

LAND USE COMMISSION
MEETING MINUTES
April 26th , 2023 – 9:15 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: Airport Conference Center (in Hawaiian Airlines Terminal Building) 400
Rodgers Blvd., 7th Floor, IIT Suite 700, Room #1, Honolulu, HI 96819

YOUTUBE RECORDING:
(<https://www.youtube.com/watch?v=Eo7lyKTW6U>)

COMMISSIONERS PRESENT: Dan Giovanni
Nancy Cabral
Lee Ohigashi
Gary Okuda
George Atta
Kū‘ike Kamakea-‘Ōhelo
Melvin Kahele

(8 seated Commissioners as of 12/12/22)

STAFF PRESENT: Daniel Orodener, Executive Officer
Scott Derrickson, Chief Planner
Riley Hakoda, Staff Planner
Martina Segura, Staff Planner
Ariana Kwan, Chief Clerk
Julie China, Esq. Deputy Attorney General (Via Zoom)

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

CALL TO ORDER (*YouTube: 00:00:06*)

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

APPROVAL OF THE MINUTES (*YouTube: 00:03:07*)

The first agenda item was the approval of the April 12, 2023, Minutes. There was no written testimony, or members of the public who wished to testify on the approval of the Minutes.

Commissioner Cabral moved to adopt the April 12, 2023, Minutes with two edits, and Commissioner Ohigashi seconded the motion.

The April 12th, 2023, Minutes with the noted changes were approved with 6 ayes, 0 nays, 2 excused, and 1 abstain.

TENTATIVE MEETING SCHEDULE (*YouTube: 00:04:49*)

Chair Giovanni called for Land Use Commission Staff to provide the Tentative Meeting Schedule.

Executive Officer, Dan Orodener provided the following tentative meeting dates, and cautioned the Commissioners not to plan to release the remaining days due to upcoming items:

- May 16th - 18th, 2023: Urban Land Institute (“ULI”) Toronto Conference
- June 7th, 2023: A07-773 Emmanuel Lutheran Church and Waikapū Development Venture
- June 21st, 2023: A19-807 Kamehameha Schools Bishop Estate (Hawai’i)
- June 22nd, 2023: A02-737 U of N Bencorp (Hawai’i)
- July 26th, 2023: SP9-403 Waimānalo Gulch (O’ahu)

SP23-415 WAIAWA CORRECTIONAL FACILITY (*YouTube: 00:06:57*)

To consider Special Permit Application for an after-the-fact State Special Use Permit (SUP) [No. 2022/SUP-3, filed by the State of Hawai’i, Department of Accounting and General Services (Petitioner)], for the Waiawa Correctional Facility to bring the facility into compliance with the State Land Use Law, Chapter 205, Hawai’i Revised Statutes (Petition). The Petition includes approximately 23.7 acres of land in the State Agricultural District identified by Tax Map Key (TMK) No. (1) 9-6-005: 011 in the Ewa District of O’ahu, Hawai’i

Appearances

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

Alison Kato, Esq. (Deputy Attorney General)

City and County of Honolulu

Not Present

Public

None

Petitioner and Petitioner Witnesses

Linda Chow, Esq. (Counsel for Department of
Accounting and General Services
(“DAGS”))

Lance Maja (Planner with DAGS)

Ivan Lee (Project Manager with SSFM)

Public Testimony (*YouTube: 00:16:39*)

The Land Use Commission received no written testimony from the public on this matter.

Chair Giovanni opened the meeting up for testimony on the matter, and there were no members of the public who wished to testify on this matter.

Presentations (*YouTube: 00:11:14*)

Ms. Chow commented and elaborated on the Stipulated Agreement for Remand. The remand would allow the opportunity to supplement and add additional information to the record.

After Linda Chows' comments, Alison Kato Deputy Attorney General for The Office of Planning and Sustainable Development ("OPSD"), commented in support of the Stipulated Agreement for Remand.

Commissioner Okuda questioned the Petitioner on the cogent information being added to the record and the scope of the Special Permit being sought. One of the issues that Okuda brought up was Chapter 343, correctional facilities and rehabilitation planning, the Hawai'i Correctional System Oversight Commission, and the social impacts involved with the correctional system. Okuda also asked to include the discussion of district boundary amendment vs special permit and the limitations of the special permit to be included in the remanded record (*YouTube: 00:13:55-00:27:38*).

Public Testimony (*YouTube: 00:28:10*)

Once again, Chair Giovanni opened the meeting up for testimony on the matter, and there were no members of the public who wished to testify on this matter.

Deliberations (*YouTube: 00:28:30*)

Commissioner Ohigashi moved for the matter be remanded to the Honolulu Planning Commission under the terms of the stipulated agreement with the parties. Commissioner Okuda seconded. The Motion passed with 7 ayes, 0 nays, and 2 excused.

DISCUSSION ON ELECTION OF COMMISSION OFFICERS AND ACTION(*YouTube: 00:35:31*)

Public Testimony (*YouTube: 00:35:40*)

The Land Use Commission received no written testimony from the public on this matter, and there were no members of the public present who wished to testify on this matter.

Deliberations (*YouTube: 00:36:20*)

Commissioner Okuda moved to nominate Commissioner Ohigashi as First Vice Chair, Commissioner Yamane as Second Vice Chair, and renew chair Giovanni for another term as Chair. Commissioner Cabral seconded the Motion. The Motion passed with 6 ayes, 0 nays, 2 excused, and 1 abstain.

EXECUTIVE SESSION(*YouTube: 00:43:00*)

Executive session was deemed not necessary by the Commission, because the conversation about personnel matters were about procedure.

Commissioner Ohigashi will send a survey to individual fellow Commissioners to gather information and thoughts on the executive officer, for the annual performance review at the June 7th hearing.

ADJOURNMENT (*YouTube: 00:46:44*)

There being no further business to attended to, Chair Cabral adjourned the meeting at 10:13 a.m.