



DEPARTMENT OF HOUSING AND HUMAN CONCERNS COUNTY OF MAUI

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December 12, 2018

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

Dear Mr. Orodener:

**SUBJECT: 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 constitutes the Department of Housing and Human Concerns, County of Maui's (Petitioner) third annual report for the Lanai Affordable Housing Project, which encompasses calendar years 2015 through 2018.

**Annual Report for Calendar Years 2015-2018
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.

Condition satisfied. Will serve letter obtained from John Stubbart, Director of Utilities, dated April 9, 2015.

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, which covers calendar years 2015-2018, 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 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" 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 feel free to contact me at (808) 270-7805.

Sincerely,



WILLIAM R. SPENCE
Director of Housing and Human Concerns

xc: Housing Division