

LAND USE COMMISSION  
MEETING MINUTES  
May 8, 2024 – 9:00 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: Maui Arts & Cultural Center, Haynes Room  
1 Cameron Way, Kahului, HI 96732

YOUTUBE RECORDING: (<https://www.youtube.com/watch?v=8CCW7z9I29U>)

COMMISSIONERS PRESENT:

Dan Giovanni  
Lee Ohigashi  
Kū'ikeokalani Kamakea-Ōhelo  
George Atta  
Michael Yamane  
Brian Lee  
Nancy Carr Smith

STAFF PRESENT:

Daniel Orodenker, Executive Officer  
Scott Derrickson, Chief Planner  
Martina Segura, Staff Planner  
Ariana Kwan, Chief Clerk  
Arnold Wong, Development Coordinator  
Julie China, Esq. Deputy Attorney General

COURT REPORTER:

Naegeli Deposition and Trial  
(Via Zoom Recording)

**CALL TO ORDER** (YouTube: 00:00:07)

Chair Giovanni, called the meeting to order at 9:03 a.m., after a delayed arrival to the meeting venue.

**APPROVAL OF THE MINUTES** (YouTube: 00:03:15)

The first agenda item was the approval of the April 3-4, 2024, 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 3-4, 2024, Minutes, and Commissioner Yamane seconded the motion.

April 3-4, 2024, Minutes were approved with 7 ayes, 0 nays, and 1 excused.

**TENTATIVE MEETING SCHEDULE** (YouTube: 00:04:24)

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

June 5, 2024: OPSD Soil Study (Virtual Meeting/ O'ahu)  
June 19-20, 2024: SP97-390 Central Maui Land Fill and A11-792 DHHC (Maui)  
July 10-11, 2024: A07-772 A&B Properties Inc. and A07-773(a) ELC (Maui)  
July 22 -24, 2024: Commissioner Training (O'ahu)  
August 1-8, and 21-22, 2024: SP09-403 Waimanalo Gulch Landfill (O'ahu)  
September 11-13, 2024: HCPO (Hawai'i)  
September 25-26, 2024: SP73-147 Makakilo Quarry (O'ahu)  
October 9-10, 2024: SP21-412 Mahi Solar (O'ahu)



**A92-686 AMFAC PROPERTY INVESTMENT CORPORATION & HAWAI'I HOUSING FINANCE & DEVELOPMENT CORPORATION, STATE OF HAWAI'I (MAUI)** (YouTube: 00:07:15)

Status and progress report and action (if necessary) in response to the recently submitted annual report and supplemental report. Approximately 298.992 Acres at Hanakao'o, Lahaina, Island and County of Maui, State of Hawai'i, Tax Map Key No. 4-4-15: parcels 1 through 29, 4-4-15:32, and portion of 4-4-15:33.

**Appearances**

***Petitioners***

***Kā'anapali Land Management Corp. ("KLMC")***

Diane Praywell, Esq.

Jeff Rebugio

Chad Fukunaga

***Hawai'i Housing Finance & Development Corporation ("HHFDC")***

Stan Fujimoto, Project Manager

Randy Chu, Branch Chief

Sandra Ching, Esq. Deputy Corporation Counsel

***Public***

None

***County of Maui***

Kate Blystone (Planning Department, Director)

Danny Dias (Planning Department, Head of Planning Division)

Iliki Banaraz (Planning Department, Planner)

Robert Schmidt (Dept. of Environmental Management, Deputy Director)

Mimi Desjardins, Esq. (First Deputy Corporation Counsel)

***Office of Planning and Sustainable Development ("OPSD")***

Katia Balassiano, Land Use Development Program Administrator

Allison Kato, Deputy Attorney General

**Disclosures** (YouTube: 00:10:36-00:10:51 and 00:13:47-00:14:46)

Commissioners did not have any conflicts of interest or disclosures.

**Public Testimony Round One** (YouTube: 00:15:16 -00:16:16)

The Land Use Commission received no written testimony 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 no members of the public who wished to provide testimony at this time.

**Presentations** (YouTube: 00:16:26-02:00:00)

KLMC (YouTube: 00:16:35-01:12:02) provided their presentation on the status and plans for development. KLMC provided updates on the Petition area, historic review of Act 15 (agreement with HHFDC), Act 198 affordable housing requirements, the developments master plan in the area, preexisting plans, water sourcing, and the status of developments.

Commissioners asked questions reading the location of the school parcel, number of affordable housing units, status of development agreements, conditions in the Commission's decision and orders, additional land uses, status of the Lahaina Bypass Road and DOT involvement, carrying costs, general timeframes, holdbacks, water use applications, level of engagement, and future amendments.

HHFDC (YouTube: 01:12:02-01:23:04) provided their presentation and addressed that the desertification requires 340 affordable housing units, and any changes require approval from the Commission as well as, the triparty agreement.

Commissioners asked HHFDC questions regarding the parties involved with discussions on amendments, involvement in the Mauka portion of the project, preference, and qualifications for HHFDC programs, and additional support from the state.

The County of Maui (*YouTube: 01:23:06-01:31:50*), provided their comments regarding the lack of historical documents in their records, the West Maui Community Plan and the Project areas zoning, and the communities support for growth in the area.

Commissioners asked the County of Maui questions regarding the consistency with the Community Plan and the applicability of the Maui Wildfire Recovery Emergency Proclamation.

OPSD (*YouTube: 01:31:54-01:47:00*) provided their comments regarding the importance and updates that will be needed in the future. OPSD presented that they reached out to the Department of Transportation, Department of Education, Hawai'i Emergency Management Agency, Commission on Water Resource Management ("CWRM"), and Department of Health ("DOH") for comments on Conditions that are applicable. DOH and CWRM returned with comments, and other Departments had no comments.

Commissioners asked OPSD questions regarding formal written comments and requested an addendum to the record to include written comments, Department of Transportation, and the Lahaina Bypass Road, and OPSD involvement in disaster recovery.

#### **Public Testimony Round Two** (*YouTube: 02:00:01- 02:00:17*)

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

#### **Deliberations** (*YouTube: 02:00:17- 02:15:52*)

The Commission determined that they were satisfied with the information presented by the Parties. A motion was made by Commissioner Ohigashi and seconded by Commissioner Carr-Smith to require a status report meeting scheduled around the same time as the annual report.

Commissioner Atta suggested a friendly amendment to include that the Petitioner may request a status report based on significant/non-significant impacts to the Project, the amendment was accepted by the movant and seconder.

Commissioner Lee suggested an additional friendly amendment to include that the scheduling of the status report can be determined by the Executive Director as seen as appropriate. The amendment was accepted by the movant and seconder.

The final Motion: the Commission determined the status report sufficient. A status report hearing may be scheduled when the next annual report is received, or earlier if requested by Petitioner if significant activity has occurred. Scheduling is to be determined as deemed appropriate by the Executive Officer. The Motion passed 7 ayes, 0 nays, and 1 excused.

### **DISCUSSION ON THE RESULTS OF THE COMMISSION'S PERFORMANCE EVALUATION OF THE EXECUTIVE OFFICER** (*YouTube: 02:16:25- 03:07:22*) *Audio issues from (YouTube: 02:16:25-02:17:35)*

#### **Public Testimony Round One**

The Land Use Commission did not receive any written testimony on the matter, and there were no members of the public present in the meeting venue to provide public testimony.

#### **Discussion** (*YouTube: 02:16:25-02:21:39*)

Commissioner Ohigashi conducted the performance evaluations by sending out an evaluation form to the Commissioners separately. Commissioner Ohigashi then compiled the results of the Evaluation. The Executive Officer preferred for the Commission to do the review the results in executive session and return with comments and results.

**EXECUTIVE SESSION** (YouTube: 02:21:39- 02:21:46)

Pursuant to HRS section 92-5(a)(2) the Commission may go into executive session regarding LUC personnel matters where considerations of matters affecting privacy will be involved.

**Executive Session Minutes**

Commissioner Ohigashi moved to go into executive session, Commissioner Yamane seconded, the motion to enter executive session passed with 7 ayes, 0 nays, and 1 excused. The Commission entered executive session at 12:12 p.m.

During executive session, the Commission addressed personnel matters where considerations of matters affecting privacy were involved. The Commission reviewed and discussed the results of the performance evaluation of the Executive Officer. During the executive session the Deputy Attorney General concluded that to discuss the salary of the Executive Officer, it would have to be agenzized more clearly for the next hearing.

Commissioner Ohigashi moved to exit executive session, and Commissioner Yamane seconded the Motion. The Motion passed to exit executive session with 7 ayes, 0 nays, and 1 excused. The Commission exited executive session at 1:32 p.m.

**Public Testimony Round Two**

After the executive session, there were no members of the public present at the meeting venue to provide public testimony.

**Discussion Continued** (YouTube: 02:21:46- 03:07:22)

Following the executive session, the Commissioners returned to share the numerical compilation of the performance evaluation. The performance evaluation included eight different categories, and an overall performance category, following the announcements of the results, Commissioners presented comments/recommendations for improvements.

**ADJOURNMENT** (YouTube: 03:07:31)

A motion to adjourn was moved by Commissioner Yamane and seconded by Commissioner Lee. The motion passed with 7 ayes, 0 nays, and 1 excused. With no further business to attend to, the meeting was adjourned at 2:19 p.m.