



# 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*

235 S. Beretania Street, RM 406, Honolulu, Hawai'i 96813

Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Email Address: [dbedt.luc.web@hawaii.gov](mailto:dbedt.luc.web@hawaii.gov)

JOSH GREEN, M.D.

GOVERNOR

SYLVIA LUKE

LT. GOVERNOR

DANIEL ORODENKER

LUC EXECUTIVE OFFICER

Telephone: (808) 587-3822

Fax: (808) 587-3827

Website: [luc.hawaii.gov](http://luc.hawaii.gov)

December 23, 2024

Curtis Tabata, Esq.  
Charles R. Kendall Building  
888 Mililani Street, Suite 308  
Honolulu, Hawai'i 96813  
E-Mail: [ctabata@m-klawyers.com](mailto:ctabata@m-klawyers.com)

SUBJECT: LUC Docket No. A00-730 Lanihau Properties, LLC TMK: (3) 7-4-008: 013  
(por.) & 030 Honokōhau 1st & 2nd, North Kona, Hawai'i

Dear Mr. Tabata:

Please be apprised that our records indicate, the mandatory annual reports for Land Use Commission ("LUC" or "Commission") Docket No. A00-730 Lanihau Properties, have not been filed since 2022.

Pursuant to Condition No. 16 of the Findings of Fact, Conclusions of Law, and Decision and Order issued on September 26, 2003 (the "D&O"), annual reports are due prior to, or on September 26<sup>th</sup> of each year. The last annual report received was for 2021-2022 and is available for review on the LUC website.

While reviewing the Docket history, LUC staff found that the Order issued on January 31, 2008, Granting Petitioners Request for a Time Extension to Satisfy Conditions of Approval 1C, 3B, and 8, provided an extension until August 31, 2008. The 2021-2022 annual report indicates partial completion for these Conditions, however, the subsequent annual report filing, should include a detailed explanation of the compliance with the conditions associated with the extension of time.

Additionally, Condition 8 requires the Petitioner to submit a housing needs assessment and implementation plan to the Commission and appropriate County housing agency. The housing needs assessment was filed as an exhibit with the 2009 Annual Report (available on the Commission website). The implementation plan portion of the assessment indicates Petitioner *will* voluntarily enter into an agreement-with the Office of Housing and Community Development to apply 32 affordable housing credits, earned through its participation in the development of Phases I & II of the Hualālai Elderly Housing Project, in satisfaction of any affordable housing requirement imposed under Chapter 11, Hawai'i County Code, as amended, as it relates to (i) the

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landowner/developer of the West Hawai'i Business Park and (2) the subsequent purchasers of the individual lots within the project.

Please provide the status of compliance with the representations made in the implementation portion of the assessment.

The format of the annual report should be composed of two sections. The first section should briefly discuss the general progress of the project, including any regulatory approvals pending/obtained, or changes to plans. The second section should state verbatim all conditions imposed by the Commission, followed by a detailed report and data, on all efforts and challenges presented 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.).

We require that one original and one electronic copy of the annual report be filed with the Commission. The electronic copy must be ADA compliant, upon filing. We also note that the D&O requires the annual report to be served upon County of Hawai'i Planning Department and the Office of Planning and Sustainable Development.

Finally, please provide the Commission with updated contact information for the ownership of the property.

Should you have any questions, please contact our office, at (808) 587-3822 or via email at [dbedt.luc.web@hawaii.gov](mailto:dbedt.luc.web@hawaii.gov).

Sincerely,



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