

**A Charitable Foundation Corp**

PO Box 909  
Haleiwa, HI 96712

April 15, 2020

LAND USE COMMISSION  
STATE OF HAWAII

2020 APR 29 P 12:07

Land Use Commission of the State of Hawai'i  
Attention: Executive Officer  
Department of Business, Economic Development & Tourism  
P.O. Box 2359  
Honolulu, Hawai'i 96804-2359

Subject: Annual Report for 2020  
Land Use Commission Docket A05-758  
 Tax Map Key: (1) 5-9-033-002 (area 9.237 acres, more or less), together with an undivided interest in (1) 5-9-003-004, area 0.216 acre, more or less ("Lot B")  
  
 Tax Map Key: (1) 5-9-033-003, 5.691 Acres, more or less, together with an undivided interest in (1) 5-9-003 - 004, area 0.216 acre, more or less ("Lot C")

Dear Sir:

The undersigned, as original Petitioner and the owner of the Lots, submits this annual report pursuant to Condition No. 8 of the "Findings of Fact, Conclusions of Law, and Decision and Order" dated April 21, 2006, and the Declaration of Conditions ("Commission's Declaration of Conditions") recorded on June 7, 2006 as Document No. 2006-105635 in the Bureau of Conveyances of the State of Hawai'i in connection with the above referenced Land Use Commission Docket as such documents apply to the Lots. The Lots are a part of Petition Area B, referred to below.<sup>1 2</sup>

The undersigned, as original Petitioner and the owner of the Lots, submits the following annual report with respect to the following continuing conditions set forth therein as they apply to the above referenced Lots:<sup>3</sup>

- Farm Dwelling.*** *Farm dwelling(s) on Petition Area B, if any, shall be consistent with the DOH's sewage disposal rides and regulations. Any single-family dwelling on Petition Area B 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.*

Acknowledged.

<sup>1</sup> Petition Area B was subdivided into three lots which are identified as Lot B, area 9.237 acres more or less, Lot C, area 5.691 acres more or less, and (roadway) Lot D, area 0.216 acre, more or less.

<sup>2</sup> The Lots are also subject to a Declaration of Restrictive Covenants (Agricultural Uses) ("Agricultural DRC") dated July 17, 2017 and recorded in the Bureau of Conveyances of the State of Hawai'i as Document No. A-6430065

<sup>3</sup> By "Order Granting in Part and Denying in Part Petitioner's Motion for Order Releasing Conditions Nos. 1, 4, 7, 7 8, 10 and 11 as set forth in the Findings of Fact, Conclusions of Law, and Decision and Order dated April 21, 2006 and in the Declaration of Conditions Recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2006-105635", the Land Use Commission deleted Conditions 1, 4, 10 and 11. This Annual Report pertains to the remaining conditions.

3. ***Agricultural Uses.*** Any future use of the retained 15.144 acres of land, which includes the Lots of 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.

Acknowledged.

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 Lots of Petition Area B, 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.

Acknowledged.

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.

Acknowledged

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.

Acknowledged

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 set forth herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

Acknowledged.

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 or subsequent owner(s) of the Lots.

Acknowledged.

Land Use Commission of the State of Hawai'i  
Attention: Executive Officer  
RE: Annual Report for Year 2020/Docket A05-758  
April 25, 2020  
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Please feel free to contact the undersigned if you should have any questions regarding the status of any of the items above.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. Druz", written over a horizontal line.

David S. Druz, Director  
A Charitable Foundation Corp.  
5013c nonprofit organization

cc: Office of State Planning  
Director, Office of Planning  
P.O. Box 2359  
Honolulu, Hawai'i 96804-2359

Department of Planning and Permitting  
Director, Department of Planning and Permitting  
650 South King Street  
Honolulu, Hawai'i 96813