

LAND USE COMMISSION  
MEETING MINUTES  
July 26<sup>th</sup>, 2022 – 9:15 a.m.

**Pursuant to Hawai‘i Revised Statutes, HRS § 92 as amended, the Commission conducted its meeting in person and remotely by interactive conference technology, with Commission members, Staff, and Applicants participating simultaneously online. Interested persons were also advised to submit written testimony no later than 24 hours in advance of the meeting to allow for distribution to Commission members prior to the meeting, and to register to testify during the hybrid meeting using instructions circulated on the meeting agenda.**

IN PERSON: Homer A. Maxey Center Conference Room (Foreign-Trade Zone No. 9) 521 Ala Moana Boulevard, Honolulu, HI 96813

VIRTUAL: Zoom Webinar Virtual Meeting. Meeting Link for July 26, 2022 below:  
([https://us02web.zoom.us/webinar/register/WN\\_vjs69fmiSKqg7TurZh16aw](https://us02web.zoom.us/webinar/register/WN_vjs69fmiSKqg7TurZh16aw))

YOUTUBE RECORDING:  
(<https://www.youtube.com/watch?v=yLoeGQFkDhY>)

COMMISSIONERS PRESENT: Dan Giovanni (via Zoom)  
(Attending in person, unless Nancy Cabral  
indicated otherwise) Lee Ohigashi  
Gary Okuda  
Dawn N. S. Chang  
George Atta  
Kū‘ike Kamakea-‘Ōhelo  
Michael Yamane  
Melvin Kahele

(9 seated Commissioners as of 05/01/22)

STAFF PRESENT: Daniel Orodener, Executive Officer  
(Attending in person Julie China, Esq. Deputy Attorney General  
unless indicated otherwise) (via Zoom)  
Scott Derrickson, Staff Planner  
Riley Hakoda, Staff Planner  
Martina Segura, Staff Planner  
Ariana Kwan, Secretary

COURT REPORTER: via Naegeli Deposition and Trial  
(Attending via ZOOM conference media)

**CALL TO ORDER** (YouTube: 00:00:01)

Chair Giovanni called the meeting to order at 9:14 a.m.

**APPROVAL OF THE MINUTES** (YouTube: 00:06:00)

The first agenda item was the approval of the June 23, 2022, Minutes. Chair Giovanni asked if any public testimony was submitted, and if there were members of the public who wished to testify on the Minutes.

There was no written testimony submitted, or members of the public who wished to testify on the approval of the Minutes.

Commissioner Cabral moved to adopt the Minutes, and Lee Ohigashi seconded the motion to adopt the June 23, 2022, Minutes. The June 23, 2022, Minutes were unanimously approved (9-0).

**TENTATIVE MEETING SCHEDULE** (YouTube: 00:08:44)

Chair Giovanni called for the Executive Officer to provide the Tentative Meeting Schedule.

The Executive Office provided the following dates:

- July 27<sup>th</sup>, 2022: Continuation of the Commissioner Training
- August 24<sup>th</sup>, 2022: A17-804 HI Memorial Life Status Report (O‘ahu)
- August 25<sup>th</sup>, 2022: Currently open
- September 14<sup>th</sup>-16<sup>th</sup>: Hawai‘i Congress of Planning Officials (Kaua‘i)
- October 5<sup>th</sup>: SP92-380 Pu‘unēnē Quarry (Maui)
- October 6<sup>th</sup>: A15-798 Waikapū Properties (Maui)
- October 19<sup>th</sup>: A19-809 Pūlama Lāna‘i (Maui)

**MINUTES/TRANSCRIPTS** (YouTube: 00:13:00)

There was no written testimony submitted, however, Kenneth Church from Hakalau, Hawai‘i, provided testimony over Zoom.

**Public testimony** (YouTube: 00:13:28)

Kenneth Church asked for clarification regarding the payment and posting of the transcripts in lieu of minutes. Mr. Church did not support or oppose this matter.

The Commissioners discussed their thoughts and concluded to compress future minutes within compliance of the law.

No action was taken.

**COMMISSIONER TRAINING** (*YouTube: 00:38:46*)

Commissioner training began with a presentation from Land Use Commission Staff. The Executive Officer Daniel Orodenker and Chief Planner Scott Derrickson presented on the following matters:

- (1) Conducting meetings and contested case hearings,
- (2) Applicability of HRS chapter 92, the state sunshine law,
- (3) Applicability of HRS chapter 91, Hawai`i Administrative Procedure Act,
- (4) Applicability of HRS chapter 92F, the uniform information act,
- (5) §15-15-62 Ex parte communications,
- (6) Supreme Court decisions affecting LUC, and
- (7) HRS Section 92-5(a),(2), Personnel matters where consideration of matters affecting privacy will be involved

Commissioners shared thoughts and knowledge throughout the presentation.

The Commission recessed at 3:14 p.m until the next day, Wednesday July 27<sup>th</sup>, 2022, at 9:15 a.m.

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YOUTUBE RECORDING:  
(<https://www.youtube.com/watch?v=U04KWvVpx6>)

COMMISSIONERS PRESENT: Dan Giovanni (via Zoom)  
(Attending in person, unless Nancy Cabral  
indicated otherwise) Lee Ohigashi  
Gary Okuda  
Dawn N. S. Chang  
Dan Giovanni  
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Riley Hakoda, Staff Planner  
Martina Segura, Staff Planner  
Ariana Kwan, Secretary

COURT REPORTER: via Naegeli Deposition and Trial  
(Attending via ZOOM conference media)

**CALL TO ORDER** *(YouTube: 00:00:05)*

Chair Giovanni called the meeting to order at 9:15 a.m.

**CONTINUATION OF COMMISSIONER TRAINING** *(YouTube: 00:04:30)*

Land Use Commission Staff continued the presentation on Commissioner Training. The Executive Officer Daniel Orodener, Chief Planner Scott Derrickson, and Staff Planner Riley Hakoda presented on the following matters:

- (1) Conducting meetings and contested case hearings,
- (2) Applicability of HRS chapter 92, the state sunshine law,
- (3) Applicability of HRS chapter 91, Hawai`i Administrative Procedure Act,
- (4) Applicability of HRS chapter 92F, the uniform information act,
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Commissioners shared thoughts and knowledge throughout the presentation.

**Public Testimony** *(YouTube: 01:36:50)*

Chair Giovanni opened the meeting up for public testimony regarding the Commissioners Training.

Kenneth Church from Hakalau, Hawai`i, provided testimony via Zoom. Mr. Church testified in opposition of the administrative procedures of the Land Use Commission.

**Office of Planning and Sustainable Development Presentation (“OPSD”)** *(YouTube: 01:43:35)*

The Office of Planning and Sustainable Development presented to the Commissioners on OPSD’s role in supporting the work of the Land Use Commission.

Mary Alice Evans, Director of Office of Planning and Sustainable Development, began by presenting a brief background of OPSD, and introduced the program managers to address each programs interactions with the Land Use Commission.

The following individuals presented:

- Arthur Buto (Statewide GIS Program)
- Justine Nihipali (State Coastal Zone Management Program)
- Ruby Edwards (Statewide Transit Oriented Development Program)
- Tom Eisen (Environmental Review Program)
- Bryan Yee, Esq. (Land Use Division)
- Danielle Bass (Statewide Sustainability Program)

Chair Giovanni and First Vice Chair Cabral were no longer available to attend the meeting, so Second Vice Chair Ohigashi chaired the remainder of the meeting.

**Continuation of OPSD Presentation** (*YouTube: 03:23:42*)

The State Sustainability Coordinator, Danielle Bass, from the Office of Planning and Sustainable Development presented on Planning for Sustainability and Climate Change in Hawai'i to the Commissioners.

When the OPSD presentations concluded, Commissioners shared thoughts, knowledge, and asked questions relating to the material covered.

**Continuation of Commissioner Training presentation** (*YouTube: 04:33:37*)

Land Use Commission Staff continued the presentation on Commissioner Training. The Executive Officer Daniel Orodener, Chief Planner Scott Derrickson, and Staff Planner Riley Hakoda presented on the following matters:

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Commissioners shared thoughts and knowledge throughout the presentation.

Chair Ohigashi asked for Land Use Commission Staff to arrange for lunch to be provided, so the Commission can work through lunch during the August 24<sup>th</sup>, 2022, meeting at Daniel K. Inouye International Airport.

There being no further business to attend to, Chair Ohigashi adjourned the meeting at 3:09 p.m.