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April 26, 2012

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: 2011 Status Report

2012 APR 27 A 11:13
LAND USE COMMISSION
STATE OF HAWAII

Dear Mr. Davidson:

We are writing to provide the annual status report on Kahili Adventist School's ("School") compliance with Special Permit No. 87-364 ("SP87-364"), as required by the Decision and Order Approving Amendment to Special Use Permit, filed April 26, 2010 ("Order") by the Land Use Commission.

The School remains in compliance with all conditions and has no material changes to report. Each condition is addressed below.

Condition 1: Interior roadway and water line improvements shall be provided and/or extended in order to service all further development on the property.

The School remains in compliance with Condition 1. There has been no further development on the property since the Order was filed.

Condition 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 Kaunauli'i Highway to and within the school campus and cabin facilities.

The compacted gravel surface roadways are being properly managed and maintained. The School understands and accepts the obligation to absolve the County of Kaua'i for liability

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related to unimproved access roadways from Kaunauli'i Highway to and within the School campus and cabin facilities.

Condition 3: The Applicant shall conduct a Traffic Operational Analysis as approved by the DOT at the intersection of Kaunauli'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.

In 2015, the School will conduct a Traffic Operational Analysis as required by Condition 3, at the School's expense, as approved by the DOT.

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

The School remains in compliance with Condition 4. There has been no further development of the property since the Order was filed.

Condition 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.

The School remains in compliance with all known State and County requirements.

Condition 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.

The School acknowledges the right of the Planning Commission to impose additional conditions or restrictions as deemed necessary.

Condition 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.

The School has been submitting copies of its agricultural curricula to the Planning Department.

Condition 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).

The School remains in compliance with Condition 8. No additional government agency conditions have been imposed since the Order was filed.

Condition 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."

The School remains in compliance with Condition 9. There have been no material changes to the School's compliance since the Order was filed

Condition 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.

The School remains in compliance with the approved density. No additional cabins have been constructed since the Order was filed.

Condition 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.

The School remains in compliance with Condition 11. The Land Use Commission previously verified that the entire parcel is within the State Agricultural District.

Condition 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.

The School remains in compliance with Condition 12. No buildings have been constructed since the Order was issued.

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Condition 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.

This status report is submitted in compliance with Condition 13.

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

Sincerely,

CASE LOMBARDI & PETTIT

Mark G. Valencia
Michael R. Marsh
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MRM:MGV:kk

cc: Mr. Gary Johnson (Hawaii Conference
of Seventh-day Adventists)
Kahili Adventist School