

Letter in process

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The Estate of James Campbell

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
THE TRUSTEES UNDER THE WILL AND)
OF THE ESTATE OF JAMES CAMPBELL,)
DECEASED)
)
To Amend the Agricultural Land Use District)
Boundary Into Urban Land Use District for)
Approximately 20.0 Acres of Land Situate at)
Honouliuli, Ewa, Oahu, State of Hawaii,)
Tax Map Key Number 9-1-69: 09)
_____)

DOCKET NO. A98-726
FIRST ANNUAL REPORT,
2000; CERTIFICATE OF
SERVICE

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LAND USE COMMISSION
STATE OF HAWAII

COPY

FIRST ANNUAL REPORT, 2000

Pursuant to Condition No. 11 of those certain "Findings of Fact, Conclusions of Law and Decision and Order: certified herein on April 30, 1999, **THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED** ("Petitioner") through its attorneys submits this First Annual Report on the status of the project and on Petitioner's progress in complying with conditions imposed.

I. PROCEDURAL BACKGROUND

Effective on March 1, 1999, and pursuant to a petition filed on July 22, 1998, the Land Use Commission, State of Hawaii ("Commission") reclassified approximately 20.0 acres of land located in Honouliuli, Ewa, Island of Oahu, State of Hawaii (hereinafter referred to as the "Property"), from agricultural district to urban district. The reclassification allowed Petitioner to

plan and develop commercial uses in the petition area to serve residential development in the Ewa area. Reclassification was approved subject to 14 conditions set forth in the Decision and Order. A Certificate of Declaration of Conditions was recorded as Document No. 99-068486 on April 30, 1999.

II. STATUS OF COMPLIANCE WITH CONDITIONS

These conditions to reclassification are reproduced boldface followed by a description of the progress being made to comply with them.

1. Petitioner or landowners shall fund and construct adequate wastewater transmission and disposal facilities, as determined by the City and County of Honolulu Department of Public Works (DPW) and the State Department of Health (DOH).

The Petitioner will fund and construct the wastewater transmission and disposal facilities as required.

2. Petitioner or landowners shall participate in the pro-rata funding and construction of local and regional transportation improvements and programs necessitated by the proposed development in designs and schedules accepted and determined by the State Department of Transportation, and the City and County of Honolulu Department of Transportation Services.

The Petitioner will participate in the pro rata funding for local and regional transportation improvements in accordance with the requirements of transportation agencies.

3. Petitioner or landowners of the affected properties shall fund and construct adequate civil defense measures as determined by the County and State Civil Defense agencies.

The Petitioner will consult with Civil Defense agencies to determine whether specific civil defense measures are needed.

4. Should any previously unidentified burials, archaeological or historic sites such as artifacts, marine shell concentrations, charcoal deposits, or stone platforms, pavings or walls be found, Petitioner or landowners of the affected properties shall stop work in the immediate vicinity and the State Historic Preservation Division of the Department of Land and Natural Resources (SHPD) shall be notified immediately. Subsequent work shall proceed upon an archaeological clearance from the SHPD when it finds that mitigative measures have been implemented to their satisfaction.

The Petitioner will comply with the requirements of the SHPD regarding any archaeological encountered on site.

5. **Petitioner or landowners shall fund the design and construction of drainage improvements required as a result of the development of the Petition Area to the satisfaction of the State Department of Health, Natural Resources Conservation Service, and County agencies.**

The Petitioner will work with affected agencies to provide drainage improvements required as a result of development of the Petition Area.

6. **Petitioner or landowners shall participate in the funding and construction of adequate water source, storage, and transmission facilities and improvements to accommodate the proposed project. Water transmission facilities and improvements shall be coordinated and approved by appropriate State and County agencies. The County's Water Use and Development Plan shall be amended to reflect changes in water demand forecasts and in water development plans to supply the proposed project.**

The Petitioner will provide water system facilities to accommodate the proposed project.

7. **Petitioner or landowners shall provide a dual water system which includes facilities accommodating both potable and non-potable water. Non-potable water would be used for landscaping when appropriate sources become available. In addition, water efficient landscaping would be used as appropriate to reduce the project's water demands.**

The Petitioner will provide the dual water system as required and will use water efficient landscaping to reduce the project's water demands.

8. **Petitioner or landowners shall participate in an air quality monitoring program as specified by the State Department of Health.**

The Petitioner will participate in an air quality monitoring program as specified by the Department of Health.

9. **Petitioner or landowners shall develop the Petition Area in substantial compliance with the representations made to the Commission. Failure to do so may result in reversion of the Petition Area to its former classification, or a change to a more appropriate classification.**

The Petitioner will develop the Petition Area in substantial compliance with representations made to the Commission. The Petitioner, in August 1999, secured approval of county zoning from AG-2 general agricultural district to B-2 community business district. This rezoning is covered by Ordinance 99-47.

10. 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, prior to the development of the Petition Area.

The Petitioner will give notice to the Commission of any sale or lease of the Petition Area.

11. Petitioner shall timely provide without any prior notice, annual reports to the Commission, the Office of State Planning, and the City and County of Honolulu Department of Planning and Permitting in connection with the status of the subject project 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 submitted as required and in compliance with Condition No. 11.

12. 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.

The Petitioner acknowledges that the Commission may release these conditions upon their satisfaction.

13. Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Petition Area is subject to conditions imposed herein by the Land Use Commission in the reclassification of the Petition Area, and (b) shall file a copy of such recorded statement with the Commission.

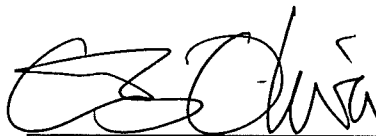
The Decision and Order was recorded on March 8, 1999, and a file copy of this recordation was submitted to the Commission on April 15, 1999.

14. Petitioner or landowners shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to Section 15-15-92, Hawai'i Administrative Rules.

The conditions imposed were recorded April 30, 1999, with the Bureau of Conveyances.

WHEREFORE, Petitioner submits this First Annual Report on the status of the development of commercial uses to serve the surrounding residential community in Ewa.

DATED: Honolulu, Hawaii March 2, 2000.

A handwritten signature in black ink, appearing to be "D. Franzel" and "G. Oliva" written together, positioned above a horizontal line.

DAVID H. FRANZEL
GARY S. OLIVA

Attorneys for The Estate of James Campbell

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "First Annual Report" will be duly served upon the following parties on March 2, 2000, by depositing said copy, postage prepaid, in a United States Post Office, Honolulu, Hawaii, addressed as follows:

Mr. David I. Blane, Director
Office of Planning
State of Hawaii
P. O. Box 2359
Honolulu, HI 96804-2359

Mr. Randall K. Fujiki, Acting Director
Department of Planning and Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu Municipal Building
Honolulu, HI 96813

DATED: Honolulu, Hawaii, March 2, 2000.



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Campbell

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