the Agricultural District at Kahili Mountain Park, Koloa, Kauai.

5. A75-404 - HONOKAA SUGAR COMPANY (Hawaii)

To consider Petitioner's Motion to Delete Conditions No. 1, 2, and 4 of the Decision and Order dated June 3, 1976 which reclassified approximately 42 acres of land from the Agricultural District into the Urban District at Honokaa, Hawaii for residential use and Condition No. 3 of the Decision and Order on Motion to Modify Condition dated July 3, 1984.

6. A75-404 - HONOKAA SUGAR COMPANY (Hawaii)

To consider Petitioner's Motion to Modify Decision and Order for Interpretation of District Boundaries and Modification of June 3, 1976 Decision and Order which reclassified approximately 42 acres of land from the Agricultural District into the Urban District at Honokaa, Hawaii for residential use.

II. CONTINUED HEARING

1. A89-651 - HASEKO (HAWAII), INC. (Oahu)

To consider reclassifying approximately 403.008 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for specialty hotels and garden suite hotels; an international fitness and conditioning center; a golf course; a tennis complex; and various retail shops, restaurants, and professional offices.

III. MISCELLANEOUS

1. Adoption of Minutes
2. Adoption of Decision and Orders
3. Tentative Meeting Schedule

\*Meeting will continue on June 29, 1990 if not completed on June 28, 1990.



P 563 348 958

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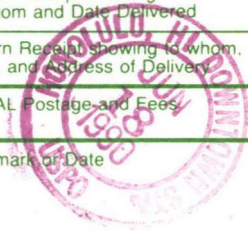
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☆ U.S.G.P.O. 1989-234 555

PS Form 3800, June 1985

Sent to Mr. Shigenobu Arakaki, D	
Street and No. P.O. Box 480	
City, State, and ZIP Code Lawai, HI 96765	
Postage	\$ .25
Certified Fee	.85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00

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SP87-364/KAHULUI ADVENTIST SCHOOL

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2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Mr. Shigenobu Arakaki, Director  
Kahili Adventist School  
P.O. Box 480  
Lawai, HI 96765

4. Article Number

P 563 348 958

Type of Service:

- ☒ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

6/20/80

8. Addressee's Address (ONLY if requested and fee paid)

SCHOOL



UNITED STATES POSTAL SERVICE  
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- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE  
USE, \$300

RETURN  
TO



Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii  
LAND USE COMMISSION  
Rm. 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813



STATE OF HAWAII  
DEPARTMENT OF BUSINESS  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

JOHN WAIHEE  
Governor

RENTON L.K. NIP  
Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

Room 104, Old Federal Building, 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

COMMISSION MEMBERS:

Lawrence F. Chun  
Sharon R. Himeno  
Allen K. Hoe  
Allen Y. Kajioke  
Eusebio Lapenla, Jr.  
James M. Shinno  
Elton Wada

ESTHER UEDA  
Executive Officer

June 18, 1990

Mr. Shigenobu Arakaki, Director  
Kahili Adventist School  
P.O. Box 480  
Lawai, HI 96765

Dear Mr. Arakaki:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

SP87-364/KAHILI ADVENTIST SCHOOL (First Amendment) (Kauai)

will be \_\_\_\_\_ acted on \_\_\_\_\_ at that time. We request  
that you or your representative attend this meeting.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,

ESTHER UEDA  
Executive Officer

Enclosure

P 563 348 951

# RECEIPT FOR CERTIFIED MAIL

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SP87-364/KAHILLI ADVENTIST SCHOOL

U.S.G.P.O. 1989-234-555

Sent to	
Mr. Peter Nakamura,	
Street and No.	
4280 Rice Street	
City, State and ZIP Code	
Lihue, HI 96766	
Postage	\$ .25
Certified Fee	.85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.00
Postmark or Date	



PS Form 3800, June 1985



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
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6. Save this receipt and present it if you make inquiry.

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Mr. Peter Nakamura, Planning Director P 563 348 951  
Kauai County Planning Department  
4280 Rice Street  
Lihue, HI 96766

4. Article Number

Type of Service:

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)

SP87-364/KAHILLI  
ADVENTIST SCHOOL

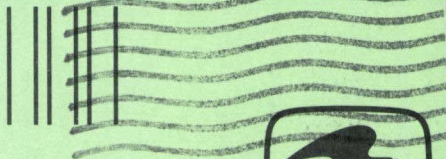
UNITED STATES POSTAL SERVICE  
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**SENDER INSTRUCTIONS**

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE  
USE, \$300

**RETURN  
TO**



Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii  
LAND USE COMMISSION  
Rm. 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813





STATE OF HAWAII  
DEPARTMENT OF BUSINESS  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

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Vice Chairman

Room 104, Old Federal Building, 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

COMMISSION MEMBERS:

Lawrence F. Chun  
Sharon R. Himeno  
Allen K. Hoe  
Allen Y. Kajloka  
Eusebio Lapenia, Jr.  
James M. Shinno  
Elton Wada

ESTHER UEDA  
Executive Officer

June 18, 1990

Mr. Peter Nakamura, Planning Director  
Kauai County Planning Department  
4280 Rice Street  
Lihue, HI 96766

Dear Mr. Nakamura:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

SP87-364/KAHILI ADVENTIST SCHOOL (First Amendment) (Kauai)

will be acted on at that time. We request  
that you or your representative attend this meeting.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,

ESTHER UEDA  
Executive Officer

Enclosure

P 563 348 952

# RECEIPT FOR CERTIFIED MAIL

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NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP87-364/KAHILI ADVENTIST SCHOOL

U.S.G.P.O. 1989-234-555

Sent to Michael Belles, Esq.	
Street and No. 4444 Rice Street, #230	
P.O. State and ZIP Code Linole, HI 96766	
Postage	\$ .25
Certified Fee	.85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.00



Postmark or Date

PS Form 3800, June 1985

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1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:  
Michael Belles, Esq.  
County Attorney  
Office of the County Attorney  
4444 Rice Street, #230  
Lihue, HI 96766

4. Article Number

P 563 348 952

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7. Date of Delivery

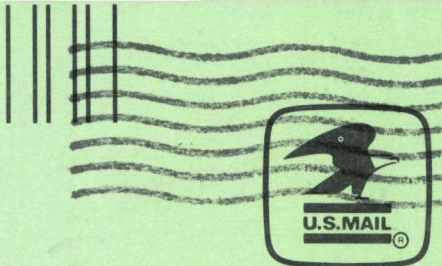
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State of Hawaii  
LAND USE COMMISSION  
Rm. 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813



STATE OF HAWAII  
DEPARTMENT OF BUSINESS  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

JOHN WAIHEE  
Governor

RENTON L.K. NIP  
Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

Room 104, Old Federal Building, 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

COMMISSION MEMBERS:

Lawrence F. Chun  
Sharon R. Himeno  
Allen K. Hoe  
Allen Y. Kajioka  
Eusebio Lapenfa, Jr.  
James M. Shinno  
Elton Wada

ESTHER UEDA  
Executive Officer

June 18, 1990

Michael Belles, Esq.  
County Attorney  
Office of the County Attorney  
County of Kauai  
4444 Rice Street, Room 230  
Lihue, HI 96766

Dear Mr. Belles:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

SP87-364/KAHILI ADVENTIST SCHOOL (First Amendment) (Kauai)

will be \_\_\_\_\_ acted on \_\_\_\_\_ at that time. We request  
that you or your representative attend this meeting.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,

ESTHER UEDA  
Executive Officer

Enclosure



JOANN A. YUKIMURA  
MAYOR



PETER A. NAKAMURA  
PLANNING DIRECTOR

ROLAND D. SAGUM, III  
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

COUNTY OF KAUAI  
PLANNING DEPARTMENT  
4280 RICE STREET  
LIHUE, KAUAI, HAWAII 96766

June 18, 1990

RECEIVED

JUN 19 1990

Ms. Esther Ueda, Executive Officer  
State Land Use Commission  
Room 104, Old Federal Building  
335 Merchant Street  
Honolulu, Hawaii 96813

State of Hawaii  
LAND USE COMMISSION

Attn: Mr. Ray Young

Subject: County of Kauai Special Permit SP-87-13  
State Land Use Commission Special Permit 87-364  
Kahili Adventist School  
Tax Map Key 2-7-01: 3  
Koloa, Kauai

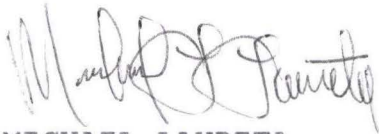
Previously submitted on June 6, 1990 was the entire file for the above-referenced County permit. However, these items applicable to the LUC's Special Permit would include:

1. The Staff Report (item A-3, lower right hand corner, signed by Planning Director Avery Youn).
2. Copy of July 1, 1987 letter from Planning Director Avery Youn to Chairman Phil Tacbian.
3. Minutes of July 22, 1987 Planning Commission Meeting.
4. Copy of July 31, 1987 letter from Planning Director Avery Youn to Shigenobu Arakaki.
5. Copy of return receipt #3255 transmitting a copy of July 22, 1987 agenda to applicant. A copy of that agenda is enclosed.

Ms. Esther Ueda, Executive Officer  
Page 2  
June 18, 1990

A transcript of the July 22, 1987 Planning Commission meeting is not available since it was not a public hearing item per se, but old business for the Commission. In this instance, the subject matter is included in the minutes of July 22, 1987.

Should you have any further questions, please contact me at 245-3919.

A handwritten signature in dark ink, appearing to read "Michael Laureta", written in a cursive style.

MICHAEL LAURETA  
Planner

JOANN A. YUKIMURA  
MAYOR



PETER A. NAKAMURA  
PLANNING DIRECTOR

ROLAND D. SAGUM, III  
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

COUNTY OF KAUAI  
PLANNING DEPARTMENT  
4280 RICE STREET  
LIHUE, KAUAI, HAWAII 96766

June 6, 1990

Esther Ueda, Executive Officer  
Land Use Commission  
Room 104, Old Federal Building  
335 Merchant Street  
Honolulu, Hawaii 96813

Attention: Ray Young

Subject: County of Kauai Special Permit SP-87-13/Land Use Commission  
Special Permit 87-364, filed by Kahili Adventist School,  
Tax Map Key 2-7-01: 3, Koloa, Kauai

Enclosed is the entire file for the above referenced permits for State Land Use Commission consideration. We apologize for forwarding the record to you after so much time has elapsed.

For your information, up to this date, the applicant has secured permits for the construction of 20 of the 34 cabins/units.

If I can be of further assistance, please contact me at 245-3919.

Michael Laureta  
Planner

JUN 7 1 03 PM '90  
LAND USE COMMISSION  
HONOLULU, HAWAII



KAUAI PLANNING COMMISSION  
SPECIAL MEETING  
WEDNESDAY, JULY 22, 1987

AGENDA

10:00 A.M. County Building Annex II-A Conference Room  
4280 Rice Street, Lihue

Call to Order

Approval of the Agenda

Minutes of Special Meeting of May 27, 1987

A. GENERAL BUSINESS MATTERS

1. Announcements & general informational matters

BM 2. Revised building site layout and roof height for proposed 9-unit resort condominium project (SMA(U)-87-16 = Wailua Partners).

AY 3. Additional conditions of approval for Special Permit SP-87-13, Permit U-87-41 & Class IV Zoning Permit Z-IV-87-51 = Kahili Adventist School.

4. Presentation of Hanalei Cultural Survey.

5. Subdivision Report No. 2

6. Matters relating to the agenda

B. UNFINISHED BUSINESS (1:30 P.M. Council Chambers, County Building)  
4396 Rice Street, Lihue

1. Action on:

HH a. Use Permit U-87-38, Variance Permit V-87-12 & Class IV Zoning Permit Z-IV-87-48 = Christian Science Society (Church Use, Kapaa)

C. PUBLIC HEARINGS

ML 1. Special Management Area Use Permit SMA(U)-87-17, Special Permit SP-87-15, Use Permit U-87-47 & Class IV Zoning Permit Z-IV-87-59 = Hemmeter-VMS Kauai Properties (750-Room Hotel & Related Resort Improvements, Nawiliwili)

BM 2. Zoning Amendment ZA-87-9 = Change from Agriculture District (A) to General Commercial District (C-G), Lihue. Grove Farm Land Corp., Applicant

3. Zoning Amendment ZA-87-10 = Change from Open/Special Treatment-Public and Cultural District (O/ST-P & ST-C) to Neighborhood Commercial District, Poipu. Lealani Corporation, Applicant

a. Letter (7/15/87) from Max W. J. Graham, Jr., attorney, withdrawing the petition.

HH 4. Zoning Amendment ZA-87-11 = Change from Agriculture District (A) to Residential District (R-20), and amendment to the Kukuiula Visitor Destination Area Boundary of Zoning Map ZM-KLI 300, Kukuiula. Metropolitan Mortgage & Securities Co., Inc., Applicant

ML 5. General Plan Amendment GPA-87-3 = County General Plan Amendment from Agriculture to Rural Residential  
Zoning Amendment ZA-87-12 = County Zoning Amendment from Agriculture District (A) to Residential District (R-1)  
State Boundary Amendment A-87-8 = District Boundary Amendment from Agriculture District (A) to Rural District (R), Kapaa Homesteads. Georgina Carvalho & Emily Rapozo, Applicants

D. NEW BUSINESS

1. Disposition of:

- a. Special Management Area Use Permit SMA(U)-87-17, Special Permit SP-87-15, Use Permit U-87-47 & Class IV Zoning Permit Z-IV-87-59 = Hemmeter-VMS Kauai Properties
- b. Zoning Amendment ZA-87-9 = Grove Farm Land Corp.
- HH c. Zoning Amendment ZA-87-11 = Metropolitan Mortgage & Securities Co., Inc.
- d. General Plan Amendment GPA-87-3, Zoning Amendment ZA-87-12 & State District Boundary Amendment A-87-8 = Georgina Carvalho & Emily Rapozo

2. COMMUNICATION

- a. (6/29/87) Michael T. Patton, Director of Operations, thanking the Commission for approving the application of Papillon Helicopters.
- b. (7/ 9/87) Raymond X. Aki withdrawing the application for zoning amendment by Transpacific Enterprises, Inc.

PS Form 3811, July 1983

**SENDER: Complete items 1, 2, 3 and 4.**

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1. ☐ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:

Shigenobu Arakaki, Director  
Kahili Adventist School  
P. O. Box 480  
Lawai, Hawaii 96765

4. Type of Service:

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|---|----------------------------------|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD     |
| <input type="checkbox"/> Express Mail         |                                  |

Article Number

3255

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5. Signature - Addressee

X *Midori Hirasabayashi*

6. Signature - Agent

X

7. Date of Delivery

*7/20/87*

8. Addressee's Address (ONLY if requested and fee paid)

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JUN 7 1 04 PM '90

POSTAL COMMISSION  
STATE OF HAWAII



COUNTY OF KAUAI  
PLANNING DEPARTMENT  
LIHUE, KAUAI

STAFF REPORT

TO: Planning Commission

RE: Kahili Adventist School  
Special Permit SP-87-13  
Use Permit U-87-41  
Class IV Zoning Permit Z-IV-87-51

JUN 7 1 04 PM '90  
LAND USE COMMISSION  
STATE OF HAWAII

Relative to concerns raised by the Land Use Commission as discussed in the attached letter, the following additional conditions must be included as part of the Special Permit, Use Permit & Class IV Zoning Permit approvals.

9. Based on the timetable submitted, the applicant shall complete within five (5) years of Land Use Commission approval:
  - a. Expansion of the school program (K-12);
  - b. Agricultural work study program;
  - c. Campground site facilities;
  - d. Health conditioning, physical and spiritual retreat center; and
  - e. Establishment of orchards as per Exhibit "G."
10. The previously approved density of 20 cabins or units shall be reinstated, and shall apply to the additional cabins proposed or the retirement home. Should the number of additional cabins or retirement home units cumulatively exceed 20 units, then new Special, Use, & Class IV Zoning Permits shall be required. In addition to the 20 cabins/units, 14 more faculty/staff housing units (as per Exhibit "G") are permissible.
11. A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.
12. All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application.

By

  
Avery H. Young, Planning Director

TONY T. KUNIMURA  
MAYOR



AVERY H. YOUN  
PLANNING DIRECTOR

TOM H. SHIGEMOTO  
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

COUNTY OF KAUAI  
PLANNING DEPARTMENT  
4280 RICE STREET  
LIHUE, KAUAI, HAWAII 96766

July 1, 1987

Mr. Phil Tacbian, Chairman  
Land Use Commission  
State of Hawaii  
Room 104, Old Federal Building  
335 Merchant Street  
Honolulu, Hawaii 96813

Re: Kahili Adventist School  
Koloa, Kauai

At the Land Use Commission meeting on June 23, 1987, several points were raised which required further review and clarification. In addressing the concerns raised by the Land Use Commission staff, our responses are as follows:

1. Time limit to establish the use: Because a time limit for performance was not included, we recommend the following condition be added:

"Based on the timetable submitted, the applicant shall complete within five (5) years of Land Use Commission approval:

- a. Expansion of the school program (K-12);
- b. Agricultural work study program;
- c. Campground site facilities;
- d. Health conditioning, physical and spiritual retreat center;  
and

C  
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Y

e. Establishment of orchards as per Exhibit "G."

"A status report shall be submitted to the Planning Commission for review at the end of the five (5) year period."

2. Portions of property within State Conservation District: This discrepancy was not known to the County because we believe that a previous subdivision separated the agriculture lot from the Conservation District. The intent here is to maintain the Conservation District; therefore, we will recall the subdivision which created the subject site and have the owner or applicant adjust the subdivision line, if necessary, to stay out of the Conservation District.
3. Request to clarify why proposal was not considered for district boundary amendment: In viewing the site, the character reflected is very rural, open, and isolated from urban areas. The school facilities proposed are anticipated to reflect the rural character that exists. The utilization of a major portion of the site for orchards, horse stables, and campground type uses support keeping this site within the Agriculture District. Furthermore, maintaining this site in the Agriculture District will afford the County more control over the uses permitted as compared to placing it in the Urban District where a much wider range of urban-type uses would be allowable. Based on previous experience, the Planning Commission has found that the Use Permit and Special Permit procedure, and the establishment of conditions accordingly, has been a very effective way of managing urban-type uses in the Agriculture District.
4. Voiding previous Special Permits approved for the area: It is not necessary to void previous Special Permits because construction of buildings and performance of conditions have occurred on previous approvals, with one exception. SP75-214 approved 20 cabins in 1975, these of which were never constructed. The County, in 1983, approved SP-83-1 which was for relocation of the school in Lawai to this site, along with the construction of several buildings. It also nullified the previous Use Permit and Special Permit approvals which approved the 20 cabins.

The applicant was given the option to reapply for these cabins in this present application; although this request was not included in the project description, it is reflected on the proposed development



Mr. Phil Tacbian, Chairman  
Land Use Commission  
Page 3  
July 1, 1987

map (Exhibit "G") and again discussed in Section V of the application. Because the intent is to maintain the approval of the 20 cabins, previous Special Permits should not be nullified at this time.

Kauai Planning Department Concerns:

We raised a point relative to the density of the project, in reference to the "retirement home," the staff housing, and the faculty housing proposed for the project.

Exhibit "G" shows an additional 17 cabins and 14 faculty housing units. These units coupled with the existing 22 cabins/cabinettes will yield a total density of 53 units. In order to maintain density controls, we recommend that the previously approved density of 20 cabins or units be reinstated. This density can apply to the proposed faculty/staff housing and to the retirement home. Any units proposed over and above 20 units must be subject to a new Special Permit, Use Permit and zoning permit approval.

We further suggest that the following conditions be included also to address concerns raised:

1. A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.
2. All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application.

Please be informed that these concerns will be brought before the Planning Commission also for their consideration to incorporate these concerns as part of the Use Permit, Special Permit and zoning permit approvals.

I hope the above items will clarify concerns raised about the project. Should you have any questions, please do not hesitate to call.



AVERY H. YOUN  
Planning Director

cc: Kahili Adventist School

interest, of importance are the line of sight, and sidewalk for safety. He did not feel the 41 ft. 8 inches building exceeds the maximum height.

Director Youn stated that to be consistent with past practice, staff interpreted the plate line to be where the rafter sits on the wall. If you increase the plate line, it increases the height of the roof. He asked Mr. Yamada if it's proposed for 22 ft. and the CZO says 15 ft., would the applicant be willing to reduce it somewhere in between?

Mr. Yamada felt that to compromise, the Commission would have to accept their interpretation of the plate line. He said the applicant has done a lot to reduce the visual impact; that the building is below the present Lae Nani roofline so it's not going to create an impact; that the applicant has done a lot to try to comply with the requirements.

Mr. Fujita moved to approve staff's recommendation, and the motion was seconded by Mrs. Sialana.

Mr. Contrades questioned, how do you determine the height of the roofline when it is not in the CZO?

Director Youn explained that technically the plate line is where the rafter meets the roof.

Mrs. Sialana supported staff's recommendation because they have been consistent in the past; that this has been staff's position and if we are going to change it at this point to go along with what the applicant perceives it to be, then again we're changing the way it's done. She said if we're challenged, let it go to that extent and perhaps get a clarification at a later time.

The motion was carried by the following roll call vote:

AYES: Sialana, Costa, Dela Cruz, Fujita, Pablo	- 5
NOES: Contrades, Matsumura	- 2
ABSENT, NOT VOTING: None	- 0

22 1987 Additional Conditions of Approval for Special Permit SP-87-13, Use Permit U-87-41 & Class IV Zoning Permit Z-IV-87-51 = Kahili Adventist School: Director Youn reported that relative to concerns raised by the Land Use Commission (per letter dated July 1, 1987), the following additional conditions must be included as part of the approval of the subject permits:

9. Based on the timetable submitted, the applicant shall complete within five (5) years of Land Use Commission approval:
  - a. Expansion of the school program (K-12);
  - b. Agricultural work study program;
  - c. Campground site facilities;
  - d. Health conditioning, physical and spiritual retreat center; and
  - e. Establishment of orchards as per Exhibit "G."
10. The previously approved density of 20 cabins or units shall be reinstated, and shall apply to the additional cabins proposed or the retirement home. Should the number of additional cabins or retirement home units cumulatively exceed 20 units, then new Special, Use, & Class IV Zoning Permits shall be required. In addition to the 20 cabins/units, 14 more faculty/staff housing units (as per Exhibit "G") are permissible.
11. A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.
12. All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application.



Relative to density, the Director explained the Planning Commission approved 20 cabins several years ago and what we are doing is reinstating that density as a cap to apply to additional cabins on the property. Also, a retirement home was approved as part of the application, however, any increase in cabins or retirement facility will require a Use Permit from the Planning Commission. The proposal for faculty and staff houses were limited to 14, as shown on the exhibit. So the condition on density reads that the applicant can have 20 cabins to be applied to further expansion of the recreational cabins or the retirement home, and they are allowed 14 faculty/staff housing units. There is also a condition on the timetable for performance, which is 5 years, to develop items "a" thru "e."

Director Youn said a question was raised by the Land Use Commission staff on this project going into the Conservation District. To clear the matter, a condition was added to the original subdivision that created this lot and have the applicant's engineer come back with a revised map to show that none of this project is within the Conservation District.

The last condition provides the right to review the design for individual projects in the future, since the applicant mentions some large buildings such as a gymnasium, health museum, physical retreat center, etc.

Mr. Fujita moved to approve the additional conditions to Special Permit SP-87-13, Use Permit U-87-41 & Class IV Zoning Permit Z-IV-87-51, as recommended by staff. The motion was seconded by Mrs. Costa and carried.

Subdivision Report: Mrs. Costa moved to approve Subdivision Report No. 2, seconded by Mr. Fujita and carried.

Presentation of Hanalei Cultural Survey: Mrs. Barbara Robeson, Project Coordinator of the Hanalei Project, introduced Mrs. Beryl Blaich, Community Education Coordinator. She explained the goal of the Hanalei Project is community consensus development of a growth management plan for Hanalei in coordination with the County and State. The project began in August of 1985 when the 1000 Friends of Kauai had a community conference in Hanalei. From that conference, they received a grant from the Department of Land and Natural Resources to do a cultural resources management plan, an inventory of the resources in Hanalei, and the boundaries included in the inventory. It lists the resources of Hanalei as far as archaeological, cultural, historical, scenic, open space, as well as beach houses and farm buildings. In March of 1986, realizing that there was a need for further protection of Hanalei, they applied for and received funding from the National Trust for Historic Preservation and a private foundation. Mrs. Robeson said the project will produce a cultural resources management plan, design guideline handbook, and a preservation ordinance that will be drafted by Mr. Max Graham for the County, with the expert guidance of the Planning Director. Community flyers will be mailed to the residents of Hanalei to keep them informed. The project is being guided by an advisory committee and the County.

Planning Director Youn said the Planning Commission will have a direct role in the proposed preservation ordinance as it may become a part of the North Shore Development Plan Ordinance, or an amendment to the zoning ordinance, or a separate ordinance, which means that implementation will be by the Planning Commission. He noted that this project may overlap with the role of the County's Historic Preservation Commission, which will be advisory to the Planning Commission once it is established. The Director envisioned Hanalei becoming a Historic District; that there may be specific guidelines to regulate developments or renovations outside of that district and the Planning Commission will eventually be the administrator of that ordinance.

After some discussion, the Commission recessed for lunch at 11:40 a.m.

Special meeting reconvened in the Council Chambers at the County Building. Chairman Matsumura called the meeting back to order at 1:33 p.m.

UNFINISHED BUSINESS

Use Permit U-87-38, Variance Permit V-87-12 & Class IV Zoning Permit Z-IV-87-48 = Christian Science Society: Since no action was taken at the



TONY T. KUNIMURA  
MAYOR



AVERY H. YOUN  
PLANNING DIRECTOR

TOM H. SHIGEMOTO  
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

COUNTY OF KAUAI  
PLANNING DEPARTMENT  
4280 RICE STREET  
LIHUE, KAUAI, HAWAII 96766

July 31, 1987

Shigenobu Arakaki, Director  
Kahili Adventist School  
P. O. Box 480  
Lawai, Kauai, Hawaii 96765

Subject: Special Permit SP-87-13  
Use Permit U-87-41  
Class IV Zoning Permit Z-IV-87-51  
Kahili Adventist School

This is to inform you that the Planning Commission at its meeting held on July 22, 1987, approved the following additional conditions to Special Permit SP-87-13, Use Permit U-87-41 and Class IV Zoning Permit Z-IV-87-51:

9. Based on the timetable submitted, the applicant shall complete within five (5) years of Land Use Commission approval:
  - a. Expansion of the school program (K-12);
  - b. Agricultural work study program;
  - c. Campground site facilities;
  - d. Health conditioning, physical and spiritual retreat center; and
  - e. Establishment of orchards as per Exhibit "G."
10. The previously approved density of 20 cabins or units shall be reinstated, and shall apply to the additional cabins proposed or the retirement home. Should the number of additional cabins or retirement home units cumulatively exceed 20 units, then new Special, Use, & Class IV Zoning Permits shall be required. In addition to the 20 cabins/units, 14 more faculty/staff housing units (as per Exhibit "G") are permissible.

July 7 1987  
LAND USE COMMISSION  
LIHUE, KAUAI, HAWAII

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Shigenobu Arakaki, Director  
Kahili Adventist School  
Page 2  
July 31, 1987

11. A Conservation District boundary interpretation shall be secured and the subdivision creating the subject lot shall be revised accordingly such that the Conservation District is not included as part of this lot or development.
12. All proposed future buildings (dormitory, health museum, physical retreat center, etc.) shall be subject to design review and approval by the Planning Department prior to building permit application.

Enclosed is a copy of the staff report. Should you have any questions, please call me at 245-3919.



AVERY H. YOUN  
Planning Director

Enclosure

cc: Land Use Commission



LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street  
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE  
Governor

TEOFILO PHIL TACBIAN  
Chairman

FREDERICK P. WHITEMORE  
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden  
Sharon R. Himeno  
Toru Suzuki  
Robert S. Tamaye  
William W. L. Yuen

ESTHER UEDA  
Executive Officer

June 16, 1987

MEMORANDUM

TO: Land Use Commissioners

FROM: Staff *Esther Ueda*

SUBJECT: Special Permit 87-364 filed by Kahili Adventist School for educational, health, church and related facilities

Background Information

The Special Permit application was filed by Kahili Adventist School with the County of Kauai Planning Department on March 18, 1987.

On April 21, 1987, the Land Use Commission received a copy of the Kauai Planning Commission's Notice of Public Hearing for the subject docket. On May 13, 1987 a public hearing was conducted by the County Planning Commission. No public testimony was presented at the hearing.

On May 27, 1987, the Kauai Planning Commission recommended approval of the Special Permit subject to eight conditions. The Special Permit was received by the Land Use Commission on June 4, 1987.

Description of Property

The proposed site, including the access road from Kaumualii Highway, is located within the State Land Use Agricultural District at Koloa, Kauai, Tax Map Key Number 2-7-01: portion of parcel 3 (formerly known as TMK: 2-7-01: portion of parcel 1), consisting of approximately 195.673 acres (hereinafter referred to as the "Property"). According to the State of Hawaii tax map printed on June 8, 1987, and the Commission's Official Map K-8 Koloa, it appears that approximately 1.79 acres of the Property is designated within the State Land Use Conservation District.



The Tax Maps Branch of the City and County Finance Department indicates the Property is owned by Augustus F. Knudsen Trust and Eric A. Knudsen Trust. Hawaiian Association of the Seventh-day Adventists is the lessee of record.

The proposed project will be located in Knudsen Gap, approximately one mile mauka of Kaumualii Highway. The proposed site is generally makai of the Lihue-Koloa Forest Reserve and abuts the Lihue-Koloa District line to the east.

The Property, also known as Kahili Mountain Park, has been used for recreational and educational purposes.

Presently, the proposed site contains approximately 36 structures including existing cabins and those under construction. Fifty percent of the Property has been cleared of natural vegetation and is in pasture or building use. The Property was used to grow lychee commercially. The remaining area consists of steep slope and gully land overgrown with natural vegetation.

According to the U.S. Department of the Interior Geological Survey Orthophotograph dated 1978, and as indicated in a October 13, 1982 letter from McBryde Sugar Company Limited to the Kauai Planning Department, the Property is, except for the forest reserve area, surrounded by sugarcane cultivation.

Soils on the Property are classified by the U.S. Soil Conservation service as Lawai Silty Clay 0-25% slopes and is used for sugarcane cultivation.

The Land Study Bureau's Agriculture Master Productivity Rating System rates the Property as "C", "D", and "E" ("E" being the lowest rating).

The elevation of the makai boundary of the Property is about 640 feet above sea level and rises to about 920 feet at it's mauka most boundary.

No data was supplied as to the Property's archaeological significance.

#### Previous Special Permits Approved for the Property

On December 15, 1967, the Land Use Commission approved Special Permit No. 67-48 to Kahili Mountain Park, Inc. for approximately 150 acres of land to develop a camping-recreational area and facilities to include: a main building with an office, bar restaurant, lounge, game and

storage areas, clusters of tent-like cabins (approximately 16 units each), ball fields, golf driving range, tennis courts, and sanitary facilities. The approval was subject to five conditions.

On September 22, 1975, the Land Use Commission approved Special Permit No. 75-214 to Kahili Mountain Park, Inc. to expand the existing camp to add 20 two-bedroom, one-bath cabins with kitchenettes and other structures on portions of the 215 acre property subject to four conditions. At this time, Kahili Mountain Park contained 15 permanent tent structures, seven cabins, shower and toilet facilities, a utility building, tennis court, supervisor's residence, generator shack, central lodge building, covered furo, garage, stables and a manager's residence.

On December 14, 1983, the Kauai Planning Commission approved Special Permit No. SP83-1 to the Hawaiian Association of Seventh-Day Adventist to relocate the Kauai Adventist School and church from its Omao site to the Kahili Mountain Park subject to 8 conditions. Since the area requested was approximately 14.97 acres, Land Use Commission approval was not required. Presently, none of the proposed cabin structures has been constructed except for two portable classrooms for grades 8-10. A school building to house elementary grades is presently under construction.

#### Summary of Proposed Use

Kahili Adventist School is now proposing to expand its school and church use to include the following:

- 1) Elementary school and playground
- 2) Intermediate school
- 3) Administration/library
- 4) High school/academy
- 5) Junior college
- 6) Student dormitories
- 7) Faculty, staff and retirement homes
- 8) Gymnasium/swimming pool
- 9) Cafeteria/bakery
- 10) Maintenance shops/vocational training/laundry
- 11) Retirement/health conditioning center
- 12) Health museum; conditioning, physical/spiritual retreat areas
- 13) Chapel
- 14) Existing and new cabins
- 15) Lodge (retreat pavillion)
- 16) Furo

- 17) Retreat office/lecture rooms
- 18) Retreat cabins
- 19) Agricultural maintenance, greenhouse and sales
- 20) Parking areas
- 21) Sewage disposal facilities
- 22) Access and interior road improvements
- 23) Water transmission improvements
- 24) Expanded telephone system
- 25) Propane gas storage

Petitioner indicates its goal is to relocate its entire school facility (Kauai Adventist School, grade 1 thru 10), from its present Omao site to the Property. Petitioner proposes to expand its educational facilities and develop an agricultural and work-study program, and a spiritual retreat center, health conditioning center, and health museum to further work study opportunities.

Petitioner proposes the following tentative development timetable and uses:

- 1) Relocation of the present school facility (grades 1 through 10, occupancy completed by September 1987.)
- 2) Expansion of the school program (K through 12, Phase II, 2 to 5 years from start of Phase I).
- 3) Agriculture Work-Study Program to be implemented by Sept. 1987.
- 4) Utilization of current campground facilities to continue operation.
- 5) Future development, relocation, and expansion of campground site facilities.
- 6) Horse stables and boarding to be continued as long as it is feasible.
- 7) Health Conditioning, Physical Retreat Center, Health Museum, and Spiritual Retreat Center.

Access to the Property is provided from the Kaumualii Highway over a 30-foot wide crushed cinder, coral, and dirt cane haul roadway. From that point to the Kahili Mountain Park entrance is a similar type roadway of variable width that permits two-way traffic. Interior roadways are also dirt roads.

Water will be provided from the existing private water system. Petitioner states that with improvements, this



existing system is adequate to handle water requirements for the proposed uses.

All structures are wired for electricity for lighting and outlets. Power is presently supplied by Kauai Electric.

Individual gas cylinders and bulk tank storage provide propane gas, serviced by Gasco, Inc.

A single telephone line is provided by Hawaiian Telephone company at this time, but an expanded phone system is being designed by Hawaiian Telephone and will be installed.

#### State and County Plans and Programs

The Property is located within the State Land Use Agricultural and Conservation Districts as indicated on K-8 Koloa of the Land Use District Boundaries Map and the State Tax Map 2-7-01 for the Island of Kauai.

Kauai County General Plan for the Property is Agriculture. The Property is zoned Agriculture/Open.

#### Agency Concerns

The State Department of Health indicated the following concerns:

- "1. Agricultural activities that require spraying should not encroach towards Grove Farm's drinking water surface supply.
- "2. The applicant shall confer with Department of Health, Hospital and Medical Facility Branch to determine if the proposed "Health Conditioning/Physical Retreat Center" must conform to the requirements of Chapter 98, Special Treatment Facility, of Title 11, Administrative Rules, State of Hawaii.
- "3. No building will be permitted to use cesspools or other individual wastewater systems as a means of sewage disposal if it generates wastewater in excess of 800 gallons per day. If the applicant is considering an alternative method of sewage disposal beside individual wastewater systems, they should be made aware that injection wells will not be permitted for effluent disposal. The proposed development shall conform to Act 282, S.L.H. 1985 and as amended by Act 302, S.L.H. 1986.

- "4. The proposed "Cafeteria/Bakery" shall conform to the requirements of Chapter 1-A, Food Service and Food Establishment Sanitation Code, Public Health Regulations, State of Hawaii.
- "5. The proposed cabins, Faculty homes and student dormitories, shall conform to the requirements of Chapter 14, Housing, of Title 11, Administrative Rules, State of Hawaii.
- "6. The proposed classrooms and other buildings other than dwellings shall conform to the requirements of Chapter 11, Sanitation, of Title 11, Administrative Rules, State of Hawaii.
- "7. The proposed watercress raising site shall be approved by the Department of Health.
- "8. The proposed swimming pool shall conform to the requirements of Chapter 13, Public Swimming Pools, of Title 11, Administrative Rules, State of Hawaii.
- "9. Open burning is prohibited unless an agricultural burning permit is obtained from the Department of Health.
- "10. Grubbed material shall be disposed in a manner and at a site approved by the Department of Health.
- "11. Effective dust and soil erosion control measures shall be implemented during all phases of development by the developer.
- "12. The proposed development shall be provided with potable water from an approved source."

The State Department of Transportation stated that left turn storage lanes on Kaumualii Highway, acceleration and deceleration lanes and street lights be provided.

The County Department of Public Works pointed out that access to the school site does not meet county standards. Also, that a stream traverses through the site, and although the FIA Flood Map does not designate a flood zone or flooding, drainage and flood studies should be made and buildings located away from the 100-year flood inundation limits.

The County Water Department pointed out that they do not have a domestic water system in the area and that the Kahili Mountain Park has its own private water system.

The County Fire Department's concerns included that the access road should have sufficient width, height clearance and driving surface to support fire apparatus and that county water lines with fire hydrants be provided.

Conformance With Special Permits Tests

The Kauai Planning Department provided the following evaluation of the project's conformity to the Special Permit guidelines as set forth in Section 15-15-95(b) of the Land Use Commission Rules:

- "1. The proposed 20-year master plan of school and church-related use for the entire 197+ acres site is not considered contrary to the objectives sought to be accomplished by the Land Use Law and Regulations since agriculture through work study programs will be emphasized within the school curriculum. Inasmuch as the school and church related improvements are dispersed throughout the parcel, a predominant portion will be utilized for agricultural uses.
- "2. The school and church-related uses of the property will not adversely affect the surrounding sugarcane operations of McBryde.
- "3. The development of the property will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and school improvements, and police and fire protection. Applicant will be responsible for any infrastructure improvements required by the State Highways Division, State Health Department, and County Public Works, Water, Fire and Planning Departments.
- "4. No unusual conditions have arisen since the district boundaries and regulations were established. However, a growing trend both locally and statewide has been towards stressing the importance of agriculture and its diversification for local economies. The proposed use in conjunction with an agriculture work-study program can ensure that an educational base to further encourage agriculture exists.
- "5. The Kahili Mountain site has uses occurring that are permissible within the State "Agriculture" Land Use District, such as recreational day camp, raising of livestock, and riding stable and barn with accessory structures. The proposed master planned development



could be considered to be compatible to the Agriculture District on the basis that many of those uses mentioned above will be maintained, although the emphasis will now be placed on education rather than only recreation."

#### Planning Commission Recommendations

The Planning Commission at its meeting held on May 27, 1987, recommended approval of the above Special Permit, subject to the following conditions:

- "1. Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval.

- "2. The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better.
- "3. The improvements required by the State Highways Division shall be provided as required, but no later than 5 years from the date of review and approval by the Land Use Commission.
- "4. As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.
- "5. Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments.
- "6. The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the

permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare.

- "7. Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented.
- "8. The applicant is advised that prior to an/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."

#### Comments

Staff points out the following for the Commission's consideration:

1. The Planning Commission's recommendation does not include a time limit to establish the use as required by Land Use Commission Rule Section 15-15-95(e);
2. It appears that portions of the subject property are within the State Conservation District. Petitioner should obtain a boundary interpretation for the area to clarify the location of the district boundary.
3. Due to the scale and type of uses proposed, Petitioner and/or the county should be requested to clarify why the proposal was not considered for a district boundary amendment instead of a special use permit.
4. Should the Special Use permit be approved, consideration should be given to voiding or withdrawing the previous special use permits granted for the area.

The following materials are attached for the Commission's information:

- 1) Letter dated June 2, 1987 from Tom Shigemoto to the Land Use Commission
- 2) Kauai Planning Department Evaluation of Request (Exhibit B-1c)
- 3) Kauai Planning Department Staff Report and Attachments (Exhibit D-4)

- 4) Transcripts of the May 13, 1987 public hearing
- 5) Notice of Public Hearings
- 6) Special Permit Application
- 7) Special Permit Application for the Kahili Adventist  
School Koloa, Kauai, Hawaii prepared by Kahili Adventist  
School



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
KAHILI ADVENTIST SCHOOL )  
For a Special Permit to Establish )  
a Church, School and Related Uses )  
on Approximately 197.463 acres )  
of Land within the Agricultural )  
District Koloa, Kauai, Tax Map Key )  
Number: 2-7-01: parcel 3 )  
\_\_\_\_\_ )

DOCKET NO. SP87-364  
KAHILI ADVENTIST SCHOOL

**This is to certify that this is a true and correct  
copy of the Decision and Order on file in the office  
of the State Land Use Commission, Honolulu Hawaii.**

AUG 13 1987 by *[Signature]*  
Date Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION AND ORDER

LAND USE COMMISSION  
STATE OF HAWAII  
AUG 13 2 15 PM '87

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )	DOCKET NO. SP87-364
KAHILI ADVENTIST SCHOOL )	
For a Special Permit to Establish )	KAHILI ADVENTIST SCHOOL
a Church, School and Related Uses )	
on Approximately 197.463 acres )	
of Land within the Agricultural )	
District Koloa, Kauai, Tax Map Key )	
Number: 2-7-01: parcel 3 )	
_____ )	

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION AND ORDER

Kahili Adventist School (hereinafter "Petitioner") initiated this proceeding pursuant to Section 205-6, Hawaii Revised Statutes, as amended, and Subchapter 12 of the Hawaii Land Use Commission Rules. The Land Use Commission (hereinafter the "Commission") having considered the entire record on this matter, hereby makes the following findings of fact, conclusions of law and decision and order:

FINDINGS OF FACT

Procedural Matters

1. The Petitioner filed the Special Permit application with the County of Kauai Planning Department (the "Planning Department") on March 18, 1987. The Kauai Planning Commission conducted the public hearing on May 13, 1987. No public testimony was presented at the hearing.

2. On May 27, 1987, the Kauai Planning Commission recommended approval of the Special Permit with eight conditions. A copy of the decision together with the Special Permit record of the proceeding before the Kauai Planning Commission was received by the Commission on June 4, 1987.

Description of Property

3. The proposed site, including the access road from Kaumualii Highway, is located within the State Land Use Agricultural District at Koloa, Kauai, Tax Map Key Number 2-7-01: parcel 3 (formerly known as TMK: 2-7-01: portion of parcel 1), consisting of approximately 197.463 acres (hereinafter referred to as the "Property"). According to the State of Hawaii tax map printed on June 8, 1987, and the Commission's Official Map K-8 Koloa, it appears that approximately 1.79 acres of the Property is designated within the State Land Use Conservation District.

4. The Property is owned by Augustus F. Knudsen Trust and Eric A. Knudsen Trust. Hawaii Association of the Seventh-day Adventist is the lessee.

5. The Property, also known as Kahili Mountain Park, is situated in Knudsen Gap about one mile mauka of Kaumualii Highway and abuts the Lihue-Koloa Forest Reserve. The Property currently contains 36 structures and cabins under construction. Fifty percent of the Property is in pasture or building use and the remaining balance consists of steep slope and gully land overgrown with natural vegetation.



6. Except for the forest reserve area to the north, the Property is surrounded by sugarcane cultivation.

7. Soils on the Property are classified by the U.S. Soil Conservation service as Lawai Silty Clay 0-25% slopes.

8. The Land Study Bureau's Agriculture Master Productivity Rating System rates the Property as "C", "D", and "E" ("E" being the lowest rating).

Previous Special Permits Approved for the Property

9. On December 15, 1967, the Commission approved Special Permit No. 67-48 to Kahili Mountain Park, Inc. for approximately 150 acres of land to develop a camping-recreational area and facilities building subject to five conditions.

10. On September 22, 1975, the Commission approved Special Permit No. 75-214 to Kahili Mountain Park, Inc. to expand the existing camp to add 20 two-bedroom, one-bath cabins with kitchenettes and other structures on portions of the 215 acre property subject to four conditions.

11. On December 14, 1983, the Kauai Planning Commission approved Special Permit No. SP83-1 to the Hawaiian Association of Seventh-Day Adventist to relocate the Kauai Adventist School and church from its Omao site to the Kahili Mountain Park subject to 8 conditions. The area approved was approximately 14.97 acres.

### Summary of Proposed Use

12. Petitioner is requesting the Special Permit to allow the establishment of a school and church use. Petitioner's Masterplan (Exhibit G) includes the following uses and facilities::

- 1) Elementary school and playground
- 2) Intermediate school
- 3) Administration/library
- 4) High school/academy
- 5) Junior college
- 6) Student dormitories
- 7) Faculty, staff and retirement homes
- 8) Gymnasium/swimming pool
- 9) Cafeteria/bakery
- 10) Maintenance shops/vocational training/laundry
- 11) Retirement/health conditioning center
- 12) Health museum; conditioning, physical/spiritual retreat areas
- 13) Chapel
- 14) Existing and new cabins
- 15) Lodge (retreat pavillion)
- 16) Furo
- 17) Retreat office/lecture rooms
- 18) Retreat cabins
- 19) Agricultural maintenance, greenhouse and sales
- 20) Parking areas

- 21) Sewage disposal facilities
- 22) Access and interior road improvements
- 23) Water transmission improvements
- 24) Expanded telephone system
- 25) Propane gas storage

13. More specifically, petitioner's masterplan (Exhibit G) reflects a total of 53 housing units, which are either existing and proposed (14 faculty housing units and 39 existing or proposed cabins).

14. Petitioner indicates its goal is to relocate its entire school facility (Kauai Adventist School, grade 1 thru 10), from its present Omao site to the Property. Petitioner proposes to expand its educational facilities and develop an agricultural and work-study program, and a spiritual retreat center, health conditioning center, and health museum to further work study opportunities.

15. Petitioner proposes to provide access to the Property from Kaumualii Highway over a 30-foot wide crushed cinder, coral, and dirt cane haul roadway.

16. Petitioner will provide water from the existing private water system. Petitioner states that with improvements, this system is adequate to accommodate water requirements.

17. All structures are wired for electricity for lighting and outlets. Power is presently supplied by Kauai Electric.



18. Individual gas cylinders and bulk tank storage provide propane gas, serviced by Gasco, Inc.

19. A single telephone line is provided by Hawaiian Telephone company at this time, but an expanded phone system is being designed by Hawaiian Telephone and will be installed.

20. Petitioner's tentative development timetable indicates that relocation of the present school facility (grades 1 through 10) would be completed by September 1987; the agriculture work study program would be implemented by September 1987 and the expansion of the school program (K through 12, Phase II) would be implemented 2 to 5 years from the start of Phase I.

#### State and County Plans and Programs

21. The Property is located within the State Land Use Agricultural and Conservation Districts as indicated on K-8 Koloa of the Land Use District Boundaries Map and the State Tax Map 2-7-01 for the Island of Kauai.

22. The Kauai County General Plan designation for the Property is Agriculture. The Property is zoned Agriculture/Open.

#### Summary of Major Concerns

23. The State Department of Health indicated that the proposed use may have an impact on Grove Farm's drinking water due to agricultural activities that require pesticides application; sewage disposal by individual cesspools may

adversely impact groundwater in the area, and potable water should be made available to the proposed development.

24. The State Department of Transportation stated that left turn storage lanes on Kaumualii Highway, acceleration and deceleration lanes and street lights should be provided.

25. The County Department of Public Works pointed out that access to the school site does not meet county standards and that drainage and flood studies should be made and buildings located away from the 100-year flood inundation limits.

#### Conformance With Special Permit Tests

26. The proposed school and church-related use of the Property is not considered contrary to the objectives sought to be accomplished by the Land Use Law since agriculture through work study programs will be emphasized within the school curriculum. Inasmuch as the school and church related improvements are dispersed throughout the parcel, a predominant portion will be utilized for agricultural uses.

27. The proposed development contains uses permissible in and compatible to the Agricultural District.

28. The school and church-related uses of the Property will not adversely affect the surrounding sugarcane operations of McBryde Sugar Company.

29. The development of the Property will not unreasonably burden public agencies to provide roads and

streets, sewers, water, drainage, and school improvements, and police and fire protection. Petitioner will be responsible for infrastructure improvements required by the State Highways Division, State Health Department, and County Public Works, Water, Fire and Planning Departments.

30. No unusual conditions have arisen since the district boundaries were established. However, the proposed use in conjunction with an agriculture work-study program can ensure that an educational base to encourage agriculture exists.

Planning Commission Recommendations

31. At its meeting held on May 27, 1987, the Planning Commission recommended approval of the Special Permit, subject to the following conditions:

- "1. Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval.

- "2. The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better.



- "3. The improvements required by the State Highways Division shall be provided as required, but no later than 5 years from the date of review and approval by the Land Use Commission.
- "4. As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.
- "5. Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments.
- "6. The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare.
- "7. Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented.
- "8. The applicant is advised that prior to an/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."

#### CONCLUSIONS OF LAW

The proposed use is an "unusual and reasonable" use as defined in Chapter 205-6, Hawaii Revised Statutes and the proposed use is not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.

ORDER

IT IS HEREBY ORDERED that Special Permit Docket Number 87-364 filed by Kahili Adventist School to establish a church, school and related uses on a portion of the Property, consisting of approximately 195.673 acres, situated within the State Land Use Agricultural District at Koloa, Kauai, Tax Map Key Number 2-7-01: portion of parcel 3, be approved subject to the following conditions as recommended by the Kauai Planning Commission:

1. Interior roadway and waterline improvements shall be provided and/or extended in order to service all further development on the property. Such improvements shall be provided prior to the issuance of an occupancy permit.

Interior roadway improvements shall constitute a 16 ft. penetration base treatment or better roadway width; waterline improvements shall constitute the provision of the necessary pipe width to provide sufficient fire flows. Asphalt concrete or concrete roadway improvements to the interior roadways shall be provided within 5 years from the date of Land Use Commission approval.

2. The applicant shall provide an all weather surface from Kaumualii Highway to the school within 5 years from the date of review and approval by the Land Use Commission, or earlier. All weather surface shall mean provision of penetration base treatment or better.

3. The improvements required by the State Highways Division shall be provided as required, but no later than 5 years from the date of review and approval by the Land Use Commission.

4. As recommended by the Public Works Department, drainage and flood studies shall be made prior to additional development of the property.

5. Applicant shall discuss, resolve and comply with the requirements of the State Health Department and Highways Division, and the County Public Works, Fire and Water Departments.

6. The Planning Commission reserves the right to impose additional conditions or restrictions, or revoke the permits through proper procedures, should problems be generated from this project that are detrimental to public health, safety and welfare.

7. Applicant shall submit a copy of the education curriculum each Fall to the Planning Department in order to verify the provision of an agricultural-work study program as represented.

8. The applicant is advised that prior to an/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."



DOCKET NO. SP87-364 - KAHILI ADVENTIST SCHOOL

Done at Honolulu, Hawaii, this 13th day of August 1987,  
per motions on July 14, 1987 and August 12, 1987.

LAND USE COMMISSION  
STATE OF HAWAII

By *T. P. Tacbian*  
TEOFILO PHIL TACBIAN  
Chairman and Commissioner

By *Frederick P. Whittemore*  
FREDERICK P. WHITTEMORE  
Vice Chairman and Commissioner

By *Toru Suzuki*  
TORU SUZUKI  
Commissioner

By *Lawrence F. Chun*  
LAWRENCE F. CHUN  
Commissioner

By *Sharon R. Himeno*  
SHARON R. HIMENO  
Commissioner

By *Renton L. K. Nip*  
RENTON L. K. NIP  
Commissioner

By *Richard B. F. Choy*  
RICHARD B. F. CHOY  
Commissioner

By *Robert S. Tamaye*  
ROBERT S. TAMAYE  
Commissioner

STATE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of )	DOCKET NO. SP87-364
KAHILI ADVENTIST SCHOOL )	
For a Special Permit to Establish )	KAHILI ADVENTIST SCHOOL
a Church, School and Related Uses )	
on Approximately 197.463 acres )	
of Land within the Agricultural )	
District Koloa, Kauai, Tax Map Key )	
Number: 2-7-01: parcel 3 )	
_____ )	


CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

EVERY YOUNG, Planning Director  
Planning Department  
County of Kauai  
4280 Rice Street  
Lihue, Hawaii 96766

SHIGENOBU ARAKAKI, Director  
Kahili Adventist School  
P. O. Box 480  
Lawai, Hawaii 96765

Dated: Honolulu, Hawaii, this 13th day of August 1987.

  
\_\_\_\_\_  
ESTHER UEDA  
Executive Officer

SP87-364 - KAHILI ADVENTIST SCHOOL (Kauai)  
(First Amendment)  
LUC MAPS 1 & 2

MAPS



# SP87-364 KAHILI ADVENTIST SCH.

## MAP NO.2

### PETITION AREA

**SP67-48 and SP75-214**  
**KAHILI MOUNTAIN PARK,**  
**INCORPORATED.**  
(150 AC. CAMPING-RECREATIONAL FACILITY)

NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current. Refer to Administrative Directive 24-68 (Rev.) dated November 21, 1968, as amended by RPP Procedure 4-76, dated July 2, 1976.

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
FOURTH DIVISION		
ZONE	SEC.	PLAT
2	7	01
CONTAINING PARCELS		
SCALE: 1 in. = 600 ft.		

PRINTED JUN 8 1987

PORTION OF KOLOA (Mauka Ld. Ct. App 956) KOLOA, KAUAI.

SUBJECT TO CHANGE

HIGHWAY

HULEIA

STREAM

KAUMUALII

INSET  
Scale 1 in. = 600 ft.

App.

FOREST  
RESERVE

APP

FOREST  
CT.

LIHUE

LAWAI-KOLOA BOUNDARY

LIHUE-KOLOA FOREST RESERVE LINE

Perpetual Easement in favor of M.B. & L. Sug. Co.  
TRANSMISSION LINE  
60 FT. WIDE

KALAEHO  
SECTION 4 PLAT 03

SECTION 4

ZONE 3 SECTION 4

ZONE 1 3 K SEC. 4 U

True North  
1" = 600'

Notes: All lots owned by  
C.T. Knudsen Trust - 50  
Eric A. Knudsen Trust - 10  
unless otherwise noted

2974  
Taxation Maps Bureau  
Source: P.C.F. AL. Sept. 1986  
By



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

LAND USE DISTRICT BOUNDARIES		
DISTRICT MAP	STATE OF HAWAII LAND USE COMMISSION DEPT. OF PLANNING & ECONOMIC DEVELOPMENT EFFECTIVE DATE: DEC 20 1974	DISTRICTS U = URBAN R = RURAL A = AGRICULTURAL C = CONSERVATION
K-8		

KOLOA QUADRANGLE  
HAWAII-ISLAND AND COUNTY OF KAUAI  
7.5 MINUTE SERIES (TOPOGRAPHIC)

PETITION  
AREA

KALAHOE

OMAO

LAWAI

KOLOA

SP87-364 / KAHILI

ADVENTIST SCHOOL

(FIRST AMENDMENT) MAP NO. 1

Map of the Island of Hawaii, scale 1:62,500, is available  
KOLOA, HAWAII  
N2152-W15925/7.5

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KOLOA, HAWAII  
N2152-W15925/7.5

LAND USE DISTRICT BOUNDARIES	STATE OF HAWAII LAND USE COMMISSION DEPT. OF PLANNING & ECONOMIC DEVELOPMENT EFFECTIVE DATE: DEC 20 1974	DISTRICTS U = URBAN R = RURAL A = AGRICULTURAL C = CONSERVATION
K-8		



**MAP NO. 1**

**PETITION AREA**

**SP87-364**

**KAHILI ADVENTIST SCHOOL**

The map shows a topographic view of the Kilauea Iki area in Hawaii. It features various geographical features such as mountains, valleys, and streams. Key locations labeled include Kilauea Iki, Kilauea Point, and Kilauea Bay. The map is overlaid with a large, stylized text 'MAP NO. 1' at the top left, 'PETITION AREA' in a box at the top right, 'SP87-364' in the center, and 'KAHILI ADVENTIST SCHOOL' at the bottom. The map includes labels for 'KAHILI ADVENTIST SCHOOL' and 'KAHILI ADVENTIST SCHOOL'.

[illegible][illegible][illegible]





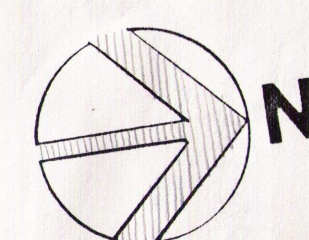
Building Legend

- 1) Elementary School and Playground
- 2) Intermediate School
- 3) Administration/Library
- 4) High School/Academy
- 5) Junior college
- 6) Student Dormitories
- 7) Faculty Homes
- 8) Gymnasium/Swimming Pool
- 9) Cafeteria/Bakery
- 10) Maintenance Shops/Vocational Training/Laundry
- 11) Retirement/Health Conditioning Center
- 12) Health Museum; Conditioning, Physical/Spiritual Retreat Areas
- 13) Chapel
- 14) Existing Cabins
- 15) Existing/New Cabins
- 16) Lodge (Retreat Pavilion)
- 17) Furo
- 18) Retreat Office/Lecture Rooms
- 19) Retreat Cabins
- 20) Agricultural Maintenance, Greenhouse and Sales

Kahili Mountain Adventist School • Kauai  
Hawaii Conference of Seventh-Day Adventists

"The Standard of True Education"

KAUAIKAKA & CHUN  
ARCHITECTS



0 200 400 800

EXHIBIT G  
Proposed Development

1"=200'-0"



# SP87-364 / KAHILI ADVENTIST SCHOOL

## (FIRST AMENDMENT)

## MAP NO 2

**PETITION  
AREA**

**SP67-48 & SP75-214**

**KAHILI MOUNTAIN PARK, INC.  
(150 ACRES CAMP'G. & REG. FAC.)**

Check 3 times to insure a correct reading on this map. The map is not to be used for any other purpose than that for which it was prepared.

TAXATION MAPS BUREAU TERRITORY OF HAWAII			
TAX MAP			
ZONE	SEC.	DIVISION	PLAT
2	7	01	
CONTAINING PARCELS			
SCALE: 1 in = 800 ft.			
PRINTED JUN 13 1989			