




BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAI'I

In the Matter of the Petition of	)	DOCKET NO. A92-686
	)	
KA'ANAPALI LAND MANAGEMENT,	)	
CORPORATION AND HAWAI'I HOUSING	)	
AND DEVELOPMENT CORPORATION	)	MINUTE ORDER FOR STATUS REPORT,
	)	AND CERTIFICATE OF SERVICE
To Amend the Agricultural Land Use District	)	
Boundary into the Urban Land Use District	)	
for Approximately 298.992 Acres at	)	
Hanaka'ō'ō, Lāhainā, Island and County of	)	
Mauī, State of Hawai'i. Formerly Bearing	)	
TMK Nos.: (2) 4-4-02:02 (por.) and 4-4-	)	
06:01(por.) and now bearing TMK Nos. (2) 4-	)	
4-15: parcels 1 through 29, (2) 4-4-15:32, and	)	
(2) 4-4-15:33 (por.).	)	

**MINUTE ORDER FOR STATUS REPORT,**  
**AND**  
**CERTIFICATE OF SERVICE**

This is to certify that this is a true and correct copy of the document on file in the office of the State Land Use Commission, Honolulu, Hawai'i.

Jul 1, 2024

BY   
DANIEL E. ORODENKER  
Executive Officer



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**MINUTE ORDER FOR STATUS REPORT**

A Status Report Hearing in the above-captioned matter was held on Wednesday, May 8, 2024, at 9:00 a.m. at the Maui Arts and Cultural Center, Haynes Room at 1 Cameron Way, Kahului, Hawai'i, for the purpose of getting a status and progress report, and taking action, if necessary, in response to recently submitted annual and supplemental annual reports.

Present at the Status Report hearing for the Pu'ukoli'i Project were Diane Praywell, Esq., attorney for Kaanapali Land Management Corporation ("KLMC" or "Petitioner"); Jeff Rebugio, Chad Fukunaga for KLMC; Sandra Ching, Esq. (Deputy Attorney General), Stan Fujimoto, and

Randy Chu from Hawai‘i Housing Finance and Development Corporation (“HHFDC”); Mimi Desjardins, Esq. (Deputy Corporation Counsel), Kate Blystone, Danny Dias, and Alike Biniaris for the Maui County Planning Department (“County”); Robert Schmidt for Maui County Department of Environmental Management; and Alison Kato, Esq., Deputy Attorney General, and Katia Balassiano representing the Office of Planning and Sustainable Development (“OPSD”).

No written public testimony was received prior to or at the hearing. There were no members of the public wanting to provide oral public testimony prior to Petitioner’s Status Report presentation or afterwards as called for by the Chair.

Representatives for Petitioner provided a Status Report and update on Petitioner’s progress in meeting conditions of the 1993 Decision and Order as amended by the 2009 Decision and Order. The Commission also heard from representatives of HHFDC, OPSD, and the County of Maui Planning Department and Environmental Management Department regarding their interactions with Petitioner with respect to compliance with conditions. Commissioners had an opportunity to question each of the parties to assess the Petitioner’s progress and any outstanding issues in their compliance with conditions.

KLMC provided a historic review of the Act 15 process and original agreement with HHFDC regarding affordable housing for the Project. Subsequently, a new agreement with HHFDC was forged under Act 198 affordable housing legislation; the changes that were made at that time were discussed. Additional elements discussed were KLMC’s internal master development plan, carrying costs, general timeframes for expected development, status of the Lāhainā Bypass and State Department of Transportation involvement, water use applications, DOE school site, and potential need for future amendments to the Decision and Order.

HHFDC addressed the decertification process and asserted that it still requires KLMC to develop 340 affordable housing units. Any future changes require the approval of the LUC, and a triparty agreement between Petitioner, HHFDC, and the County of Maui.

The County of Maui provided information regarding the West Maui Community Plan update that recognizes the Petition areas for future growth and that although the community generally is supportive of growth in the Ka'anapali area, not all of the proposed future development by Petitioner as part of its master development plan have been discussed or agreed upon.

OPSD indicated they had reached out to various State agencies for comments and only received comments from only the State Department of Health and Commission on Water Resource Management. The Commission requested OPSD provide all written comments received by agencies, provide an update from DOT regarding the Lāhainā Bypass Road, and information on OPSD involvement in disaster recovery activities for the record.

After reviewing the written submittals from all parties and after having heard from all parties at the Status Report hearing, the Commission accepted the Status Report on the Pu'ukoli'i Project as being sufficient at this time. The Commission indicated that the following issues are of concern and wants to be kept updated on progress with water resources, the State Lāhainā Bypass road, and negotiations with respect to the portion of the Project referred to as Pu'ukoli'i Triangle. Further, the Petitioner should continue to provide the Commission a timely annual report and that a future Status Report may be scheduled at the discretion of the Executive Officer, or by request of Petitioner, should significant activity occur prior to the annual reporting date on or before May 8 of each year.

## **DECISION AND ORDER**

The LUC, having duly considered the written and oral arguments presented by the Petitioner, HHFDC, the County of Maui, and the Office of Planning and Sustainable Development, and members of the public, and a motion having been made and seconded at the meeting on May 8, 2024 held at 9:00 a.m. at the Maui Arts and Cultural Center, Haynes Room at 1 Cameron Way, Kahului, Hawai‘i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that Petitioner should continue to provide the Commission a timely annual report and that a future Status Report may be scheduled at the discretion of the Executive Officer, or by request of Petitioner, should significant activity occur prior to the annual reporting date on or before May 8 of each year.

AND FURTHER ORDERS that OPSD provide the Commission, for the record, any written comments from State agencies as referenced in their testimony. It also instructed to discuss with and provide an update from DOT on development of the Lāhainā Bypass Road in proximity to the Petition Area, as well as provide information on OPSD activities in disaster recovery that effect the development of the Petition Area.

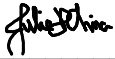
ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing MINUTE ORDER on Jul 1, 2024. This MINUTE ORDER shall take effect upon the date this MINUTE ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this day of Jul 1, 2024, per motion on May 8, 2024.

APPROVED AS TO FORM

LAND USE COMMISSION  
STATE OF HAWAI'I



\_\_\_\_\_  
JULIE CHINA  
Deputy Attorney General



\_\_\_\_\_  
DAN GIOVANNI  
Chairperson and Commissioner

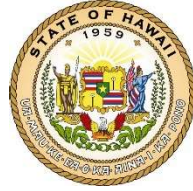
Filed and effective on:

Jul 1, 2024

Certified by:



\_\_\_\_\_  
DANIEL E. ORODENKER  
Executive Officer



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the MINUTE ORDER FOR STATUS REPORT was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

HAND DEL.: Mary Alice Evans, Acting Director  
Office of Planning and Sustainable Development  
P. O. Box 2359  
Honolulu, Hawai'i 96804-2359

HAND DEL.: ALISON KATO, Esq.  
Deputy Attorney General  
425 Queen Street  
Honolulu, Hawai'i 96813



CERTIFIED Kate Blystone, Director  
MAIL: Department of Planning  
County of Maui  
2200 Main Street, One Main Plaza, Suite 315  
Wailuku, Hawai'i 96793

CERTIFIED SCHNEIDER TANAKA RADOVICH ANDREW & TANAKA LLLP  
MAIL: 1100 Alakea Street, Suite 2100  
Honolulu, Hawaii 96813

Dated Jul 1, 2024  
Honolulu, Hawai'i.



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DANIEL E. ORODENKER  
Executive Office