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7210-03
May 18, 2017

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: **2017 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

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.*

In 2016 Petitioner, A Charitable Foundation (ACF), secured the necessary approvals needed to consolidate and re-subdivide the subject property, including the lands to be conveyed to DLNR.

Construction of the access improvements have been completed and Final Subdivision Approval was granted on May 5, 2017 (see Attachment A).

The Petitioner is proceeding with the recordation of title to the recently subdivided lots. Once title has been recorded a Declaration of Restrictive Covenants (DRC) - Agricultural will be recorded on the lots

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to be retained by the Petitioner. Conveyance to DLNR will take place upon completion of the recordation process – roughly the 4th Quarter of 2017.

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, its successors or assigns will comply with this condition in the event that any farm dwellings are proposed for construction.

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.*

As mentioned in Item No. 1 above, the Final Subdivision was approved. The Petitioner will record a DRC – Agriculture as requested by the State Department of Agriculture on the subdivided lots it retains. Any agricultural use shall be consistent with the Agricultural DRC. Final Subdivision Approval divides the agricultural portion of Pupukea Ridge into two separate parcels (Lots B and C) with road access (Lot D) to comply with this condition (See Attachment A). Any future use of the retained agricultural land, including Lots B and C encompassing 15.144 acres that includes Petition Area B will be consistent with the City and County zoning and Lots B and C will not be further 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, its successors or assigns will continue to maintain the trails within the parcel conveyed to DLNR (Lot A) 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, 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.*

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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, its successors or assigns 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 2017. 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.*

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.*

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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. Leo R. Asuncion, Jr., Office of State Planning
Ms. Kathy Sokugawa, Department of Planning and Permitting
Mr. Curtis Tabata, Matsubara & Kotake Attorneys at Law

ATTACHMENT A
Final Subdivision Approval