

LAND USE COMMISSION  
MEETING MINUTES  
February 7<sup>th</sup>, 2024 – 9:30 a.m.

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

IN PERSON: West Hawai'i Civic Center, Community Meeting Hale, Building G  
74-5044 Ane Keohokālole Highway, Kailua-Kona, HI 96740

YOUTUBE RECORDING: (<https://www.youtube.com/watch?v=VvRQi47uHyo>)

COMMISSIONERS PRESENT:

Dan Giovanni  
Lee Ohigashi  
Gary Okuda  
George Atta  
Melvin Kahele  
Kū'ike Kamakea-Ōhelo  
Michael Yamane  
Nancy Carr Smith

STAFF PRESENT:

Daniel Orodenker, Executive Officer (Zoom)  
Scott Derrickson, Chief Planner  
Martina Segura, Staff Planner  
Ariana Kwan, Chief Clerk  
Julie China, Esq. Deputy Attorney General

COURT REPORTER:

Naegeli Deposition and Trial  
(Via Zoom Recording)

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

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

**APPROVAL OF THE MINUTES** (YouTube: 00:03:25)

The first agenda item was the approval of the December 6<sup>th</sup>, 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 December 6<sup>th</sup>, 2023, Minutes, and Commissioner Yamane seconded the motion.

December 6<sup>th</sup>, 2023, Minutes were approved with 8 ayes, 0 nays, 1 excused.

**TENTATIVE MEETING SCHEDULE** (YouTube: 00:04:23)

Chair Giovanni called for Land Use Commission Staff to provide the Tentative Meeting Schedule. Chief Planner, Scott Derrickson provided the following tentative meeting dates, and cautioned the Commissioners not to plan to release the remaining days due to upcoming items:

March 6, 2024: A92-683 Halekua Development (O'ahu)  
March 7, 2024: Litigation Update and Rule Postponement (O'ahu)  
May 8, 2024: A92-686 AMFAC/HHFDC (Maui)  
May 9, 22-23, 2024: SP09-40 Waimānalo Gulch (O'ahu)



**A83-549 Kona Vistas LLC (Hawai'i)** (YouTube: 00:07:20)

Status and progress report and action (if necessary) in response to the 2022 annual report. Approximately 173.66 Acres, Identified by Tax Map Key No. 7-6-21: 4, 9, 10, 11, 12, 13, 15, 16 and 17 at Holualoa First and Second, North Kona, Hawai'i.

**Appearances**

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

Katia Balassiano, Program Administrator  
Allison Kato, Esq. Deputy Attorney General (Zoom)

**County**

Jeffery Darrow, Deputy Director of Planning  
Michelle Ahn, Esq. Deputy Corporation Counsel  
Susan Kuntz, Housing Administrator

**Petitioner**

Daryn Arai, Land Use Consultant  
Michael Matsukawa, Counsel  
Richard Wheelock, member of Kona Three LLC  
Robert Williams, member of Kona Three LLC  
Roland Higashi, member of Kona Three LLC

**Public**

David Blancett-Maddock  
Diane Blancett-Maddock  
Mark Van Pernis  
Renee Inaba  
Joel Gimpel  
John Powell  
Brandon Busch  
Lamaku Mikahala Roy  
Janice Kerr  
Douglas Cichowicz  
Craig Bo Kahui  
Hiram Rivera  
Cheryl Tanguay

**Disclosures** (YouTube: 00:13:24)

Commissioner Okuda disclosed that eight years ago when he was nominated to be a commissioner, he asked Michael Matsukawa to explain the fundamentals of land use law. Additionally, Okuda disclosed that he was involved with an action with Matsukawa’s brother, but stated neither of these representations have financial interest, or would affect his ability to be fair and objective regarding this Petition. There were no objections to his continued participation. During the public testimony portion of the hearing, Commissioner Okuda disclosed his previous work with Mark Van Pernis, and there were no objections to his continued participation.

Later in the hearing, Commissioner Atta recognized Mr. Wheelock, and disclosed that he had done work with Mr. Wheelock in the past on projects on ‘Oahu. There were no objections to his continued participation (YouTube: 02:16:20).

**Public Testimony Round One** (YouTube: 00:19:05 -01:32:27)

The Land Use Commission received 15 written testimonies prior to the start of the meeting from the public on this matter. Chair Giovanni opened the meeting up for testimony on the matter, and there were 12 members of the public who provided testimony. Ten of the testifiers were in opposition to the project’s continuation, and two members of the public testified in support. Testifiers included David Blancett-Maddock, Diane Blancett-Maddock, Mark Van Pernis, Renee Inaba, Joel Gimpel, John Powell, Brandon Busch, Lamaku Mikahala Roy, Janice Kerr, Douglas Cichowicz, Craig Bo Kahui, and Hiram Rivera.



### **Presentations** (YouTube: 01:32:43)

Daryn Arai presented the petitioners status update and included updates on the Petitioners efforts at the County level.

Commissioners questioned the Petitioners on the amount of affordable housing units to be built by Petitioner, the obligation of building the 22 affordable housing units, county proceedings, and the intentions for building and the timing of building.

The County of Hawai'i presented that Planning Director Zendo Kern has been "walled off" from this matter because of his involvement during his previous work, the prior agreement for affordable housing met expiration after seven amendments, and the status of the planning departments decisions and actions.

Commissioners questioned the County on the development timing of the affordable housing units, determination for the location of the affordable housing, and amendments to the zoning (YouTube: 02:23:43).

The Office of Planning and Sustainable Development presented that the Petitioners and County's presentation is sufficient in providing and update and shows the Parties are working towards competition of the conditions set by the Commission.

Commissioners questioned the OPSD on the traffic in the area and the State Department of Transportation's input on the project, questions on the process and concerns of the community, and the willingness to meet with the community members who shared concerns (YouTube: 02:54:23).

Petitioners' final rebuttal included that the chapter 343 and county council action processes included public input and notification, the county council dictates the criteria of the development, standing, development style and intention of the affordable housing, and the inapplicability of short-term rentals (YouTube: 03:04:20).

### **Public Testimony Round Two** (YouTube: 03:14:00)

Once again, Chair Giovanni opened the meeting up for public testimony on this matter, and there were nine members of the public who provided testimony with concerns and opposition to the project's continuation. Testifiers included David Blancett-Maddock, Diane Blancett-Maddock, Cheryl Tanguay, Mark Van Pernis, Renee Inaba, Joel Gimpel, John Powell, Janice Kerr, and Douglas Cichowicz.

### **Deliberations** (YouTube: 03:51:50)

The Commission believes that the Petitioner met their burden to provide a status report. The Commission requests on the record that the Petitioner provide updates regarding the status of the County Planning Commission and Council process and proceedings, resolutions involving the State, as well as the continuation of annual report filings.

### **ADJOURNMENT** (YouTube: 04:03:16)

With no further business the meeting was adjourned at 2:20 p.m.