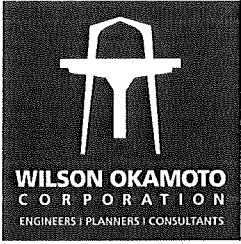


7210-03  
February 4, 2014



1907 South Beretania Street  
Artesian Plaza, Suite 400  
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Phone: 808-946-2277  
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Mr. Daniel E. Orodener, Executive Officer  
State Land Use Commission  
Department of Business, Economic Development & Tourism  
P.O. Box 2359  
Honolulu, Hawaii 96804-2359

Subject: **2014 Annual Report**  
**Land Use Commission Docket A05-758**  
**Pupukea Ridge Preservation Project**  
**Tax Map Key: 5-9-23: 001; 5-9-24: 001, and 6-1-02: 022**

2014 FEB - 5 A 9:10  
LAND USE COMMISSION  
STATE OF HAWAII

Dear Mr. Orodener:

In accordance with Condition No. 8 of the "Findings of Fact, Conclusions of Law, and Decision and Order" for the subject project granted by the State Land Use Commission (LUC) on April 24, 2006, transmitted herewith is a report on the progress and status of the project and compliance with the conditions of the Stand Land Use Boundary Amendment. The status of the conditions imposed from the April 21, 2006 approval is as follows:

- 1. **Conveyance of Lands for a State Park Reserve.** Petitioner shall, upon receiving all necessary entitlements and governmental approvals, proceed with the consolidation, re-subdivision, and conveyance of approximately 79.031 acres of land, which shall include Petition Area A and adjacent Conservation District land, to the DLNR for a State Park Reserve, to be kept in perpetuity for the public good in maintenance and preservation of the view planes, open space, recreational values, and the cultural, historical, and natural qualities of Pupukea Ridge.*

The Petitioner, A Charitable Foundation (ACF), is continuing to obtain the necessary approvals needed to consolidate and re-subdivide the subject lands to be conveyed.

In the 2013 Annual Report we stated the Petitioner submitted a Subdivision Application to the City & County of Honolulu Department of Planning and Permitting (DPP) and the application (2011/SUB-161) was deferred pending submissions of additional information (see Attachment A). A request for an extension of the deferral was submitted on April 23, 2012 and the new deadline to submit information was November 3, 2012 and the Subdivision Application lapsed on that date.

Pending Item No. 2, a draft declaration of restrictive covenants for Lots B and C was submitted on September 26, 2012.

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Letter to Mr. Daniel E. Orodenker, Executive Director

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ACF is working on obtaining Pending Item No. 1, which is predicated upon resolving legal access to secure a Private Road Certification. Upon accomplishing the foregoing, the Petitioner will promptly submit a new Subdivision Application to DPP.

2. ***Farm Dwelling.*** *Farm dwelling(s) on Petition Area B, if any, shall be consistent with the DOH's sewage disposal rules and regulations. Any single-family dwelling on the lot shall be a single-family dwelling located on and used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling.*

The Petitioner will comply with this condition in the event that any farm dwellings are proposed for development.

3. ***Agricultural Uses.*** *Any future use of the retained 15.144 acres of land, which include Petition Area B, shall be consistent with City and County zoning, and Petitioner or any future owner shall not subdivide the retained 15.144 acres into more than two zoning or subdivided lots.*

The Petitioner intends to subdivide the agricultural land portion into two separate lots with road lot access to comply with this condition. Any future use of the retained 15.144 acres of land will be consistent with the City and County zoning and will not be subdivided into more than two lots.

4. ***Maintenance of Trail System.*** *With the approval of DLNR, Petitioner shall be responsible for maintaining the existing trail system as currently configured in Petition Area A and the adjacent Conservation District land at its own cost following the conveyance of Petition Area A and the adjacent Conservation District land to the DLNR until such time as the DLNR decides to accept responsibility for the maintenance, or ten years from the date of this Decision and Order, whichever occurs first.*

ACF is maintaining the existing trail system with assistance from Happy Trails, a horseback riding operation. ACF will continue to maintain the trails for ten years from the date of the Decision and Order or until such a time as the DLNR decides to accept responsibility for the maintenance.

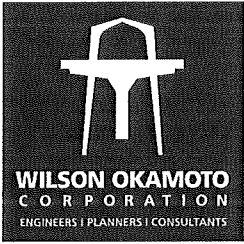
5. ***Previously Unidentified Burial/Archaeological/Historic Sites.*** *Without any limitation to any other condition found herein, if any burials or archaeological or historic sites, such as artifacts, marine shell concentrations charcoal deposits,*

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Letter to Mr. Daniel E. Orodenker, Executive Director

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*stone platforms, pavings, and walls not previously identified in studies referred to herein, are discovered during the course of development of the Petition Areas, then all development activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigation measures have been implemented to its satisfaction.*

This condition is acknowledged and will be complied with should such situations occur. If any burial, archaeological, or historic sites are discovered during the course of development of the area, all development activity will stop until the issuance of an archaeological clearance from the State Historic Preservation Division.

6. ***Compliance with Representations to the Commission.*** *Petitioner shall comply with the representations made to the Commission. Failure to so comply may result in reversion of the Petition Areas to their former classification, or change to a more appropriate classification.*

ACF will comply with the representations made to the Commission.

7. ***Notice of Change to Ownership Interest.*** *Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Areas, prior to any development of the Petition Areas.*

The condition is acknowledged and will be complied with should this situation arise.

8. ***Annual Reports.*** *Petitioner shall timely provide without any prior notice, annual reports to the Commission, the OP, and the DPP in connection with the status of the Petition Areas and the Petitioner'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 report constitutes the annual report submittal for the year 2014. A copy of this annual report will be sent to the Office of Planning and the City and County of Honolulu Department of Planning & Permitting.

9. ***Release of Conditions Imposed by the Commission.*** *The Commission may fully or partially release the conditions provided herein as to all or any portion of the Petition Areas upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.*

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February 4, 2014



Acknowledged.

*10. **Recording of Conditions.** Within seven days of the issuance of the Commissioner's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Petition Areas are subject to conditions imposed herein by the Commission in the reclassification of the Petition Areas, and (b) shall file a copy of such recorded statement with the Commission.*

A statement that the Petition areas are subject to conditions imposed by the Commission, along with the Commission's Decision and Order, were recorded with the Bureau of Conveyances on June 7, 2006, and a copy of the recorded statement was filed with the Commission.

*11. **Recording of Conditions.** Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to section 15-15-92, HAR.*

The Commission's Decision and Order was recorded with the Bureau of Conveyances on June 7, 2006.

Please feel free to call me if you should have any questions regarding the status of any of the items above.

Sincerely,

Tracy Fukuda  
Project Manager

Attachment

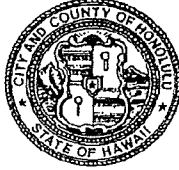
cc: Mr. Dave Druz, A Charitable Foundation  
Mr. Jesse K. Souki, Office of State Planning  
Mr. George Atta, Department of Planning and Permitting  
Mr. Curtis Tabata, Matsubara & Kotake Attorneys at Law

**ATTACHMENT A**  
Subdivision Application Deferral Letter (2011/SUB-161)  
from City & County of Honolulu Department of Planning &  
Permitting  
Letter dated February 3, 2012

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET \* HONOLULU, HAWAII 96813  
Phone: (808) 768-8000 \* Fax: (808) 768-4950

PETER B. CARLISLE  
MAYOR



DAVID K. TANOUE  
DIRECTOR  
JIRO A. SUMADA  
DEPUTY DIRECTOR

SUBDIVISION	
File Number	: 2011/SUB-161
Project	: SUB / Pupukea--Maulukua Rd. (Pupukea Ridge Preservation Project) / TMI
Location	:
Tax Map Key	: 5-9-023:001 (various)
Owner	: A Charitable Foundation Corporation
Surveyor	: Towill, Shigeoka & Associates, Inc.
Agent	: Wilson Okamoto & Associates, Inc.

**Description of the Proposal:** Consolidation and resubdivision of Lot 179 of File Plan 860 (being portions of Grant 5159 to L.B. Nevin and Grant 5236 to Earl K. Ellsworth) and Lot 1-B-2 as shown on Map 8 of Land Court Application 561, into 3 lots: Lot A of 79.031 acres (for State Park Reserve), and Lots B of 9.237 acres and C of 5.691 acres (for agricultural purposes); together with a 50-foot wide right-of-way (Lot D) for Maulukua Road turnaround.

The existing water system is not designed for agricultural demands. The proposed subdivision does not increase the existing number of zoning lots for agricultural uses. However, no further subdivision of Lots B and C to create additional agricultural lots will be permitted.

Action on the proposal was **DEFERRED** pending:

1. Submission by the applicant of a signed and notarized certification from the applicant's surveyor and the owner of the land, that the proposed subdivision has legal rights to use the privately-owned roadway system including Maulukua Road to serve as access to the proposed subdivision and that the City will not be responsible for the privately-owned roadway system or any liabilities connected therewith, under the provisions of Sections 2-201(c)(1) and 5-503 of the Subdivision Rules and Regulations (see attached certification).
2. Submission of an acceptable draft declaration of restrictive covenants for Lots B and C stating that these lots will not be further subdivided to create additional agricultural lots, and informing future owners, lessees, tenants, etc. of this restriction which is to run with the land.

PRIVATE ROAD CERTIFICATION

FOR OWNERS OF LAND BEING SUBDIVIDED

Since the roadway system serving the proposed subdivision is privately owned, please submit the following letter of certification:

The letter of certification should be completed, signed and notarized by the owners of the land of the proposed subdivision.

Name of Private Road :

Owner(s) of Road :

Proposed Subdivision :

Tax Map Key :

Owners of Proposed  
Subdivision :

Surveyor :

The undersigned hereby certifies that the proposed subdivision has legal rights to use the privately-owned roadway system to serve as access for the proposed subdivision. The City and County of Honolulu will not be responsible for maintenance of the privately-owned roadway system or any liabilities connected therewith. The owners will be responsible for informing all future owners that the proposed subdivision is served by a privately-owned roadway system and that the City is not responsible for maintenance of the roadways or any liabilities connected therewith."

OWNERS:

\_\_\_\_\_  
Print or Type Names

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

ABOVE CERTIFICATION MUST BE NOTARIZED