

LAND USE COMMISSION
MEETING MINUTES
June 7th, 2023 – 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: Maui Arts & Cultural Center, Haynes Meeting Room
1 Cameron Way, Kahului, HI 96732

YOUTUBE RECORDING:

<https://youtu.be/MRn48PAfjgg>

COMMISSIONERS PRESENT:

Dan Giovanni
Lee Ohigashi
Gary Okuda
George Atta
Kū‘ike Kamakea-‘Ōhelo
Melvin Kahele
Michael Yamane

(9 seated Commissioners as of 04/17/23)

STAFF PRESENT:

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

COURT REPORTER:

(via Zoom video recording)

Naegeli Deposition and Trial

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

Chair Giovanni, called the meeting to order with a late start at 9:15 a.m., due to flight delays.

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

The first agenda item was the approval of the April 26, 2023, 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 April 26, 2023, and Commissioner Kahele seconded the motion.

The April 26th, 2023, Minutes were approved with 7 ayes, 0 nays, and 2 excused.

TENTATIVE MEETING SCHEDULE (*YouTube: 00:04:19*)

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

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

June 21st, 2023: A19-807 Kamehameha Schools Bishop Estate (Hawai'i)

June 22nd, 2023: A02-737 U of N Bencorp (Hawai'i)

September 6-8, 2023: Hawai'i Congress of Planning Officials (O'ahu)

September 20, 2023: A92-683 Halekua Development (O'ahu)

September 21, 2023: SP9-403 Waimānalo Gulch (O'ahu)

A07-773 EMMANUEL LUTHERAN CHURCH OF MAUI (a) AND WAIKAPU DEVELOPMENT VENTURE, LLC (b) (Maui) (*YouTube: 00:06:36*)

Approximately 25.263 Acres of Land Situated at Wailuku, Island of Maui, State of Hawai'i. Tax Map Key: (2) 3-5-002: 011. Status and progress report and action (if necessary) in response to the recently submitted 2018-2023 annual report for A07-773 (a) and (b) submitted by Waikapu Development Venture, LLC.

Appearances

Office of Planning and Sustainable Development ("OPSD")

Alison Kato, Esq. (Deputy Attorney General)

County of Maui

Kathleen Aoki, Director

Mimi Desjardins, Esq. (Deputy Corporation Counsel)

Petitioner and Petitioner Witnesses

Jeff Ueoka, Esq. (Counsel for WDV)

Leif Sjöstrand (Representative for ELC)

Public

None

Public Testimony (*YouTube: 00:11:58*)

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: 00:13:10*)

Mr. Ueoka presented on proposed revisions to the 201H Project Plans, status, Maui County Resolutions, Extension of Time, Maui County Subsidy, HOA for the Project, and a tentative development schedule.

Commissioners questioned the Petitioner on the funding from Maui County, timeline and the continuation of work, responsibility of conditions, determining factors for continuation, and market studies. The Commission also had questions regarding the 2018-2023 annual report and qualification of the cultural experts cited in the Archeological Assessment (*YouTube: 00:27:48-00:27:38*).

After the questions from the Commission, Mimi Desjardins Deputy Corporation Counsel for Maui Planning had no comments. Commissioners urged County of Maui to be more involved with the process, and to look into chapter 343 requirements (*YouTube: 01:37:30-01:41:34*).

Alison Kato Deputy Attorney General for The Office of Planning and Sustainable Development (“OPSD”), commented on the slow progress, possible 343 exemption, and possible HHFDC funding opportunities (*YouTube: 01:41:34-01:44:31*).

Public Testimony (*YouTube: 01:44:41*)

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.

Discussions (*YouTube: 01:45:05-*)

Commissioners discussed their concerns for WDV and ELC as a party. Commissioners concluded that both parties need to appear before the Commission with a status report with information regarding the issues that were brought up in the hearing.

EXECUTIVE SESSION(*YouTube: 01:59:04-01:59:06*)

See Executive Session Minutes

ADJOURNMENT (*YouTube: 01:59:06*)

There being no further business to attended to, Chair Giovanni adjourned the meeting at 12:04 p.m.

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EXECUTIVE SESSION MEETING MINUTES
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COMMISSIONERS PRESENT: Dan Giovanni
Gary Okuda
Lee Ohigashi
Melvin Kahele
Kū‘ike Kamakea-‘Ōhelo
Michael Yamane
George Atta

(9 seated Commissioners as of 04/17/23)

STAFF PRESENT: Daniel Morris, Esq. Deputy Attorney General

EXECUTIVE SESSION

Chair Giovanni called the Executive Session meeting to order at 11:35 a.m. (Pursuant to HRS § 92-5 the Commission may elect to consult with its legal counsel in executive session.)

Commissioners consulted the Deputy Attorney General on questions and issues regarding personnel matters where considerations of matters affecting privacy were involved.

Commissioner Ohigashi moved, and Commissioner Yamane seconded the motion to exit from Executive Session. By voice vote, the Commission unanimously voted to exit from Executive Session at 12:03 p.m.