

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

[Signature]
Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION AND ORDER

LAND USE COMMISSION
STATE OF HAWAII
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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 Kaunualii 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.

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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