

LAND USE COMMISSION  
MEETING MINUTES  
July 23, 2024 – 10:00 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: Homer A. Maxey Center Conference Room (Foreign-Trade Zone No. 9)  
521 Ala Moana Boulevard, Honolulu, HI 96813

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

COMMISSIONERS PRESENT:

Dan Giovanni  
Michael Yamane  
Brian Lee  
Nancy Carr Smith  
Bruce U'u  
Myles Miyasato  
Ken Hayashida

STAFF PRESENT:

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

COURT REPORTER:

Naegeli Deposition and Trial  
(Via Zoom Recording)

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

Chair Giovanni called the meeting to order at 10:00 a.m.

**APPROVAL OF THE MINUTES** (YouTube: 00:03:20)

The first agenda item was the approval of the July 10, 2024, Minutes. There was no written testimony, or members of the public who wished to testify on the approval of the Minutes.

Commissioner Lee moved to adopt the July 10, 2024, Minutes with the addition of a comma, and Commissioner Yamane seconded the motion.

The July 10, 2024, Minutes were approved with 7 ayes, 0 nays, and 2 excused.

**TENTATIVE MEETING SCHEDULE** (YouTube: 00:05:04)

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

August 7-8, 2024: SP09-403 Waimanalo Gulch Landfill (O'ahu)  
August 21-22, 2024: SP09-403 Waimanalo Gulch & SP73-147 Makakilo Quarry (O'ahu)  
August 29-30, 2024: SP73-147 Makakilo Quarry (O'ahu)  
September 10, 2024: SP73-147 Makakilo Quarry (O'ahu)  
September 11-13, 2024: HCPO (Hawai'i)  
September 25-26, 2024: DR\_\_ - \_\_, County of Maui Public Works (Maui)  
October 9, 2024: DR\_\_ - \_\_, RK II Partners (O'ahu)  
October 23-24, 2024: SP21-412 Mahi Solar (O'ahu)  
November 6-7, 2024: A07-772 A&B, and A07-773(a) Emmanuel Lutheran (Maui)



**COMMISSIONER TRAINING** (YouTube: 00:10:32- 01:)

The training session will provide the Commission an opportunity to consult with its attorney and LUC Staff regarding Hawai'i Revised Statutes ("HRS") Chapter 205, Hawai'i Administrative Rules ("HAR") Chapter 15-15. Topics also include district boundary amendments, special permits, declaratory rulings, important agriculture lands, and other types of Commission business. Additionally, the session will address the applicability of HRS Chapter 92 (State Sunshine Law), HRS Chapter 91 (Hawai'i Administrative Procedure Act), HRS Chapter 92F (Uniform Information Practices Act), and §15-15-62 on ex-parte communications

**Appearances**

***Public***

Jenny Lee

**Public Testimony Round One** (YouTube: 00:11:00 -00:11:07)

The Land Use Commission received no written testimony prior to the start of the meeting from the public on this matter, and there were no members of the public who wished to provide testimony at this time.

**Presentation** (YouTube: 00:14:10 -04:19:58)

Land Use Commission staff provided the Commissioner training, and covered topics such as, but not limited to Hawai'i Revised Statutes ("HRS") Chapter 205, Hawai'i Administrative Rules ("HAR") Chapter 15-15, district boundary amendments, special permits, declaratory rulings, and important agriculture lands.

Throughout the course of the presentation LUC Staff entertained Commissioners questions, there were questions relating to ex-parte communications, recusal, sunshine law compliance, deemed complete form and content requirements, staff support, procurement process, document intake process, process of drafting and finalizing decision and orders. For comprehensive review, please refer to the YouTube recording, or the meeting transcript.

**RECESS** (YouTube: 04:19:58-04:20:07)

Being past the halfway point in the presentation, the July 23, 2024, meeting was recessed at 3:52 p.m., for continuation of the July 24, 2024, agenda on the, at 9 .a.m. held at the Homer A. Maxey Center Conference Room (Foreign-Trade Zone No. 9) 521 Ala Moana Boulevard, Honolulu, HI 96813.

LAND USE COMMISSION  
MEETING MINUTES  
July 24, 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: Homer A. Maxey Center Conference Room (Foreign-Trade Zone No. 9)  
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YOUTUBE RECORDING: (<https://www.youtube.com/watch?v=Q8cdl7RTKi8>)

COMMISSIONERS PRESENT:

Dan Giovanni  
Michael Yamane  
Brian Lee  
Nancy Carr Smith  
Bruce U'u  
Myles Miyasato  
Ken Hayashida

STAFF PRESENT:

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

COURT REPORTER:

Naegeli Deposition and Trial  
(Via Zoom Recording)

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

Chair Giovanni, reconvened the meeting at 9:00 a.m.

**COMMISSIONER TRAINING CONTINUATION** (YouTube: 00:00:40- 03:24:04)

The training session will provide the Commission an opportunity to consult with its attorney and LUC Staff regarding Hawai'i Revised Statutes ("HRS") Chapter 205, Hawai'i Administrative Rules ("HAR") Chapter 15-15. Topics also include district boundary amendments, special permits, declaratory rulings, important agriculture lands, and other types of Commission business. Additionally, the session will address the applicability of HRS Chapter 92 (State Sunshine Law), HRS Chapter 91 (Hawai'i Administrative Procedure Act), HRS Chapter 92F (Uniform Information Practices Act), and §15-15-62 on ex-parte communications

**Appearances**

**Public**

Jenny Lee

**Presentations** (YouTube: 00:00:45 -03:24:04)

Land Use Commission staff provided the Commissioner training, and covered topics such as, but not limited to order to show causes, boundary interpretations, sunshine law, the public trust doctrine, sustainability, ethics, current issues, and administrative matters.

Throughout the course of the presentation LUC Staff entertained Commissioners questions, there were questions relating to the public trust doctrine, Ka Pa'akai, sustainability, natural resource management and balance, ethics, administrative matters, and sources of information presented in the presentation. For comprehensive review, please refer to the YouTube recording, or the meeting transcript.



**Public Testimony Round Two** (*YouTube: 03:24:04 - 03:24:08*)

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 at this time.

**Lunch Request** (*YouTube: 03:24:59 - 03:25:25*)

The Land Use Commission August 8<sup>th</sup> meeting will be held at the Airport, with limited access to restaurants, and the Commission intends to work through lunch, it was requested that Staff arrange for lunch to be provided to the Commission.

**ADJOURNMENT** (*YouTube: 03:25:35*)

With no further business to attend to, Commissioner Yamane moved to adjourn the meeting, and Commissioner Lee seconded, the motion passed with 7 ayes, and 2 excused. The meeting was adjourned at 12:40 p.m.