

LAND USE COMMISSION
MEETING MINUTES
June 4, 2025 – 9:30 a.m.

Pursuant to Hawai'i Revised Statutes, HRS §92 as amended, the Commission conducted its meeting in hybrid format. Interested persons submitting written testimony were recommended to submit their written Statements 24 hours in advance of the meeting to allow for distribution to the Commission prior to the meeting.

LOCATION: Maui Arts & Cultural Center, Haynes Meeting Room 1 Cameron Way, Kahului, HI 96732
VIRTUAL: <https://us02web.zoom.us/j/88565595646?pwd=RvhGnlvf6gPbl1RT5pxnDLdH5548s6.1>
YOUTUBE RECORDING: <https://youtu.be/HlRhToaZAZy?feature=shared>

COMMISSIONERS PRESENT:

Dan Giovanni
Mel Kahele
Brian Lee
Kū'ike Kamakea-Ōhelo
Myles Miyasato
Bruce U'u
Nancy Carr Smith

STAFF PRESENT:

Daniel Orodener, Executive Officer
Scott Derrickson, Chief Planner
Martina Segura, Staff Planner
Ariana Kwan, Chief Clerk
Miranda Steed, Esq. Deputy Attorney General

COURT REPORTER:

Naegeli Deposition and Trial
(Via Zoom Recording)

CALL TO ORDER (YouTube: 00:00:00 - 00:03:25)

Chair Giovanni called the meeting to order at 9:30 a.m.

A92-686 AMFAC PROPERTY INVESTMENT CORPORATION & HAWAI'I HOUSING FINANCE & DEVELOPMENT CORPORATION, STATE OF HAWAI'I (MAUI) (PU'UKOLI'I MAUKA AND PU'UKOLI'I TRIANGLE) (YouTube: 00:03:26 - 01:24:56)

Status and progress report and action (if necessary) in response to the Office of Planning & Sustainable Development ("OPSD") Memo filed on March 5, 2025 for Clarification of Item in Petitioner's 2023 Annual Report. Files pertaining to this docket are available at: <https://luc.hawaii.gov/a92-686>; Parcel is identified as Tax Map Key No. (2) 4-4-15: parcels 1 through 29, (2) 4-4- 15:32, and portion of (2) 4-4-15:33. Approximately 298.992 Acres at Hanakaō'ō, Lāhainā, Island and County of Maui, State of Hawai'i

Appearances

Petitioner: Kā'anapali Land Management Corp. ("KLMC")

Diane Praywell, Esq., Counsel
Jeff Rebugio, Project Manager
Chad Fukunaga, Project Manager
Margaret Jenness, Managing Director (Zoom)
Geoff Fulks, Hawai'i Water Service
Julian Gandara, Hawai'i Water Service

Office of Planning and Sustainable Development ("OPSD")

Alison Kato, Esq. Deputy Attorney General
Aaron Setogawa, Planner

County of Maui

Planning Department ("County")

Andrew Nelson, Esq. Corporation Counsel
Kate Blystone, Planning Director

Co-Petitioner: Hawai'i Housing Finance & Development Corporation ("HHFDC")

Randy Chu, Development Branch Manager
Stanley Fujimoto, Project Manager

Commission on Water Resource Management ("CWRM")

Ciara Kahahane, Deputy Director
Katie Roth, Hydrologic Planning Branch Chief



Disclosures and Conflicts of Interest

There were no disclosures by Commissioners at this time regarding the agenda item.

Presentations

The LUC Planner presented the Staff report that was posted online on May 30, 2025.

KMLC presented an update on the Pu'ukoli'i Mauka portion of the Petition Area, explaining that development is paused due to uncertainty over potable water availability following the designation of the Lahaina aquifer as a managed water area. They clarified that no new water use permit has been filed, though one is being prepared. The delay stems from an earlier belief that new use permits would not be processed until existing use permits were complete. KMLC and Hawai'i Water Service now understand that new permits may be reviewed in parallel and are exploring alternative water sources, such as reallocating non-potable agricultural water.

Substantial infrastructure investments are on hold until the water supply is confirmed. Builders are ready to proceed, and demand is high, but KMLC stressed that they need clarity on water access before moving forward.

Hawai'i Water Service confirmed they submitted existing use applications, but have not submitted new use permits, based on earlier guidance. They now acknowledge that submitting a new use permit may be viable and are seeking further guidance from CWRM.

The County and HHFDC had no comments on the presentation provided.

OPSD initiated this meeting after KLMC's 2024 annual report stated that further development of the Mauka project was paused pending a new water use permit. CWRM clarified that while new use applications can be submitted at any time, they cannot be approved until existing use applications are resolved, according to state law.

KLMC expressed concern that filing a new use permit now might jeopardize their existing permit for agricultural water use. They prefer to wait until that permit is finalized before requesting a change in use. CWRM acknowledged the issue and agreed to meet separately with KLMC to work through the overlap.

Commissioner Carr Smith joined the meeting at 10:36 a.m.

Commissioners questioned why new permits weren't submitted earlier, what was CWRM's current backlog of applications, how does CWRM prioritize who gets water, reuse of water, what triggers need to modify a permit, updates on the bypass, further negotiations on the triangle portion of the petition area.

Public Testimony

During the first and second opportunity for public testimony, there were no members of the public who wished to provide oral testimony.

Deliberations

The Land Use Commission accepted the status report as adequate. They acknowledged that KLMC and CWRM will be meeting to clarify the water use permit process and work toward resolving the outstanding water issues. Following that meeting, KLMC is expected to submit an updated progress report to the Commission within 30 days. Commissioner U'u made the motion,

Commissioner Miyasato seconded. The motion passed with 7 ayes, 0 nays, and 2 excused.

APPROVAL OF MINUTES FOR MAY 7, 2025 (YouTube: 01:25:02-01:26:26)

The next agenda item was the approval of the May 7, 2025, Minutes. There was no written testimony, or members of the public who wished to testify to the approval of the Minutes.

Commissioner U'u moved to adopt the minutes, and Commissioner Kahele seconded the motion. The minutes were approved with 7 ayes, 0 nays, and 2 excused.

TENTATIVE MEETING SCHEDULE (YouTube: 01:26:27 - 02:16:53)

Chair Giovanni called for LUC Staff to provide the Tentative Meeting Schedule. Executive Officer, Daniel Orodener provided the following tentative meeting dates:

June 18, 2025: A17-804 Hawaiian Memorial Park Status Report (O'ahu)

July 9, 2025: A02-737 U of N Bencorp (Hawai'i)

August 6, 2025: A07-773(a) Emmanuel Lutheran Status Report (Maui)

September 24, 2025: A03-738 Gentry Investment Properties (O'ahu)

Chair Giovanni requested lunch be provided for the June 18, 2025 meeting, as the Commission intends to work through lunch.

COMMISSIONER'S EVALUATION OF EXECUTIVE OFFICER'S PERFORMANCE FOR FISCAL YEAR 2025 (JULY 2024 – JUNE 2025) (YouTube: 01:29:14 - 02:16:39)

The Chair explained the evaluation process, which involved each commissioner independently scoring the Executive Officer across nine criteria on a scale from 1 (does not meet expectations) to 5 (exceeds expectations). The compiled results showed an overall average score of 3.42 indicating that the Executive Officer exceeds expectations in all categories.

The Commission discussed the salary implications tied to the evaluation. Consistent with the Bargaining Unit 13 agreements, the current salary would be eligible for a 2.12% increase and a \$2,000 one-time lump sum. The Chair confirmed that funding exists in the budget to accommodate this adjustment.

Commissioners discussed the evaluation results, the written testimony submitted on this matter, the importance of staff retention, the Executive Officer's leadership, and the need to support staff compensation. Some commissioners expressed interest in extending the Executive Officer's contract, but it was clarified that such action was not agendaized and would need to be taken up at the next meeting.

Commissioner Kahele moved to approve the 2.12% salary increase and \$2,000 one-time lump sum for the Executive Officer, and Commissioner Carr Smith seconded the motion. The motion was approved with 7 ayes, 0 nays, and 2 excused.

Public Testimony

During the first and second opportunity for public testimony, there were no members of the public who wished to provide oral testimony.

ADJOURNMENT (YouTube: 02:16:40 - 02:16:53)

With no further business to attend to on the agenda, Chair Giovanni adjourned the meeting at 1:26 p.m.

