



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

ALAN M. ARAKAWA
Mayor

JO-ANN T. RIDAO
Director

JAN SHISHIDO
Deputy Director

2200 MAIN STREET • SUITE 546 • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165
MAILING ADDRESS: 200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • EMAIL: director.hhc@mauicounty.gov

October 7, 2013

Mr. Daniel E. Orodener
Executive Officer
Land Use Commission
State of Hawaii
P.O. Box 2359
Honolulu, Hawaii 96804-2359

2013 OCT 10 A 7:21
LAND USE COMMISSION
STATE OF HAWAII

Dear Mr. Orodener:

SUBJECT: 2013 ANNUAL REPORT FOR THE STATE LAND USE COMMISSION DOCKET NO. A11-792/DEPARTMENT OF HOUSING AND HUMAN CONCERNS, COUNTY OF MAUI/LANAI AFFORDABLE HOUSING PROJECT

In accordance with condition no. 18, Annual Reports, under Decision and Order of the Stipulated Findings of Fact, Conclusions of Law, and Decision and Order and Certificate of Service and Land Use Commission Adoption of Order, this constitute the Department of Housing and Human Concerns, County of Maui's (Petitioner) first annual report for the Lanai Affordable Housing Project.

2013 Annual Report
State Land Use Commission Docket No. A11-792
Department of Housing and Human Concerns, County of Maui
Lanai Affordable Housing Project

Status of Compliance/Activities Relating To Imposed Conditions

Listed below are each of the conditions imposed under the Decision and Order followed by the status to each respective condition.

1. **Education Contribution Agreement.** Prior to occupancy of Phase I, Petitioner shall enter into an agreement with the State Department of Education to provide 42 acres of land for expansion of Lanai High and Elementary School.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

2. **Water Resource Allocation.** Petitioner shall obtain a “will serve” letter from Lanai Water Company prior to issuance of ministerial permits from the County of Maui.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

3. **Water Conservation Measures.** Petitioner shall implement water conservation measures and Best Management Practices (BMPs), such as the use of indigenous and drought-tolerant plants and turf, to the extent practicable, and incorporate such measures in the Project’s landscape planting.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

4. **Transportation.** Petitioner shall implement traffic improvements and mitigation measures, if any, as required by the State Department of Transportation (“DOT”) and the County Department of Public Works.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

5. **Street Lights.** Petitioner shall use fully-shielded, low sodium street lights within the Project to avoid impacts to avifauna and other populations and to prevent light diffusion upward into the night sky.

Petitioner acknowledges its obligations and will comply with this condition as development of project progresses.

6. **Affordable Housing.** Petitioner shall provide affordable housing opportunities in accordance with the certification of the Project as an HRS section 201H-038 housing project.

Petitioner will provide affordable housing opportunities in accordance with the certification of the Project as an HRS section 201H-038 housing project.

7. **Archaeological Survey and Historic Preservation Mitigation Plan.** Petitioner shall comply with HRS Chapter 6E, including where applicable, the preparation and implementation of a monitoring plan as recommended and approved by the Department of Land and Natural Resources State Historic Preservation Division (SHPD), Petitioner shall confirm in writing to the Commission that the SHPD

has found Petitioner's mitigation commitments to be acceptable and has determined that any required historic preservation measures have been successfully implemented.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

8. **Previously Unidentified Burials and Archaeological/Historic Sites.** In the event that historic resources, including human skeletal remains, are found and identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the SHPD, Maui County Section, shall be contacted immediately, as required by HRS Chapter 6E and its applicable regulations. Without limitation to any other condition found herein, if any burials or archaeological or historic sites or artifacts not previously identified in studies referred to herein, are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigative measures have been implemented to its satisfaction.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

9. **Established Access Rights Protected.** Petitioner shall preserve and protect any established gathering and access rights of native Hawaiians who have customarily and traditionally exercised subsistence, cultural, and religious practices on the Petition area.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

10. **Drainage.** Petitioner shall fund, design and construct any drainage system improvements required to prevent adverse impact resulting from the development of the Project. Petitioner shall be required to prevent runoff from the Petition Area from adversely affecting downstream properties. Petitioners shall submit the drainage plan to appropriate State and County agencies for review and approval.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

11. **Wastewater Facilities.** Petitioner shall fund, design and construct pump station and transmission lines and connect to the County of Maui's Lanai Wastewater Treatment Facility to the satisfaction of the

County Department of Environmental Management and the State DOH.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

12. **Civil Defense**. Petitioner shall fund and install outdoor solar-powered warning sirens serving the Petition Area as determined by the State Department of Defense, Office of Civil Defense.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

13. **Best Management Practices**. Petitioner shall implement applicable BMP's for each proposed land use to minimize infiltration and runoff from construction and vehicle operations, reduce, or eliminate the potential for soil erosion and ground water pollution, and formulate dust control measures to be implemented during and after the development process in accordance with the State DOH guidelines.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

14. **Energy Conservation**. Petitioner shall substantially comply with the Sustainability Plan, Petitioner's Exhibit 19.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

15. **Infrastructure Deadlines**. Petitioner shall complete construction of all backbone infrastructure in accordance to the Infrastructure Incremental Plan as described in Petitioner's Exhibit 6.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

16. **Compliance with Representations of the Commission**. Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission. Failure to develop the Reclassified Area in accordance with representations may result in reversion of the Reclassified Area to its former classification, or change to a more appropriate classification.

Petitioner acknowledges its obligation and will comply with this condition as development of project progresses.

17. **Notice of Change of Ownership.** 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 Area, at any time prior to completion of development of the Petition Area.

Petitioner acknowledges its obligation and will comply with this condition should any intent arise.

18. **Annual Reports.** Petitioner shall timely provide without any prior notice, annual reports to the Commission, OP, and the County, and their respective successors, in connection with the status of the development of the Petition Area and 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 annual report is being submitted in compliance to this condition.

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

Petitioner will seek from the Commission full or partial release of these conditions as to all or any portion of the Petition Area only upon timely motion and assurance that such full or partial release is acceptable to the Commission and that Petitioner has adequately satisfied these conditions.

20. **Notice of Imposition of Conditions.** Within seven days of issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances of the State of Hawaii a statement that the Petition Area is subject to the conditions imposed herein by the Commission in the reclassification of the Petition Area; and (b) file a copy of such recorded statement with the Commission.

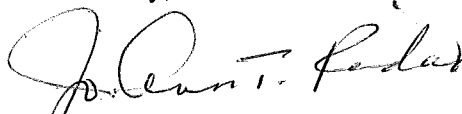
This condition has been satisfied. On June 16, 2011, a 'Notice of Imposition of Conditions by the Land Use Commission' was recorded (copy attached) with the State Bureau of Conveyances (Document No. 2011-095540).

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

This condition has been satisfied. On June 16, 2011, the conditions imposed by the State Land Use Commission were recorded with the State Bureau of Conveyances under the "Declaration of Conditions" (copy attached) applicable to that petition for district boundary amendment in Docket No. A11-792 of the State Land Use Commission (Document No. 2011-095541).

Should you require additional information or clarification regarding the report, please contact me at (808) 270-7805.

Sincerely,



JO-ANN T. RIDAO
Director of Housing and Human Concerns

Attachments (2)

xc: Honorable Gladys Baisa, Chair, Maui County Council
Housing Division

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R-694
STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
JUN 16, 2011 01:00 PM
Doc No(s) 2011-095540



/s/ NICKI ANN THOMPSON
REGISTRAR

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LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION: RETURN BY MAIL (X) PICK UP ()

Matsubara – Kotake
Attorneys at Law, A Law Corporation
888 Mililani Street, Eighth Floor
Honolulu, Hawai'i 96813
Telephone: (808) 526-9566
Attention: Benjamin M. Matsubara

TITLE OF DOCUMENT: NOTICE OF IMPOSITION OF CONDITIONS BY
THE LAND USE COMMISSION

Total Pages: 3

NOTICE OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION

KNOW ALL PERSONS BY THESE PRESENTS:

Please take notice that the DEPARTMENT OF HOUSING AND HUMAN CONCERNS, COUNTY OF MAUI ("Petitioner"), is the Petitioner in the State Land Use Commission ("Commission") Docket No. A11-792, to amend the land use district boundary to reclassify approximately 73.000 acres of land, situated in Lanai City, Island

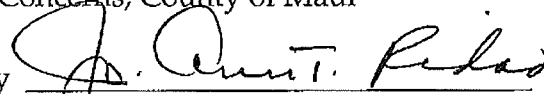
of Lanai, Hawai'i, ("Property"), Tax Map Key No. (2) 4-9-2: portion of 58 ("Petition Area"), from the State Land Use Agricultural District to the State Land Use Urban District and does hereby state and declare that the Commission, by its Findings of Fact, Conclusions of Law, and Decision and Order filed June 9, 2011, under Docket No. A11-792, reclassified approximately 73.000 acres of land, situated in Lanai City, Island of Lanai, Hawai'i, ("Property"), Tax Map Key No. (2) 4-9-2: portion of 58 from the State Land Use Agricultural District to the State Land Use Urban District. The reclassification, as stated above are subject to a number of conditions imposed on the property which comprise the Petition Area. Said conditions shall run with the land and shall be set forth in the Declaration of Conditions to be subsequently recorded at the Bureau of Conveyances of the State of Hawai'i pursuant to Commission Rule Section 15-15-92.

This Notice of Imposition of Conditions by the Commission shall be superseded upon the recordation at the Bureau of Conveyances of the said Declaration of Conditions setting forth the conditions imposed by the Commission in Docket No. A11-792.

Dated: Wailuku, Maui, Hawai'i, June 14, 2011.

Department of Housing and Human
Concerns, County of Maui

By

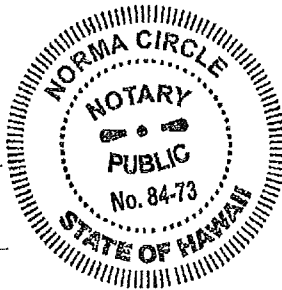


JO-ANN T. RIDAO
Its Director

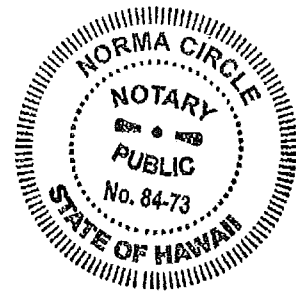
STATE OF HAWAII)
)
) SS:
COUNTY OF MAUI)

On this 14th day of June, 2011, before me personally appeared JO-ANN T. RIDAO, to me known, who, being by me duly sworn, did say that she is the Director of the DEPARTMENT OF HOUSING AND HUMAN CONCERNS, COUNTY OF MAUI, and that said instrument was signed on behalf of said agency by authority of the County of Maui, State of Hawai'i, and said Director acknowledged said instrument to be the free act and deed of said the County of Maui, State of Hawai'i.

Norma Circle
Name: NORMA Circle
Notary Public, State of Hawai'i
My Commission Expires: 3/13/12

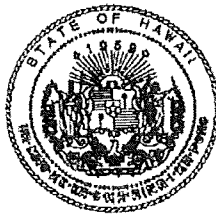


STATE OF HAWAII NOTARY CERTIFICATION	
Doc. Description:	Notice of Imposition of Conditions by the Land Use Commission
Date of Document:	<u>6/14/11</u> # Pages: <u>2</u>
Date of Notarization:	<u>6/14/11</u>
Notary Public Signature	<u>Norma Circle</u>
Print Name:	<u>Norma Circle</u>
Notary Public, State of Hawai'i,	<u>2nd</u> Circuit
Notary Commission No.	<u>84-73</u>



(Stamp or Seal)

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R-695 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
JUN 16, 2011 01:00 PM
Doc No(s) 2011-095541



/s/ NICKI ANN THOMPSON
REGISTRAR

20 2/2 29

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION: RETURN BY MAIL (X) PICK UP ()

Matsubara – Kotake
Attorneys at Law, A Law Corporation
888 Mililani Street, Eighth Floor
Honolulu, Hawai'i 96813
Telephone: (808) 526-9566

TITLE OF DOCUMENT: DECLARATION OF CONDITIONS

Total Pages: 8

DECLARATION OF CONDITIONS

DEPARTMENT OF HOUSING AND HUMAN CONCERNS, COUNTY OF MAUI, the business address of which is 2200 Main Street, Suite 546, Wailuku, Maui, Hawai'i, as Petitioner of that certain Petition For Land Use District Boundary Amendment in Docket No. A11-792 of the Land Use Commission of the State of Hawai'i, affecting those certain lands, 73.000 acres of land, situated in Lanai City, Island of Lanai, Hawai'i, ("Property"), Tax Map Key No. (2) 4-9-2: portion of 58, as shown on

map marked Exhibit "A" attached hereto and incorporated herein by reference (hereinafter referred to as "Property"), does hereby certify pursuant to Section 15-15-92, Hawai'i Administrative Rules ("HAR"), as follows:

THAT by Findings of Fact, Conclusions of Law, and Decision and Order, entered June 9, 2011, in Docket No. A11-792, the Land Use Commission reclassified approximately 73.000 acres of land, situated in Lanai City, Island of Lanai, Hawai'i, ("Property"), Tax Map Key No. (2) 4-9-2: portion of 58 redistricting from the State Land Use Agricultural District to the State Land Use Urban District pursuant to HAR Section 15-15-78., as shown on Exhibit "A" to the State Land Use Urban District.

AND THAT by Findings of Fact, Conclusions of Law, and Decision and Order, entered June 9, 2011, it was further ordered that the reclassification from Agricultural District to the Urban District shall be subject to the following conditions:

1. **Education Contribution Agreement.** Prior to occupancy of Phase I, Petitioner shall enter into an agreement with the State Department of Education to provide 42 acres of land for expansion of Lanai High and Elementary School.
2. **Water Resource Allocation.** Petitioner shall obtain a "will serve" letter from the Lanai Water Company prior to issuance of ministerial permits from the county of Maui.
3. **Water Conservation Measures.** Petitioner shall implement water conservation measures and Best Management Practices (BMPs), such as the use of

indigenous and drought-tolerant plants and turf, to the extent practicable, and incorporate such measures in the Project's landscape planting.

4. **Transportation.** Petitioner shall implement traffic improvements and mitigation measures, if any, as required by the State Department of Transportation (“DOT”) and the County Department of Public Works.

5. **Street Lights.** Petitioner shall use fully-shielded, low sodium street lights within the Project to avoid impacts to avifauna and other populations and to prevent light diffusion upward into the night sky.

6. **Affordable Housing.** Petitioner shall provide affordable housing opportunities in accordance with the certification of the Project as an HRS § 201H-38 housing project.

7. **Archaeological Survey and Historic Preservation Mitigation Plan.** Petitioner shall comply with HRS Chapter 6E, including where applicable, the preparation and implementation of a monitoring plan as recommended and approved by the Department of Land and Natural Resources State Historic Preservation Division (SHPD) prior to issuance of a permit for site work. If a monitoring plan is required by SHPD, Petitioner shall confirm in writing to the Commission that the SHPD has found Petitioner's mitigation commitments to be acceptable and has determined that any required historic preservation measures have been successfully implemented.

8. **Previously Unidentified Burials and Archaeological /Historic Sites.** In the event that historic resources, including human skeletal remains, are found and identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the SHPD, Maui County Section, shall be contacted immediately, as required by HRS Chapter 6E and its applicable regulations. Without limitation to any other condition found herein, if any burials or archaeological or historic sites or artifacts not previously identified in studies referred to herein, are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigative measures have been implemented to its satisfaction.

9. **Established Access Rights Protected.** Petitioner shall preserve and protect any established gathering and access rights of native Hawaiians who have customarily and traditionally exercised subsistence, cultural, and religious practices on the Petition area.

10. **Drainage.** Petitioner shall fund, design and construct any drainage system improvements required to prevent adverse impact resulting from the development of the Project. Petitioner shall be required to prevent runoff from the Petition Area from adversely affecting downstream properties. Petitioners shall submit the drainage plan to appropriate State and County agencies for review and approval.

11. **Wastewater Facilities.** Petitioner shall fund, design and construct a pump station and transmission lines and connect to the County of Maui's Lanai Wastewater Treatment Facility to the satisfaction of the County Department of Environmental Management and the State DOH.

12. **Civil Defense.** Petitioner shall fund and install outdoor solar-powered warning sirens serving the Petition Area as determined by the State Department of Defense, Office of Civil Defense.

13. **Best Management Practices.** Petitioner shall implement applicable BMPs for each proposed land use to minimize infiltration and runoff from construction and vehicle operations, reduce or eliminate the potential for soil erosion and ground water pollution, and formulate dust control measures to be implemented during and after the development process in accordance with the State DOH guidelines.

14. **Energy Conservation.** Petitioner shall substantially comply with the Sustainability Plan, Petitioner's Exhibit 19.

15. **Infrastructure Deadlines.** Petitioner shall complete construction of all backbone infrastructure in accordance to the Infrastructure Incremental Plan as described in Petitioner's Exhibit 6.

16. **Compliance with Representations to the Commission.** Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission. Failure to develop the Reclassified Area in accordance with

representations may result in reversion of the Reclassified Area to its former classification, or change to a more appropriate classification.

17. **Notice of Change of Ownership.** 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 Area, at any time prior to completion of development of the Petition Area.

18. **Annual Reports.** Petitioner shall timely provide without any prior notice, annual reports to the Commission, OP, and the County, and their respective successors, in connection with the status of the development of the Petition Area and 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.

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

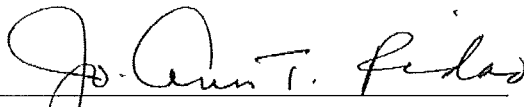
20. **Notice of Imposition of Conditions.** Within seven days of issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall: (a) record with the Bureau of Conveyances of the State of Hawaii a statement that the Petition Area is subject to the conditions imposed herein by the Commission in the

reclassification of the Petition Area; and (b) file a copy of such recorded statement with the Commission.

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

This Declaration of Conditions shall supersede the Notice of Imposition of Conditions by the Commission dated June 14, 2011 upon the recordation at the Bureau of Conveyances of this Declaration of Conditions.

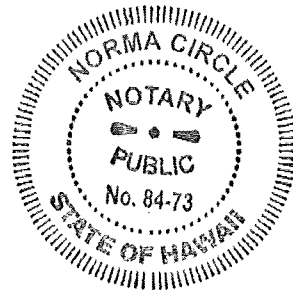
Department of Housing and Human
Concerns, County of Maui

By 
JO-ANN T. RIDAO
Its Director

STATE OF HAWAI'I)
) ss:
COUNTY OF MAUI)

On this 14 day of June, 2011, before me personally appeared JO-ANN T. RIDAO, to me known, who, being by me duly sworn, did say that she is the Director of the DEPARTMENT OF HOUSING AND HUMAN CONCERNS, COUNTY OF MAUI, and that said instrument was signed on behalf of said agency by authority of the County of Maui, State of Hawai'i, and said Director acknowledged said instrument to be the free act and deed of said the County of Maui, State of Hawai'i.

Norma Circle
Name: Norma Circle
Notary Public, State of Hawai'i
My Commission Expires: 3/13/12



STATE OF HAWAI'I NOTARY CERTIFICATION

Doc. Description: Notice of Imposition of Conditions by the Land Use Commission

Date of Document: 6/14/11 # Pages: 7

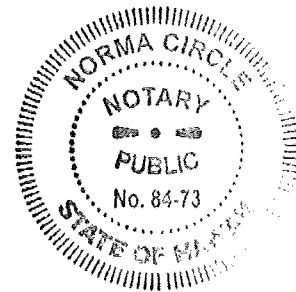
Date of Notarization: 6/14/11

Norma Circle
Notary Public Signature

Print Name: Norma Circle

Notary Public, State of Hawai'i, 2nd Circuit

Notary Commission No. 84-73



(Stamp or Seal)

TRUE NORTH
SCALE: 1 IN. = 500 FT.

FOR COUNTY USE ONLY

LANAI CITY: DHHL / MAUI COUNTY BULK SUBDIVISION

SUBDIVISION OF PARCEL "A"
INTO LOTS A-1 AND A-2

BEING LOT 1158 OF LD. CT. APP. 862 (Map 131)
AND LOT 13-A-1-C OF LD. CT. CONS. 170 (Map 15)

LANAI CITY, ISLAND OF LANAI, HAWAII

DATE: NOVEMBER 6, 2008
REVISED: MARCH 13, 2009
REVISED: NOVEMBER 2, 2010

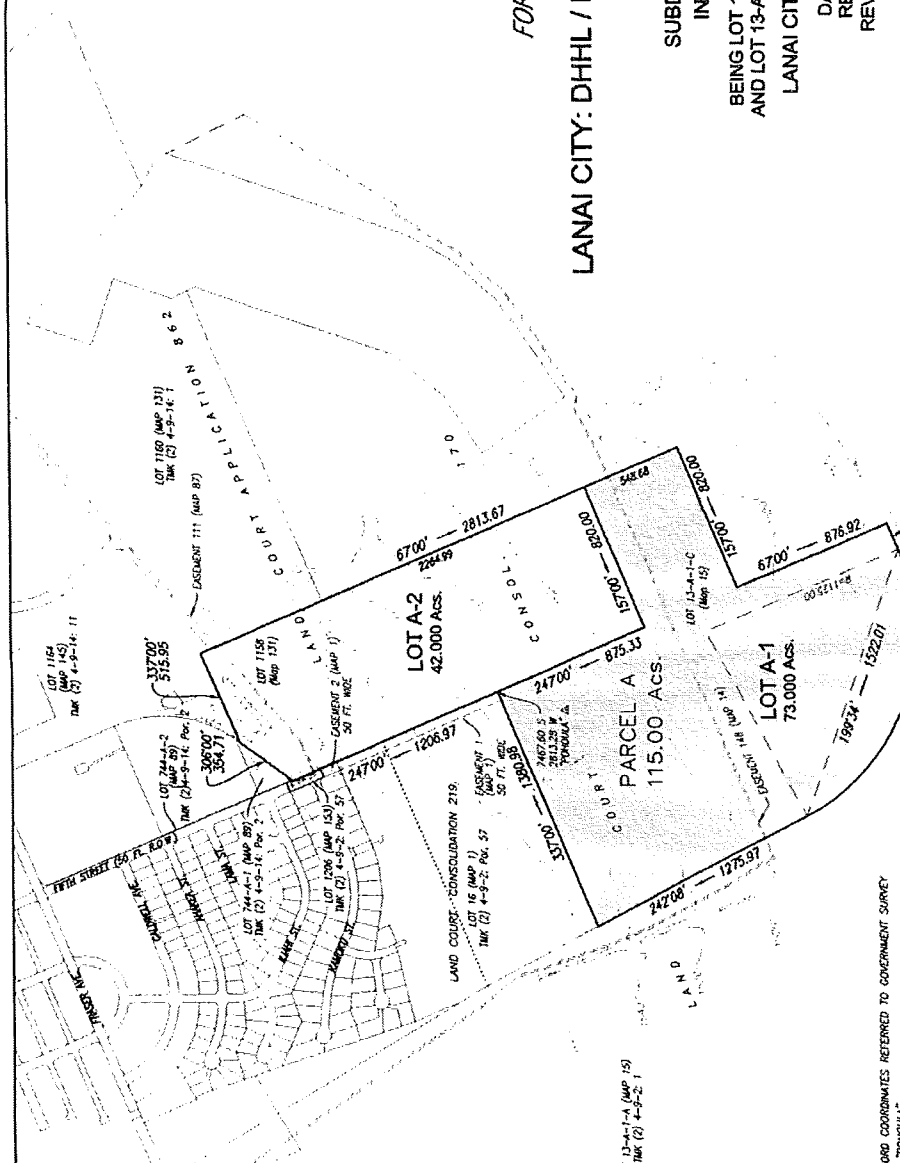
OWNER:
COUNTY OF MAUI

CONTROLPOINT SURVEYING, INC.
1129 Lanier Math Street, Suite 102
Waikoloa, Hawaii

This work was prepared by me or under my supervision.

K. M. M.
K. M. M.
Licensed Professional Land Surveyor
Cert. No. LS-4624, Exp. 4/30/12

SUBMISSION FILE No. _____



NOTES:

1. AZIMUTHS AND RECORD COORDINATES REFERRED TO GOVERNMENT SURVEY TRANSLATION STATION "POHOHOLA".
2. ACCESS IS THROUGH EASEMENT 1 (60 FT. WIDE) OF LD. CT. CONS. 219 (MAP 1), EASEMENT 2 (60 FT. WIDE) OF LD. CT. CONS. 219 (MAP 1), AND LOT 1208 (60 FT. WIDE) OF LD. CT. APP. 862 (MAP 131).
3. PURSUANT TO THE MAUI COUNTY CODE SECTION 3-44.01(2)(C), THE COUNTY OF MAUI IS NOT RESPONSIBLE FOR ANY PARK, ROADWAY, EASEMENT (INCLUDING BUT NOT LIMITED TO DRAINAGE, SEWER, ACCESS, RECLAIMED WATER, OR AVIATION EASEMENT), OR ANY OTHER INTEREST IN REAL PROPERTY SHOWN ON THIS MAP OR SHOWN ON THESE PLANS, UNLESS THE MAUI COUNTY COUNCIL HAS ACCEPTED ITS DEEDITION BY A RESOLUTION APPROVED BY A MAJORITY OF COUNCIL'S MEMBERS AT A REGULAR OR SPECIAL MEETING OF THE MAUI COUNTY COUNCIL.
4. THERE IS NO 100 YEAR FLOOD AREA.

EXISTING EASEMENTS:

EASEMENT:	WIDTH	AREA:	PURPOSE:	AFFECTED LOT:	IN FAVOR OF:	RECORDED:	DATE:
111 (MAP 87)	10 FT. WIDE	31,525 SQ. FT.	SEWER	A-2	LANAI CO., INC.	DOC. 2499793	OCTOBER 27, 1998
148 (MAP 14)	10 FT. WIDE	2,074 ACS.	SEWER, DRAINAGE, FLOODAGE AND WATER FACILITIES	A-1	CASTLE & COOKE, INC.	DOC. 2499792	OCTOBER 27, 1998

TMK: (2) 4-3-02: 58

08/01-11/09/09

EXHIBIT "A"