

LAND USE COMMISSION
MEETING MINUTES
November 2nd, 2022 – 9:00 a.m.

Pursuant to Hawai‘i Revised Statutes, HRS § 92 as amended, the Commission conducted its meeting in person. 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 meeting.

IN PERSON: University of Hawai‘i at Hilo, Campus Center Facility - Room 301
200 W. Kawili Street, Hilo, HI 96720

YOUTUBE RECORDING:
(<https://www.youtube.com/watch?v=0VdgbMMmO3g>)

COMMISSIONERS PRESENT: Dan Giovanni
Lee Ohigashi
Dawn N. S. Chang
George Atta
Kū‘ike Kamakea-‘Ōhelo
Michael Yamane

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

STAFF PRESENT: Daniel Orodener, Executive Officer
Riley Hakoda, Staff Planner
Martina Segura, Staff Planner
Ariana Kwan, Chief Clerk
Daniel Morris, Esq. Deputy Attorney General (via Zoom)

COURT REPORTER: Naegeli Deposition and Trial
(via Zoom video recording)

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

Chair Giovanni called the meeting to order at 9:06 a.m.

APPROVAL OF THE MINUTES (*YouTube: 00:03:10*)

The first agenda item was the approval of the October 5-6th, 2022, Minutes. There was no written testimony, or members of the public who wished to testify on the approval of the Minutes.

Commissioner Ohigashi moved to adopt the October 5-6th, 2022, Minutes, and Commissioner Kamakea-‘Ōhelo seconded the motion.

The October 5-6th, 2022, Minutes were approved with 6 ayes, 0 nays, and 3 excused.

TENTATIVE MEETING SCHEDULE (*YouTube: 00:04:27*)

Chair Giovanni called for the Tentative Meeting Schedule.

Executive Officer, Daniel Orodener provided the following tentative dates:

November 16th: A19-809 Pūlama Lāna‘i Miki Basin (Maui)

December 7th: A89-651 Haseko (O‘ahu)

December 8th: A81-525 Y-O Limited Partnership (Kona, Hawai‘i)

January 11th: A19-809 Pūlama Lāna‘i Miki Basin (Maui)

Chair Giovanni requested for Land Use Commission staff to arrange for lunch to be provided at the November 16, 2022, meeting being held at Maui Arts and Cultural Center, to allow the Commission to work through lunch.

A02-737 U of N BENCORP (HAWAI‘I) (*YouTube: 00:06:00*)

Status and progress report and action (if necessary) in response to the recently submitted 2022 annual report(s).

Appearances:

***Office of Planning and Sustainable
Development (“OPSD”)***

Lorene Maki (Planner)

Katia Balassiano (Program Administrator)

Bryan Yee, Esq. (Deputy Attorney General)

Petitioner

Derrick Simon (Counsel for Petitioner)

Katherine Garson (Counsel for Petitioner)

David Hamilton (Petitioner/President of UNK)

Jeffery Overton (Planner for Petitioner)

County of Hawai‘i

Jeff Dorrow (Deputy Director of Planning)

Suzanna Tiapula (Deputy Prosecutor)

Public

Daniel Kikawa

Disclosures (*YouTube: 00:06:04*)

Commissioner Atta disclosed he worked as a planner for the Projects master plan about 20 years ago and stated that it would not impact his decision making. There were no objections to his continued participation.

Public Testimony (*YouTube: 00:12:19*)

The Land Use Commission received three written testimonies prior to the meeting from the public on this matter.

11/01/22: Cory Harden
Janice Palma-Glennie
Boys and Girls Club of Hawai‘i

Chair Giovanni opened the meeting up for testimony on the Status Report for A02-737 U of N Bencorp (Hawai‘i).

Daniel Kikawa provided public testimony in support of the Project continuation.

Presentations (*YouTube: 00:17:08*)

Mr. Simon facilitated a presentation from David Hamilton (President and CEO of UNK) and welcomed questions from OPSD, County of Hawai‘i, and Commissioners. In response to the Petitioners presentation, the Commissioners asked questions relating to the project funding, development plans, affordable housing, community benefit, and the duration of the project (*YouTube: 01:20:25*).

After David Hamiltons presentation, Jeffery Overton the planner for the Petitioner presented on the status of the Environmental Impact Statement. Overton welcomed questions from OPSD, County of Hawai‘i, and Commissioners. In response to the presentation, the Commissioners asked questions relating to the breakdown of funding, cost of infrastructure, development plans, and climate change studies (*YouTube: 02:43:39*).

The Petitioner presentation/questioning was followed by a presentation from the County of Hawai‘i. The County of Hawai‘i’s presentation was in support of the Project Parcel remaining in State Land Use District Urban. Chair Giovanni allowed Commissioners to ask the County questions and comment on the presentation (*YouTube: 03:12:47*).

The Office of Planning and Sustainable Development presented that they were satisfied by the status report and progress update. Chair Giovanni allowed Commissioners to ask OPSD questions regarding the position (*YouTube: 03:45:05*).

Public Testimony (*YouTube: 03:56:12*)

Before the Commission went into deliberation, and after all the parties concluded their presentations, Chair Giovanni opened the meeting up for testimony on A02-737 U of N Bencorp, there were no members of the public that wished to testify.

Deliberations (*YouTube: 03:57:54*)

Commissioner Ohigashi moved to accept the status report with yearly status reports but would like the Environmental Impact Statement to be submitted to the Commission in the first half of 2023. Commissioner Chang seconded the motion.

The motion passed with 6 ayes, 0 nays, 3 excused.

ADJOURNMENT (*YouTube: 04:05:14*)

There being no further business to attended to, Chair Giovanni adjourned the meeting at 2:08 p.m.