



Kevin M. Barry and Monica S. Barry

Trustees of the Barry Family Trust dated November 15, 2006

15-803 Paradise Ala Kai, Kea‘au, Hawai‘i 96749

April 6, 2026

VIA EMAIL/ELECTRONIC FILING

Daniel E. Orodener, Executive Officer

Land Use Commission, State of Hawai‘i

Leiopapa A. Kamehameha Building

235 South Beretania Street. Room 406

Honolulu. Hawai‘i 96813

Re: Docket No. A1-8-806 (Barry Family Trust)

2026 Annual Report

Tax Map Key No. (3) 1-5-059-059

Dear Executive Officer Orodener:

We are the Petitioners in Land Use Commission (“Commission”) Docket No. A1-8-806. By Findings and Fact, Conclusions of Law, and Decision and Order filed April 21, 2021 (“D&O”), the Commission reclassified Tax Key No. (3) 1-5-059-059 (“Petition Area”) from State Land Use Conservation District to the Agricultural District. The reclassification was sought to allow for the construction of a farm dwelling and associated agricultural uses.

The D&O imposed eight conditions of approval on the Commission’s reclassification of the Petition Area. Condition No. 3 requires us to “timely provide, without any prior notice, annual reports to the Commission, the Office of Planning, and the County of Hawai‘i Planning Department in connection with the status of the Petition Area and Petitioners’ 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 2026 Annual Report is hereby submitted in compliance with Condition No. 3. The following recites each imposed condition under the D&O, along with the status of our compliance:

1. **Compliance with Representations.** Petitioners shall develop the Petition Area in substantial compliance with the representations made to the Commission as reflected in the Findings of Fact, Conclusions of Law, and Decision and Order. Absent substantial compliance of use of the land in accordance with such representations, the Commission shall issue and serve upon the party bound by the condition an order to show cause why the Petition Area should not revert to its former land use classification or be changed to a more appropriate classification.

Status of Compliance: Compliance ongoing. As indicated in the Annual Report dated April 4, 2025, construction activities continued throughout 2025. The notice of completion was published on November 10 and 17, 2025. The County of Hawai‘i conducted a final inspection on November 18, 2025. From that time until the beginning of March 2026 we completed necessary exterior improvements in preparation for the apiary. At present we have occupied the farm dwelling and continue to prepare for the apiary in compliance with our representations to the Commission.

2. Notice of Change in Ownership. Petitioners 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 development of the Petition Area.

Status of Compliance: Satisfied. There have been no changes in ownership of the Petition Area prior to development or since the D&O was filed.

3. Annual Reports. Petitioners shall timely provide, without any prior notice, annual reports to the Commission, the Office of Planning, and the County of Hawai‘i Planning Department in connection with the status of the Petition Area and Petitioners’ 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.

Status of Compliance: Compliance ongoing. This 2026 Annual Report is submitted in compliance with Condition No. 3.

4. 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 with these conditions by Petitioners.

Status of Compliance: Compliance ongoing. As of the date of this 2026 Annual Report, there has been no motion filed for release of any conditions imposed by the D&O.

5. Notice of Imposition of Conditions. Within seven (7) days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioners shall: (a) record with the Bureau of Conveyances or the State of Hawai‘i Land Court, or both, as appropriate, 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.

Status of Compliance: Satisfied. On May 12, 2021, we recorded against the Petition Area a Notice of Imposition of Conditions by the Land Use Commission with the Assistant Registrar of the Land Court of the State of Hawai‘i (“Land Court”) as Land Court Document No. No. T-11454455. A copy of the Notice of Imposition of Conditions by the Land Use Commission was filed with the Commission on May 14, 2021.

6. Recordation of Conditions. Petitioners shall record the conditions imposed herein by the Commission with the Bureau of Conveyances or the State of Hawai‘i Land Court, or both, as appropriate, pursuant to HAR 15-15-92.

Status of Compliance: Satisfied. By email dated July 6, 2021, you approved our proposed form Declaration of Conditions. On August 3, 2021, we recorded the Declaration of Conditions with the Land Court as Land Court Document No. T-11537372. A copy of the recorded Declaration of Conditions was filed with the Commission on August 23, 2021.

7. **Vegetation Removal.** Petitioners shall refrain from construction activities that disturb or remove woody vegetation taller than fifteen feet between June 1 and September 15, when Hawaiian hoary bats may be sensitive to disturbance.

Status of compliance: Satisfied. As indicated in the 2024 Annual Report this condition was satisfied in accordance with Condition No. 7 as required in the D&O.

8. **Exterior Lighting.** All exterior lighting shall be shielded from shining upward, in conformance with Hawai'i County Code 14-50 et seq., to minimize the potential for disoriented seabirds.

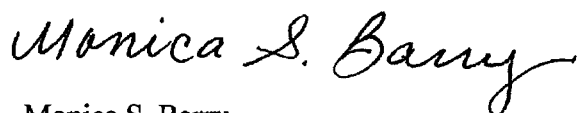
Status of Compliance: Satisfied. All the exterior lighting has been installed in the Petition Area. This lighting consists of primarily recessed can lights installed under the eaves of the structure and shielded downwards in compliance with Condition No. 8. The few remaining exterior lights are decorative and "Dark Sky" compliant. These lights are designed to minimize the amount of light that travels upwards, thereby limiting distraction to local seabirds.

We would like to thank the Commission once again, you and your staff for all the time and hard work on this Docket. Should you have any questions, please do not hesitate to contact us at 619-851-0297 or kmbarry82@gmail.com.

Sincerely,



Kevin M. Barry



Monica S. Barry

cc: State of Hawaii Office of Planning and Sustainable Development
County of Hawaii Planning Department
Derek B. Simon, Esq.