

LAND USE COMMISSION
STATE OF HAWAII

BELLES GRAHAM PROUDFOOT WILSON & CHUN, LLP

2014 DEC 12 A 6:37

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Attorney for Owner,
ERIC A. KNUDSEN TRUST

BEFORE THE LAND USE COMMISSION
OF THE
STATE OF HAWAII

In The Matter Of The Petition)	SP87-364
)	
Of)	
)	
KAHILI ADVENTIST SCHOOL for a)	OWNER'S STATUS REPORT;
Special Permit to Establish a Church,)	EXHIBITS "A" AND "B";
School and Related Uses on Approximately)	CERTIFICATE OF SERVICE
197.463 acres of land within the Agricultural)	
District situated at Koloa, Kauai, Hawaii,)	
identified by Kauai Tax Map Key)	
No. (4) 2-7-001:003.)	
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**OWNER'S STATUS REPORT RE:
KAHILI ADVENTIST SCHOOL PETITION
(SP87-364)**

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OWNER'S STATUS REPORT

Comes now the ERIC A. KNUDSEN TRUST, the owner of the Property which is the subject of the above-captioned proceedings, by and through its undersigned attorney, and hereby submits the following Status Report:

SECTION 1. APPLICANT/SUBJECT PROPERTY/OWNER.

1.1 Applicant. The original applicant in this matter was the HAWAII CONFERENCE OF SEVENTH-DAY ADVENTIST (f.n.a. Hawaiian Association of Seventh-Day Adventist, d.b.a. Kahili Adventist School).

1.2 Subject Property. The property which is the subject matter of this Petition ("Subject Property") is described as Lot 396 of Land Court Application No. 956 (Map 93), located in Koloa, Kauai, Hawaii, identified by Kauai Tax Map Key No. (4) 2-7-001:003. The Subject Property contains approximately 197.463 acres.

1.3 Ownership. The ERIC A. KNUDSEN TRUST ("Knudsen Trust") is the owner of the Subject Property.

SECTION 2. LOCATION AND LAND USE DESIGNATIONS OF PROPERTY.

2.1 Location. The Subject Property is located in Koloa, Kauai, Hawaii, and is shown on the Location Map *[Exhibit "A-1"]* and on Tax Map 2-7-001 *[Exhibit "A-2"]*.

2.2 Land Use Designations. The respective State Land Use Commission ("SLUC"), Kaaui General Plan, County of Kauai Comprehensive Zoning Ordinance ("CZO"), and other relevant land use designations for the Subject Property are as follows:

2.2.1 SLUC. As shown on the Land Use District Boundary Map *[Exhibit "A-5"]*, the Subject Property is located in the State Land Use Commission ("SLUC") Agricultural District.

2.2.2 Kaua'i General Plan. As shown on the General Plan Map *[Exhibit "A-6"]*, the Subject Property is located in the Kaua'i General Plan Agriculture Land Use Designation.

2.2.3 CZO. As shown on the Zoning Map *[Exhibit "A-4"]*, the Subject Property is located in the CZO Open District.

2.2.4 Development Plan Area. The Subject Property is located within the Koloa-Poipu-Kalaheo Development Plan Area. The Subject Property has been located within the Koloa-Poipu-Kalaheo Development Plan Area since the original adoption of the Koloa-Poipu-Kalaheo Development Plan (Ord. No. 254, June 16, 1975).

2.2.5 Special Management Area. None of the Subject Property is located within the Special Management Area ("SMA") of the County of Kauai.

2.2.6 Violations. There are no existing violations of any land use laws or regulations on the Subject Property.

2.2.7 Land Use Conditions. The Subject Property is subject to the land use conditions described below.

SECTION 3. PAST, EXISTING AND PROPOSED USES OF SUBJECT PROPERTY.

3.1 Past and Existing Uses. The Subject Property has been used for agricultural purposes, commercial recreational purposes, and church and school purposes, as described in the following sections, and as shown on the Chronology (Kahili Mountain Park) attached as *Exhibit "D-1"*.

3.2 Agricultural Uses. Prior to 1967, the area which is now the Subject Property was used for agricultural purposes, including as a lychee tree and macadamia nut tree orchard.

3.3 First KMP Permit. In 1967, the SLUC approved Special Permit SP67-48 for Kahili Mountain Park, which included a 50 acre portion of the area which is now the Subject Property ("First KMP Permit"). As described in *Exhibit "B-2"*, this Special Permit allowed: the operation of a Restaurant/Bar facility; 16 camping facilities ("Cottages"); a Horse Riding facility; and various recreational facilities. The Special Permit was subject to five (5) conditions of approval. The Knudsen Trust and the Augustus F. Knudsen Trust ("AFK Trust") were the owners. Eric Knudsen, d.b.a. Kahili Mountain Park, Inc. ("KMP, Inc."), was the applicant.

3.4 Second KMP Permit. In 1975, the SLUC approved Special Permit SP75-214 for Kahili Mountain Park, which included an expanded 215 acre portion of the area which is now the Subject Property ("Second KMP Permit"). As described in *Exhibit "B-3"*, this Special Permit allowed: the existing facilities (including a Central Lodge, a Supervisor's Residence, 15 Tent Platforms, and 7 Cottages); a new Recreation Building; and 20 new Cottages (2 bedroom/1 bathroom/1 kitchen). The Special Permit was subject to four (4) conditions of approval. The Knudsen Trust and the AFK Trust were the owners, and KMP, Inc. was the applicant.

3.5 Kahili Adventist School Permit. In 1987, the SLUC approved Special Permit SP87-364 for the Kahili Adventist School on the Subject Property ("School Permit"). By this time, a new Lot 396 had been created which includes all of what is described as the Subject Property. The applicant was the Hawaiian Association of Seventh-Day Adventist, now known as Hawaii Conference of Seventh-Day Adventist ("SDA"), which was doing business as Kahili Adventist School. SDA had acquired a leasehold interest in the Subject Property by a Lease dated December 31, 1984 between the Knudsen Trust and AFK Trust, as Lessors, and SDA, as Lessee.

As described in *Exhibit "B-4"*, this Special Permit allowed structures and uses related to the operation of an elementary and intermediate school, including: a school building; a gymnasium; a chapel; new cabins/cabinettes; staff housing; office; existing Cottages; and various accessory facilities. The existing structures are shown on the Site Plan attached as *Exhibit "A-3"* and are described in the KMP As Built Building Index attached as *Exhibit "A-7"*.

3.6 Present Use/Status of Conditions.

3.6.1 Lease Cancellation. In 2000, the AFK Trust was dissolved. As part of a partition of properties jointly owned by the Knudsen Trust and the AFK Trust, the Knudsen Trust became the sole owner of the Subject Property. Thereafter, in 2003, litigation arose between the Knudsen Trust and SDA concerning SDA's use of the Subject Property, including SDA's commercial renting of the Cottages and camping facilities at KMP for short-term rentals (transient vacation rentals). That litigation was resolved pursuant to a settlement agreement between the parties which provided that the Lease would be terminated as of June 30, 2014. Since then, SDA has vacated the Subject Property and the Kahili Adventist School is no longer in operation. SDA provided the SLUC with notice of the Lease cancellation by letter dated August 12, 2014.

3.6.2 Status of Conditions. It appears, based on a review of the last SDA Status Report letter dated April 26, 2013, that all of the Conditions of Approval for the School Permit are being adhered to, with the exception of Condition 7 relating to the educational curriculum (agriculture work study program).

3.7 Proposed Uses. The Knudsen Trust has not had sufficient time to evaluate its future use of the Subject Property. The Knudsen Trust initially approached some parties concerning the continued operation of an elementary/intermediate school on the Subject Property, but there appears to be little or no interest in this proposal. The Knudsen Trust has no intent in operating a school on the site on its own.

Other possible alternatives for the Subject Property include the following activities (or some combination thereof):

- a. Agricultural activities.
- b. Commercial recreational activities.
- c. Transient vacation rentals of the campsites and Cottages.
- d. Social events (e.g., weddings, parties, retreats).
- e. Development of farm dwellings.

The Knudsen Trust will need time to evaluate potential future uses. As a result, the Knudsen Trust is requesting an extension of time until July 1, 2015, to report to the SLUC concerning the status of SP87-364.

SECTION 4. CONCLUSION.

The Eric A. Knudsen Trust respectfully requests that the Land Use Commission of the State of Hawaii grant it an extension of time until July 1, 2015, to report on the status of Special Permit SP87-364.

DATED: Lihue, Kauai, Hawaii, December 10, 2014.

BELLES GRAHAM PROUDFOOT
WILSON & CHUN, LLP


By _____

MAX W. J. GRAHAM, JR.
Attorney for Owner,
ERIC A. KNUDSEN TRUST

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 situated at Koloa, Kauai, Hawaii, identified by Kauai Tax Map Key No. (4) 2-7-001:003; **OWNER'S STATUS REPORT; EXHIBITS "A" AND "B"; CERTIFICATE OF SERVICE**

EXHIBIT LIST

(Eric A. Knudsen Trust Status Report re: Kahili Adventist School)

EXHIBIT

A. MAPS

Location Map.....	A-1
Tax Map (2-7-01)	A-2
Site Plan.....	A-3
Zoning Map	A-4
Land Use District Boundary Map	A-5
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B. PERMIT SUMMARIES

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First KMP Permit (SP67-48).....	B-2
Second KMP Permit (SP75-214).....	B-3
Kahili Adventist School Permit (SP87-364).....	B-4

EXHIBIT "A-1"

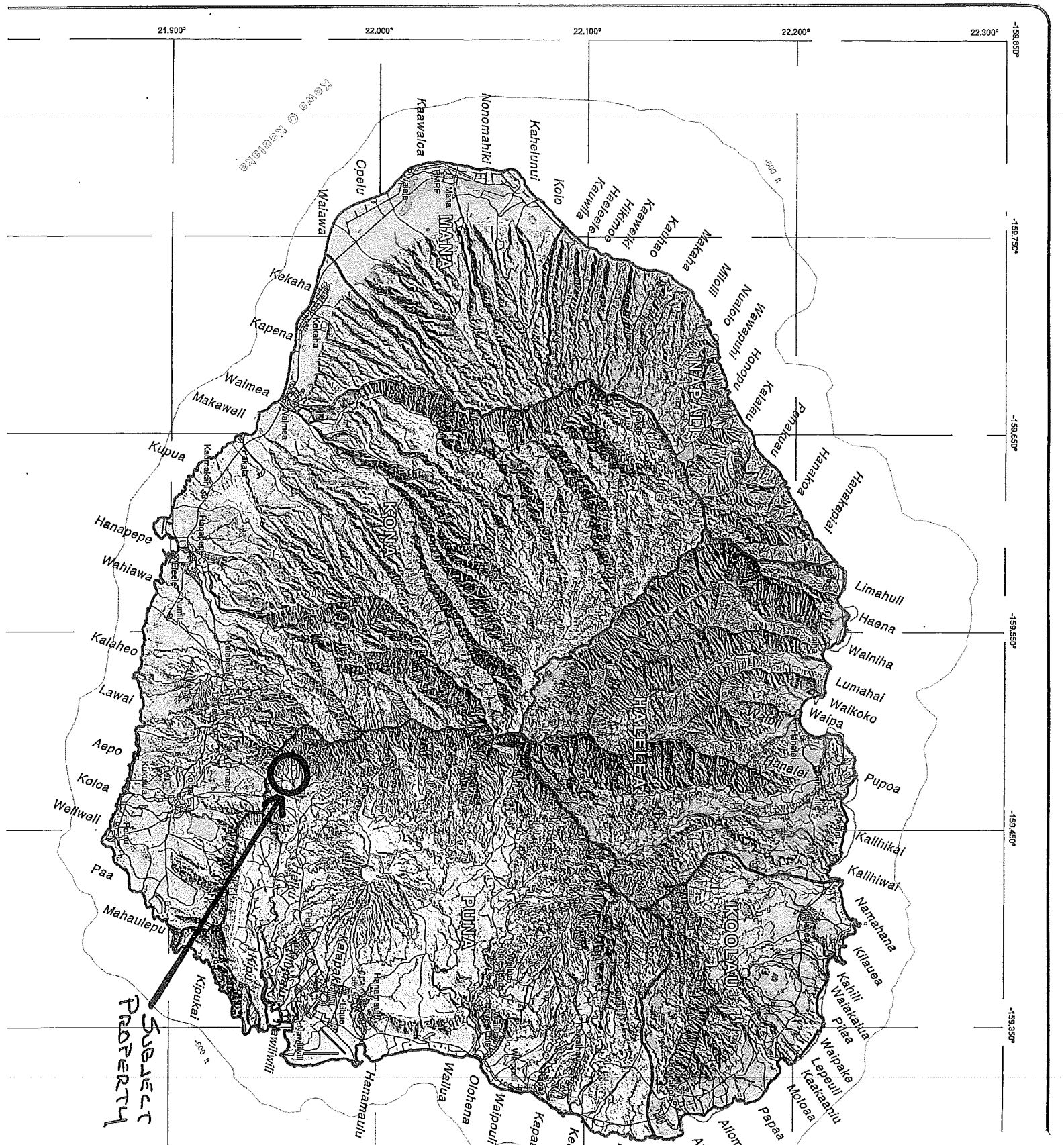
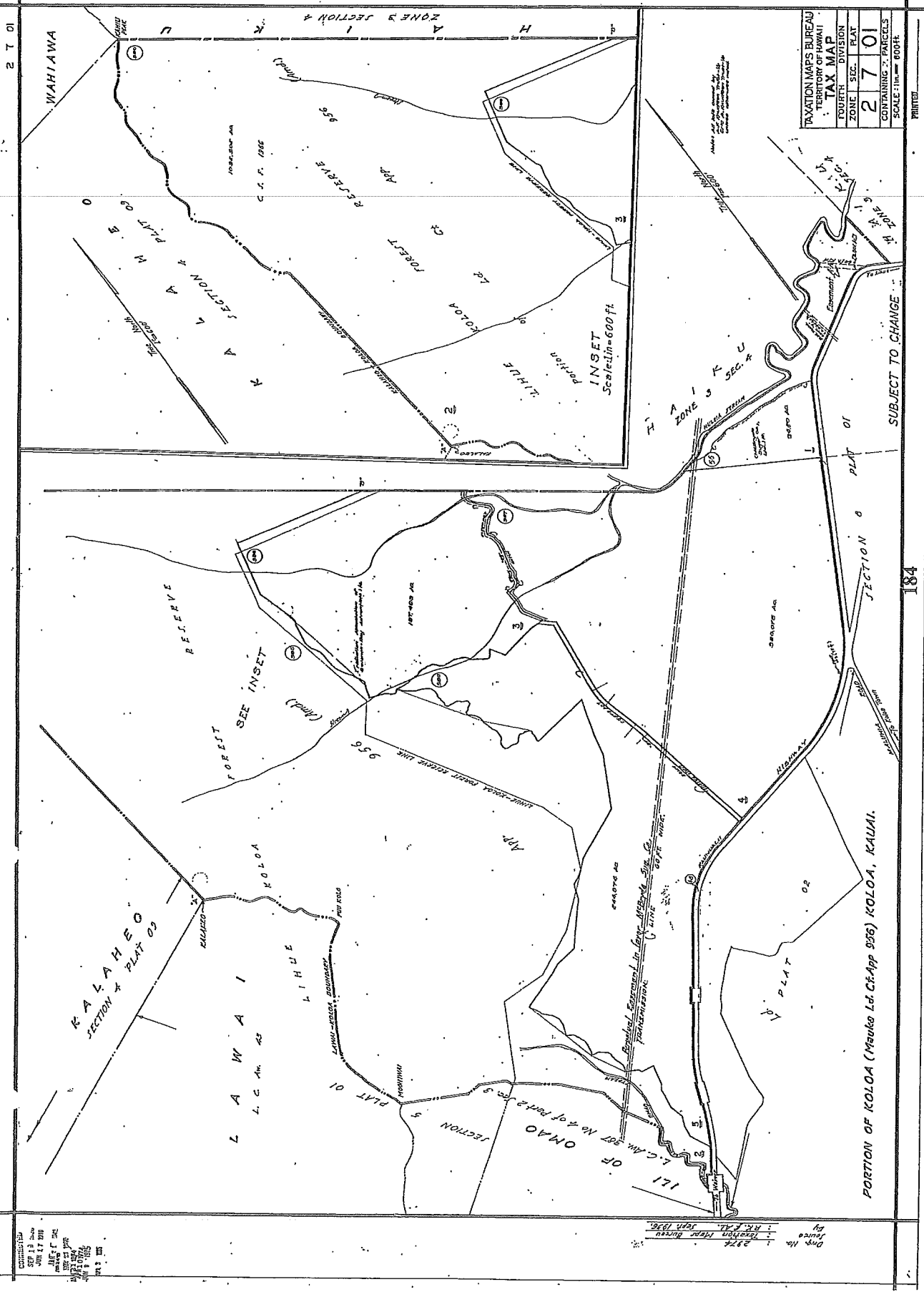


EXHIBIT "A-1"

EXHIBIT "A-2"

2701



TAXATION MAPS BUREAU
REVISION MAP
TOURIST TAX MAP
ZONE 1 SEC. 1 PLAT
ZONE 2 SEC. 2 PLAT
ZONE 3 SEC. 3 PLAT
ZONE 4 SEC. 4 PLAT
ZONE 5 SEC. 5 PLAT
ZONE 6 SEC. 6 PLAT
ZONE 7 SEC. 7 PLAT
ZONE 8 SEC. 8 PLAT
ZONE 9 SEC. 9 PLAT
ZONE 10 SEC. 10 PLAT
ZONE 11 SEC. 11 PLAT
ZONE 12 SEC. 12 PLAT
ZONE 13 SEC. 13 PLAT
ZONE 14 SEC. 14 PLAT
ZONE 15 SEC. 15 PLAT
ZONE 16 SEC. 16 PLAT
ZONE 17 SEC. 17 PLAT
ZONE 18 SEC. 18 PLAT
ZONE 19 SEC. 19 PLAT
ZONE 20 SEC. 20 PLAT
SCALE: 1 in. = 600 ft.

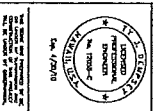
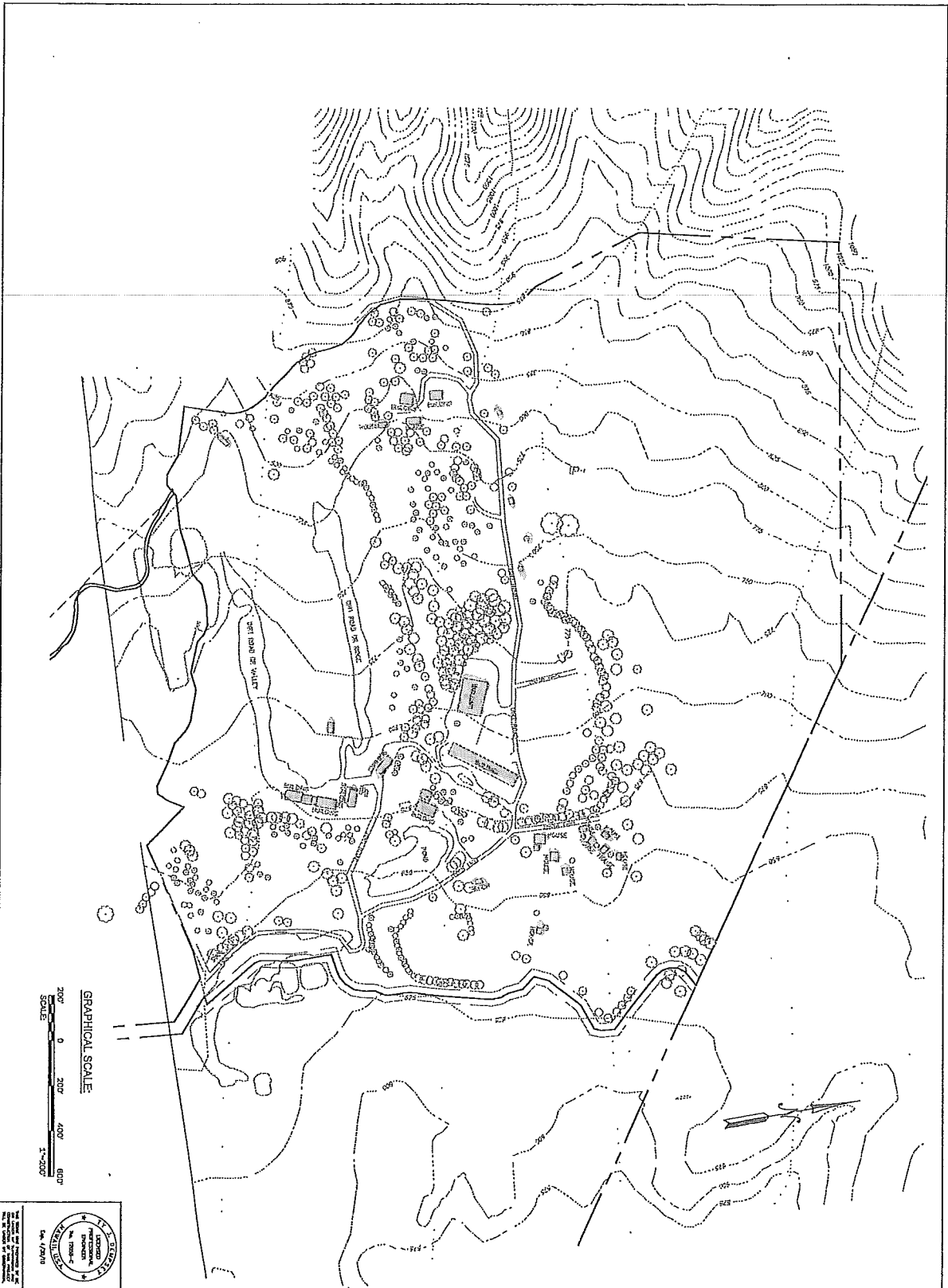
PORTION OF KOLOA (Mauike Ld. C.S. App. 956) KOLOA, KALAU.

SUBJECT TO CHANGE

Date of Issue: 1956
 Date of Revision: 1956
 Date of Survey: 1956
 Date of Map: 1956
 Date of Plan: 1956
 Date of Section: 1956
 Date of Plot: 1956
 Date of Zone: 1956
 Date of Tax: 1956
 Date of Map: 1956
 Date of Plan: 1956
 Date of Section: 1956
 Date of Plot: 1956
 Date of Zone: 1956
 Date of Tax: 1956

Date: 2/27/56
 By: R.M. F. J. L.
 Title: Taxation Maps Bureau
 Date: 2/27/56
 By: R.M. F. J. L.
 Title: Taxation Maps Bureau

EXHIBIT "A-3"



REVISIONS

NO.	DATE	DESCRIPTION	BY	APPROVED

PROJECT: **KAHILI MOUNTAIN PARK CTR**
 TMAc 2-4-03b 2-4033 Keolu Road, Keolu, HI 96758

PRELIMINARY BASE MAP

OWNER: **KOLOA, KAUAI, HAWAII**
 PROJECT NO. 2878

DATE: 12/1/2019

LYON
 ENGINEERS
 1111 South King Street
 Honolulu, HI 96813
 Phone: (808) 531-1111
 Fax: (808) 531-1112
 www.lyoneng.com

C-1

EXHIBIT "A-3"

EXHIBIT "A-4"

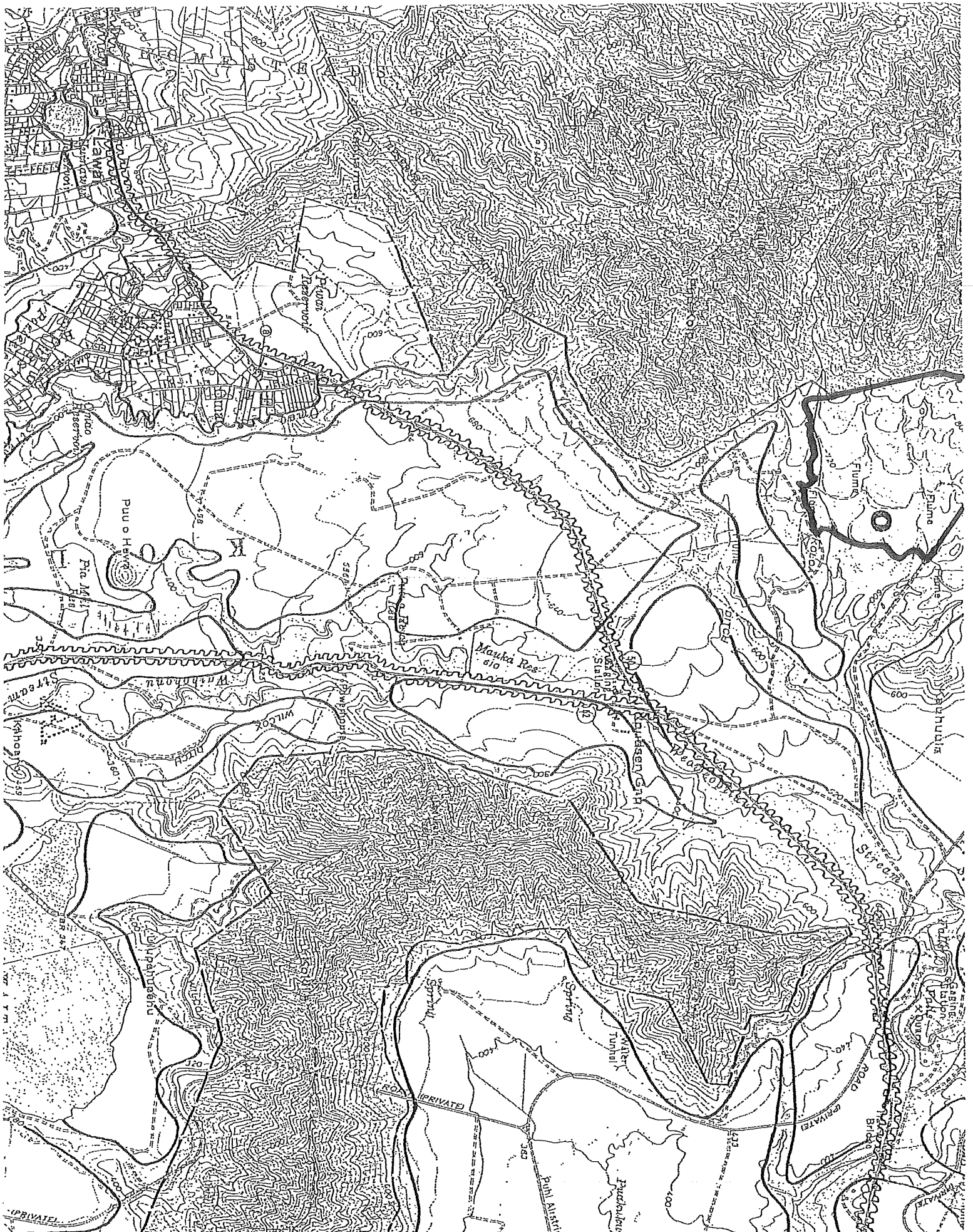


EXHIBIT "A-4"

EXHIBIT "A-5"

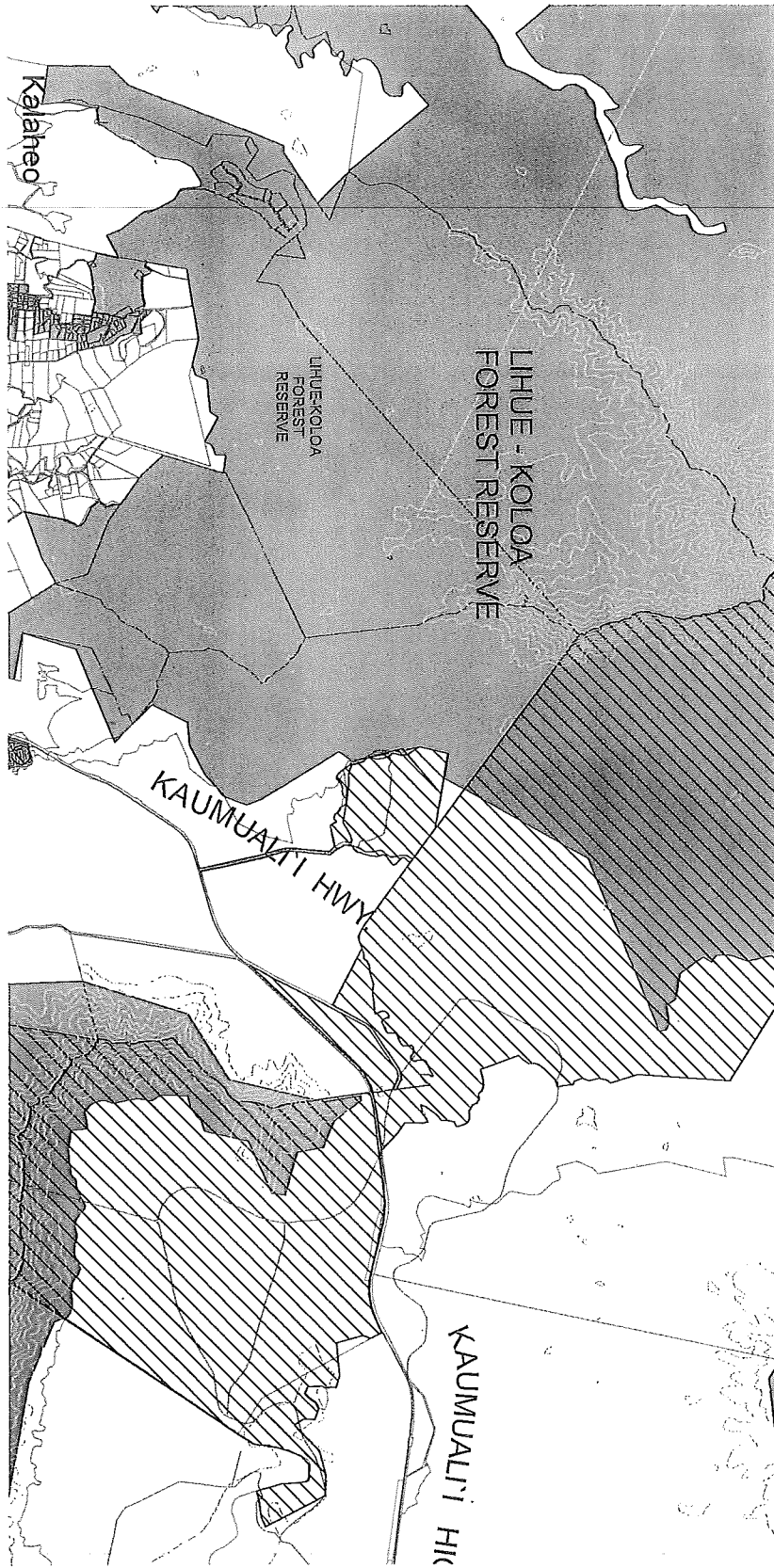
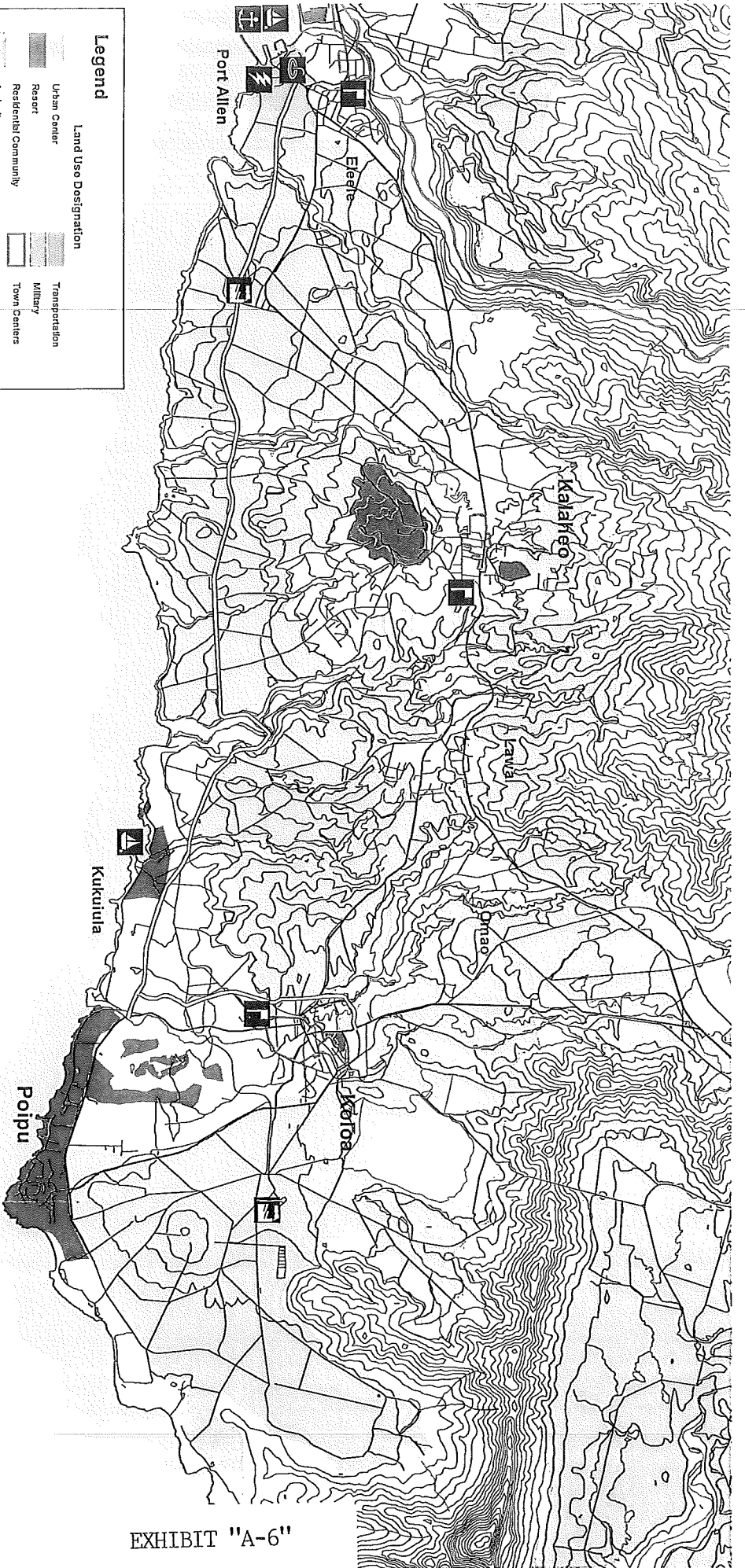
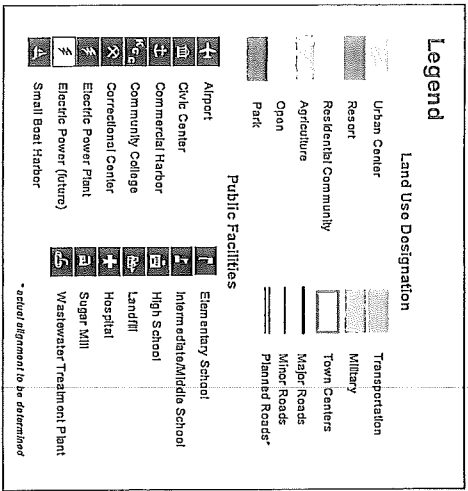


EXHIBIT "A-5"

EXHIBIT "A-6"



Koloa-Poipu-Kalahoe Planning District Land Use Map



EXHIBIT "A-6"

EXHIBIT "A-7"

Kahili Mountain Park As built building documentation project				
Building #	Description of building	Kahili Mountain Park Designation	Total area	Living area
1	Office / Dwelling	Office/staff housing		
2	2 BR Dwelling	Staff housing		
3		Staff housing		
4	similar to 19	New Cabinette		
5	similar to 19	New Cabinette		
6	similar to 19	New Cabinette		
7	similar to 19	New Cabinette		
8	similar to 14	Rustic Old Cabinette		
9	similar to 19	Rustic Old Cabinette		
10	similar to 14	Rustic Old Cabinette		
11	similar to 14	Rustic Old Cabinette		
12	similar to 14	Rustic Old Cabinette		
13	Potting Building	Potting shed		
14		Rustic Old Cabinette		
15	similar to 19	New Cabinette		
16	similar to 19	New Cabinette		
17	similar to 19	New Cabinette		
18	similar to 19	New Cabinette		
19	similar to 19	New Cabinette		
20	Dwelling	Staff housing		
21	Old Cabin	Old Cabin		
22	1 br cabin	Old Cabin		
23	1 br cabin	Old Cabin		
24		Old Cabin		
25		Old Cabin		
26		Old Cabin		
27		Old Cabin		

28		Old Cabin		
29		Old Cabin		
30		Old Cabin		
31		New Cabin		
32		New Cabin		
33		New Cabin		
34		New Cabin		
35		New Cabin		
36		Canvasback 36		
37		Staff housing		
38		Staff housing		
39		Staff housing		
40		Staff housing		
41		Staff housing		
42		Staff housing		
43		Staff housing		
44		School		
45		Generator building /storage		
46		Lodge		
47		Chapel		
48		Classroom		
49		Gymnasium		
50		Water tank		
51		Workshop		
52		Storage shed		
53		Water pump shed		
54		small water storage tank		
55		Carpport		
56		water pump shed		
57		small water pump shed		
58		covered horse stable		
59		Small horse stable		

60		Storage shed behind gym.		
61		Pigeon Coup		
62		outdoor laundry building		
63		outdoor shower building		
64		outdoor bathroom building 1		
65		outdoor bathroom building 2		
66		detached carport / storage		
67		Hot Tub Building		
68		Barn		
69		Metal storage building		
70		Metal workshop building		
71		Ag storage shed		
72		Industrial carport structure		
73		Storage Shed End of road		
74		Shed		
75		Extended Carport Structure		

EXHIBIT "B-1"

CHRONOLOGY
(KAHILI MOUNTAIN PARK)

1936

August 11 Lot 49 and Lot 50 registered in Land Court as shown on Map 3 of Land Court Application No. 956 (Owners: Eric A. Knudsen Trust/Augustus F. Knudsen Trust)

1967

October 23 County of Kauai, Planning and Traffic Commission, approves SP67-48 (First KMP Permit)

December 15 SLUC approves SP67-48 (First KMP Permit)

1969

October 31 SLUC approves deletion of Condition 4 of SP67-48 (First KMP Permit)

1973

November 16 Lot 49 subdivided into Lot 49-A, et.al., as shown on Map 47, Land Court Application No. 956 (Owners: Eric A. Knudsen Trust/Augustus F. Knudsen Trust)

1975

August 13 Planning Commission, County of Kauai, approves Use Permit U-16-75, Class IV Zoning Permit Z-IV-75-25, Special Permit SP-75-3 (Second KMP Permit)

September 22 SLUC approves SP75-214 (Second KMP Permit)

1983

December 14 Planning Commission, County of Kauai, approves Use Permit U-2-83, Class IV Zoning Permit Z-IV-83-3, Special Permit SP-83-1 (Kahili Adventist School)

1984

November 29 Lot 49-A and Lot 50 consolidated/subdivided into Lots 395, 396, 397 and 398 as shown on Map 93 of Land Court Application No. 956 (Owner: Eric A. Knudsen Trust/Augustus F. Knudsen Trust)

December 31 Lease for Lot 396 between Eric A. Knudsen Trust and Augustus F. Knudsen Trust (Lessors) and Hawaiian Association of Seventh-Day Adventist (Lessee)

1987

July 22 Planning Commission, County of Kauai, approves First Amendment to Use Permit U-87-1, Class IV Zoning Permit Z-IV-87-51, Special Permit SP-87-13 (Kahili Adventist School)

August 13 SLUC approves SP87-364 (Kahili Adventist School)

1990 SLUC approves First Amendment to SP87-364 (Kahili Adventist School)

2000 Lot 396 transferred to Eric A. Knudsen Trust (Partition Deed dated November 3, 2000, recorded as Land Court Document No. 2662386)

2009

September 22 SLUC Boundary Interpretation No. 08-18 (Lot 396 located in SLUC Agricultural District)

2010

January 26 Planning Commission, County of Kauai, approves Second Amendment to Use Permit U-87-1, Class IV Zoning Permit Z-IV-87-51, Special Permit SP-87-13 (Kahili Adventist School)

April 26 SLUC approves Second Amendment to SP87-364 (Kahili Adventist School)

2014

June 30 Cancellation of Lease (Lot 396)

EXHIBIT "B-2"

FIRST KAHILI MOUNTAIN PARK PERMIT
(SP67-48)

- A. Approved: 12/15/67
- B. Property: Portions of Lots 49 and 50
- C. Zoning:
1. SLUC – Ag
 2. CZO – N/A
- D. Permits:
1. SLUC – Special Permit
 2. CZO – N/A
- E. Applicant: Kahili Mountain Park, Inc.
- F. Owner: Eric A. Knudsen Trust/Augustus F. Knudsen Trust
- G. Site: Kahili Farms (150 acres)
(lychee/macadamia nut trees)
50 acre portion
- H. Proposal:
1. Structures.
 - a. Main Building
 - Office
 - Restaurant/Bar
 - Lounge
 - Game Room
 - Storage
 - b. 16 Cottages
 - 4 Beds
 - Cooking Area
 - Bathroom/Shower
 - c. Recreational Facilities
 - Baseball/volleyball/swimming/horseshoes/croquet
 - Pond
 - Hiking
 - Children: seesaws/swings/slides
 - Golf Driving Range

- d. Future
 - Riding Facility
 - Tennis Courts
 - Putting Green

2. Uses.

- a. Rental to public of "separate family living units".
- b. Mountain Night Club/restaurant/bar operation.
- c. Commercial Driving Range.

3. Times.

- a. May through September.
- b. Future: Easter through September

I. Order/Conditions Of Approval:

- 1. Operation under one management.
- 2. Commercial Accessory Uses Primarily for occupants of Cottages.
- 3. No night lighting for Driving Range.
- 4. Signs – limited to Camp Site. No Restaurant/Commercial Signs.
- 5. Approval per Proposal.

J. County Approval:

- 1. Agency – Planning and Traffic Commission
- 2. Approved – 10/23/67

SP67-48 (AMENDMENT)

Proposal: Amendment To Condition 4

Approved: 10/31/69

Order: Condition 4 Deleted

EXHIBIT "B-3"

SECOND KAHILI MOUNTAIN PARK PERMIT
(SP75-214)

- A. Approved: 9/22/75
- B. Property: Portions of Lots 49-A and 50
- C. Zoning:
1. SLUC – Ag
 2. CZO – Open
- D. Permits:
1. SLUC – Special Permit
 2. CZO – Use Permit/Class IV Zoning Permit
- E. Applicant: Kahili Mountain Park, Inc.
- F. Owner: Eric A. Knudsen Trust/Augustus F. Knudsen Trust
- G. Site: 215 acre portion of Lots 49-A and 50
- H. Proposal:
1. Structures.
 - a. Existing
 - 15 Tents
 - 7 Cottages
 - Shower/Toilet facilities
 - Utility Building
 - Tennis Court
 - Supervisor's Residence
 - Generator Shack
 - Central Lodge
 - Covered Furo
 - Garage
 - Stables
 - Manager's Residence
 - b. New
 - 20 Cottages (2 bedrooms/1 bathroom/kitchenette)
 - Recreation Building

I. Order:

Approved, subject to County Conditions:

1. New Cottages to have outside faucet/garden house for Fire Protection.
2. Potable water supply for entire project to be completed per DOH requirements prior to development of New Cottages.
3. New Cottages will not be placed in 100-year Flood Zone.
4. Comply with State/County laws.

J. County Approval:

1. Agency: Planning Commission
2. Approved: 8/13/75
3. Permits: Use Permit U-16-75; Class IV Zoning Permit Z-IV-75-25;
Special Permit SP-75-3

EXHIBIT "B-4"

KAHILI ADVENTIST SCHOOL PERMIT
(SP87-364)

- A. Approved: 8/13/87
- B. Property: Lot 396 of Land Court Application No. 956
(Map 93) (197.463 acres)
Kauai Tax Map Key No. (4) 2-7-001:003
- C. Zoning:
1. SLUC – Agricultural District
 2. CZO – Open District
- D. Permits:
1. SLUC – Special Permit
 2. CZO – Use Permit/Class IV Zoning Permit
- E. Applicant: Hawaiian Association of Seventh-Day Adventist
(d.b.a. Kahili Adventist School)
- F. Owner: Eric A. Knudsen Trust/Augustus F. Knudsen Trust
- G. Site: Lot 396
- H. Proposal:
1. Structures/Uses
 - a. Elementary school and playground
 - b. Intermediate school
 - c. Administration/library
 - d. High school/academy
 - e. Junior college
 - f. Student dormitories
 - g. Faculty, staff and retirement homes
 - h. Gymnasium/swimming pool
 - i. Cafeteria/bakery
 - j. Maintenance shops/vocational training/laundry
 - k. Retirement/health conditioning center
 - l. Health museum; conditioning, physical/spiritual retreat areas
 - m. Chapel
 - n. Existing and new cabins

- o. Lodge (retreat pavilion)
- p. Furo
- q. Retreat office/lecture rooms
- r. Retreat cabins
- s. Agricultural maintenance, greenhouse and sales
- t. Parking areas
- u. Sewage disposal facilities
- v. Access and interior road improvements
- w. Water transmission improvements
- x. Expanded telephone system
- y. Propane gas storage

I. Order:

Approved, 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 and/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).

J. County Approval:

1. Agency: Planning Commission
2. Approved: 12/14/83
3. Permits: Use Permit U-2-83; Class IV Zoning Permit Z-IV-83-3; Special Permit SP-83-1

SP87-364 (FIRST AMENDMENT)

- A. Proposal: Adopt 4 additional Conditions of Approval
- B. Approved: 7/17/90
- C. Order:

The following four (4) new Conditions of Approval are adopted:

1. 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".
2. 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.

3. 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.
4. 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.

D. County Approval:

1. Agency: Planning Commission
2. Approval: 7/22/87
3. Permits: Use Permit U-87-41; Class IV Zoning Permit Z-IV-87-51; Special Permit SP-87-13

SP87-364 (SECOND AMENDMENT)

- A. Proposal: Amend Conditions of Approval Numbers 1, 2 and 3
- B. Approved: 4/26/10
- C. Order:

Conditions of Approval Numbers 1, 2, 3 and 8 are amended, and a new Condition 13 is added to read, as follows:

1. Interior roadway and water line improvements shall be provided and/or extended in order to service all further development on the property.
2. The Applicant shall manage and maintain the compacted gravel surface roadways to a minimum width of 16 ft. The County of Kaua'i shall be absolved of any liability issues related to these unimproved access roadways from Kaumuali'i Highway to and within the school campus and cabin facilities.
3. The Applicant shall conduct a Traffic Operational Analysis as approved by the DOT at the intersection of Kaumuali'i Highway and the roadway to Kahili Mountain Park every five years to determine if improvements at the intersection such as a left turn lane, acceleration lane, and deceleration lanes are required. The Applicant shall be required to pay for and construct all improvements recommended by the analysis.

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

13. On each anniversary date of this Decision and Order, the Applicant shall file annual reports to the Land Use Commission and the County of Kaua'i Planning Department in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

D. County Approval:

1. Agency: Planning Commission
2. Approval: 1/26/10
3. Permits: Use Permit U-87-41; Class IV Zoning Permit Z-IV-87-51;
Special Permit SP-87-13

BEFORE THE LAND USE COMMISSION

OF THE

STATE OF HAWAII

In The Matter Of The Petition) SP87-364
)
Of)
)
KAHILI ADVENTIST SCHOOL for a) **CERTIFICATE OF SERVICE**
Special Permit to Establish a Church,)
School and Related Uses on Approximately)
197.463 acres of land within the Agricultural)
District situated at Koloa, Kauai, Hawaii,)
identified by Kauai Tax Map Key)
No. (4) 2-7-001:003.)
_____)

I HEREBY CERTIFY that on December 10, 2014, a true and correct copy of OWNER'S STATUS REPORT; EXHIBITS "A" AND "B"; CERTIFICATE OF SERVICE was duly served upon the following person by depositing a copy of same in the United States Mail, postage prepaid, addressed as follows:

✓ MR. DANIEL E. ORODENKER
Executive Officer
Land Use Commission
235 S. Beretania Street, Room 406
Honolulu, Hawaii 96813

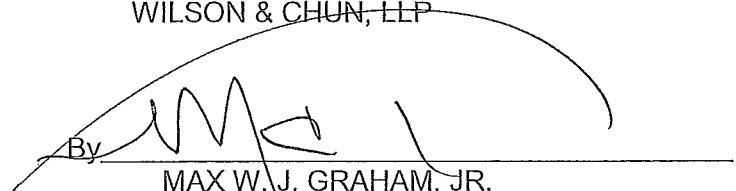
MR. LEO R. ASUNCION, JR.
Acting Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

MAUNA KEA TRASK, ESQ.
County Attorney
Office of the County Attorney
County of Kauai
4444 Rice Street, Suite 220
Lihue, Kauai, Hawaii 96766

MR. MICHAEL A. DAHILIG
Director of Planning
Planning Department
County of Kauai
4444 Rice Street, Suite 473
Lihue, Kauai, Hawaii 96766

DATED: Lihue, Kauai, Hawaii, December 10, 2014.

BELLES GRAHAM PROUDFOOT
WILSON & CHUN, LLP

By 
MAX W. J. GRAHAM, JR.
Attorney for Owner,
ERIC A. KNUDSEN TRUST