



# LAND USE COMMISSION

*Komikina Ho'ohana 'Āina*

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

*Ka 'Oihana Ho'omōhala Pā'oihana, 'Imi Wai wai a Ho'omāka'ika'i*

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June 30, 2023

Zendo Kern, Director of Planning  
Jeffrey Darrow, Deputy Director  
Department of Planning  
County of Hawai'i, East Hawai'i  
Aupuni Center, 101 Pauahi Street, Suite 3  
Hilo, HI 96720

SUBJECT: A94-705 County of Hawai'i - Delinquent Annual Reports

Dear Mr. Kern and Mr. Darrow:

Please be apprised that according to our records, the required annual reports for the Docket No. A94-705 have not been filed with the Commission. We only have annual reports from Lili'uokalani Trust for the years 2009-2019.

Individual landowners are not required to submit annual reports. The annual reports for the Docket are required to be filed by the Petitioner, in this case the County of Hawai'i, with the Commission pursuant to Condition No. 13 of the Findings of Fact, Conclusions of Law, and Decision and Order issued on June 22, 1998 (the "D&O"). Condition 13 reads:

"Petitioner shall timely provide without any prior notice, annual reports to the Land Use Commission and the Office of Planning [and Sustainable Development], in connection with the status of the affected properties and the developers' and/or landowners' 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."

In accordance with the D&O, annual reports are due prior to or on June 22<sup>nd</sup> of each year. Please note the D&O is available for review on the LUC website at:

[www.luc.hawaii.gov/a94-705](http://www.luc.hawaii.gov/a94-705).

In order to avoid the Commission scheduling a status report hearing we must receive the annual reports covering the entire Petition area, including the parcels of land in the Docket owned by various landowners, by January 2, 2024.

The format of the annual report should be composed of two sections. The first section should briefly discuss the general progress of the Petition area by parcel and landowner, including any regulatory approvals pending/obtained. The second section should state verbatim, all conditions imposed by the Commission, followed by a brief report on all landowners' efforts to comply with each stated condition.

Please include, when possible, the dates of any required regulatory approval obtained or expected, the specific areas of the redistricted lands to which the compliance activity relates, and any other new information regarding the project (i.e., photos, future plans, etc.). In compliance with representations made to the Commission, the Petitioner should specify: 1) the sales prices of the "affordably priced units" in relation to the 120% of County of Hawai'i median family income category, 2) the sales prices of the "other units" in relation to the 140% of County of Hawai'i median family income category, 3) indicate the number of housing units that have been created, the number of occupied units, and which portion(s) of the Petition area include affordable housing.

We require that an original of the annual report be filed with the Commission. If you choose to file an electronic copy, please be sure the file is ADA compliant. We also note that the D&O requires the annual report to be served upon the Office of Planning and Sustainable Development.

Should you have any questions, please contact Scott Derrickson, at (808) 587-3921 or via email at [scott.a.derrickson@hawaii.gov](mailto:scott.a.derrickson@hawaii.gov).

Sincerely,



Daniel Orodener  
Executive Officer  
Land Use Commission  
State of Hawai'i

CC: Katia Balassiano and Alison Kato Esq. - State of Hawai'i Office of Planning and Sustainable Development