

LAND USE COMMISSION
MEETING MINUTES
February 5, 2025 – 10:00 a.m.

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

LOCATION: Leiopapa A Kamehameha, State Office Tower, Room 405
235 S Beretania Street, Room 405, Honolulu, HI 96813

VIRTUAL: <https://us02web.zoom.us/j/83053032515?pwd=r6ePtXb39zpTo30hGD7aafA99XaRB6.1>

YOUTUBE RECORDING: <https://www.youtube.com/watch?v=y3s7nSyK1rk>

COMMISSIONERS PRESENT:

Dan Giovanni
Michael Yamane
Mel Kahele
Brian Lee
Nancy Carr Smith
Bruce U'u
Myles Miyasato (Zoom)
Ken Hayashida¹

STAFF PRESENT:

Daniel Orodener, Executive Officer
Scott Derrickson, Chief Planner
Martina Segura, Staff Planner
Ariana Kwan, Chief Clerk
Arnold Wong, Land Use Development
Coordinator
Miranda Steed, Esq. Deputy Attorney General

COURT REPORTER:

Naegeli Deposition and Trial
(Via Zoom Recording)

CALL TO ORDER

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

APPROVAL OF MINUTES FOR JANUARY 22, 2025 (YouTube: 00:04:59-00:06:10)

This agenda item was moved and taken out of order by the degression of the Chair.

There was no written testimony, or members of the public who wished to testify to the approval of the Minutes. Commissioner U'u moved to adopt the January 22, 2025, and Commissioner Carr Smith seconded the motion. The January 22, 2025, Minutes were approved with 8 ayes, 0 nays, and 2 excused.

A89-651 HASEKO ('EWA) INC. (O'AHU) (YouTube: 00:06:21-00:44:31)

To consider Petitioner's 2024 Motion for Approval of Job Credits as required by the Land Use Commission ("LUC") Decision and Order issued on October 17, 1990. Files pertaining to this docket are available at: <https://luc.hawaii.gov/a89-651> Parcel is identified as TMK No. 9-1-12: 5 (por.), 6 (por.), and 23 (por.), approximately 403.008 acres located in Honouliuli, 'Ewa, O'ahu, State of Hawai'i.

¹ Commissioner Hayashida recused himself from the agenda item relating to A89-651 and joined the meeting around 11a.m., for the presentation from the Housing Development Coordinator.



Appearances

Petitioner: Haseko

Curtis Tabata, Esq.
Benjamin Matsubara, Esq.
Daniel Sandomire, Vice President of
Development
Peter Kwan, Vice President of Site
Development
Kelly Uwaine, In-House Counsel
Daniel Lum, Senior Manager of
Development

Office of Planning and Sustainable Development ("OPSD")

Alison Kato, Esq. Deputy Attorney
General
Mary Alice Evans, Director
Aaron Setogawa

Public

Healani Sonoda-Pale
Bianca Isaki
Lisa Enanoria

City & County of Honolulu, Department of Planning and Permitting ("DPP")

Pono Arias Esq. Deputy Corporation Counsel
Dina Wong
Franz Krantz

Disclosures and Conflicts of Interest

Commissioner Hayashida recused himself from the agenda item relating to A89-651.

Public Testimony Round One

The Land Use Commission received three written testimonies on the matter, and there no members of the public that provided testimony during the first opportunity for public testimony.

Presentations

Petitioner presented its case for the 2024 Motion for Approval of 374.78 Job Credits, Petitioner presented the history of job credit approval and presented how job credit approval will impact the future development of the hotel portion of the development. There were no questions from Commissioners at this time.

The Office of Planning and Sustainable Development recommended approval of Petitioners Motion to approve 374.78 Job Credits and expressed satisfaction with Petitioners representations and compliance with conditions. There were no questions from Commissioners at this time.

The County recommended approval of Petitioners Motion to approve 374.78 Job Credits. There were no questions from Commissioners at this time.

LUC staff presented the staff report and recommended approval of 374.78 Job Credits. Commissioners asked questions regarding what occurs after approval of job credits.

Public Testimony Round Two

During the second round of public testimony, Healani Sonoda-Pale and Bianca Isaki provided testimony in opposition to approving the job credits. Lisa Enanoria provided public testimony in support of approval of job credits, and on behalf of Petitioner Haseko in response to comments made during public testimony relating to iwi kūpuna.

Petitioner Closing Presentation

Following positions statements of State, County, staff, and the second round of public testimony, the Petitioner provided its closing arguments. Commissioners asked questions regarding the next steps and timeframes following approval of job credits.

Deliberations (YouTube: 00:41:01-00:44:08)

Commissioner Lee moved to approve the Petitioner's 2024 Motion for Approval of Job Credits. Commissioner U'u seconded the motion. Commissioner Carr Smith suggested a friendly amendment to authorize the Chairperson to execute the order necessary to effectuate the Commission's decision, subject to review and approval by the Department of the Attorney General. The friendly amendment was accepted and passed. The motion passed with 7 ayes, 0 nays, and 2 excused.

TENTATIVE MEETING SCHEDULE (YouTube: 00:44:31-00:49:23)

Chair Giovanni called for LUC Staff to provide the Tentative Meeting Schedule. Executive Officer, Dan Orodenker provided the following tentative meeting dates:

February 19, 2025: A07-773(a) ELC Status Report (Maui)

March 19, 2025: SP73-159 Toyama Gardens Status Report (Hawai'i)

March 20, 2025: A02-737 U of N Bencorp Status Report (Hawai'i)

Commissioner Lee asked for staff to provide travel conference days on the LUC calendar.

STATUS REPORT BY THE DEVELOPMENT COORDINATOR (YouTube: 00:49:41-01:12:06)

Public Testimony Round One

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

Presentation

Arnold Wong, Housing Development Coordinator, presented on the number of units and projects that have been assisted. The Housing Development Coordinator represented approximately 1195 units throughout the state have obtained construction permits for grubbing to vertical construction; including 400 units on Maui, 250 units on O'ahu, and 545 units on Kaua'i

Commissioners asked questions regarding results of return, how many estimated units were advanced through coordination, how coordination occurs, which projects are moving along, and what the process and prioritization method is for picking which projects get worked on.

Public Testimony Round Two

There were no members of the public who wished to provide oral testimony at this time.

DECISION ON COMMISSION'S POSITION REGARDING SB28 (YouTube: 01:12:15 - 02:34:01)

RELATING TO THE LAND USE COMMISSION. Specifies that a simple majority of affirmative votes of the members of the LUC present at a meeting and qualified to vote is required for any boundary amendment.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=28&year=2025

Chair Giovanni began this agenda item with a summary of the Commissions motion form the previous hearing, which established that Land Use Commission staff is delegated to prepare and provide testimony on behalf of the Commission, with the caveat that staff does not take a position, but provide comments in regards to how the bill affects the Commission, unless, the Commission adopts a position on specific bills.

Public Testimony Round One



The LUC received 46 written public testimony prior to the start of the meeting, which was posted to the Land Use Commission website under the “agenda and minutes” page².

During the first round of public testimony, Steven Lee Montgomery, Wayne Tanaka, and Healani Sonoda-Pale provided testimony in opposition to the Land Use Commission supporting SB28.

Discussion and Deliberation

Executive Officer started discussion by providing guidance and parameters from the Deputy Director of the Department of Business, Economic Development, and Tourism (“DBEDT”) on how to provide testimony on not-administrative measures.

EXECUTIVE SESSION (YouTube: 01:42:55-01:43:33)

Commissioner Lee moved to enter executive session, pursuant to Hawai‘i Revised Statutes (“HRS”) §92-5(a), in order to consult with its legal counsel on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities of the Commission.

Commissioner Carr Smith seconded the motion, and the motion passed with 9 ayes.

After a short recess, the Commission entered Executive Session at 12:05 p.m., where the Commission consulted with its attorney on powers, duties, privileges, immunities, and liabilities, regarding the guidance and parameters for testifying on non-administrative measures from the Deputy Director of DBEDT.

At 12:14 p.m, Commissioner Kahele moved to exit executive session, and Commissioner Miyasato seconded the motion. The motion passed with 9 ayes. The Commission returned to the open session at 12:20 p.m.

DECISION ON COMMISSION’S POSITION REGARDING SB28 CONTINUED

Discussion and Deliberation

Staff raised concerns that the proposed bill which specifies that a simple majority of affirmative votes of the members of the Land Use Commission present at a meeting and qualified to vote is required for any boundary amendment jeopardizes the Commissions constitutional obligations. Staff recommended providing comments on this measure.

Commissioners discussed the history and broader implications of the bill, with some expressing frustration over the lengthy land use process and the urgent need for housing solutions. Discussions around suggesting an amendment to 5 votes rather than simple majority.

Commissioner Lee moved to support and offer comments on the bill, recommending changing the simple majority to 5 votes at a minimum. Commissioner Kahele seconded. Chair Giovanni suggested an amendment to include Important Agricultural Land proceedings and add a 5-year sunset. A vote was taken: 4 ayes, 4 abstain, and 1 excused. The motion failed, with numerous commissioners abstaining from discussion, the following discussions do not result in motions and votes.

The final guidance to Mr. Orodener was that the LUC should provide comments outlining concerns with the bill as written and suggest amending to five votes.

² The written testimony included statements on various bills that the Commission was establishing a position on, and the staff presented a general number of testimonies received at this time due to the complexity and time limitation to sort and itemize testimony.

DECISION ON COMMISSION'S POSITION REGARDING SB36 (YouTube: 02:34:06 - 03:07:59)

RELATING TO THE LAND USE COMMISSION. Requires the LUC to reclassify lands that are designated for urban growth under a county general plan or county development plan as being in the urban district at the request of the county.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=36&year=2025

Public Testimony Round One

Written testimony was recognized at the beginning of agenda item 6, and there were two members of the public who wished to testify in opposition to the Commission supporting SB36: Chuck Flaherty and Wayne Tanaka.

Discussion and Deliberation

Staff raised concerns that the proposed bill allowing counties to amend district boundaries for lands in county recognized urban growth areas, due process and constitutional rights, and that there is a process for the counties to pursue District Boundary Amendments ("DBA") through the LUC.

Commissioners discussed the broader implications of the bill, with some expressing frustration over the lengthy and duplicative land use processes, processes done at the county level, community input, and the urgent need for housing solutions. The final guidance to Mr. Orodenker was that the LUC should not testify in opposition but should provide comments outlining concerns with the bill as written.

Commissioner Miyasato was excused from the meeting at 1:37 p.m.

Public Testimony Round Two

There were three individuals who testified in opposition of the Commission supporting SB36: Wayne Tanaka, Tara Rojas, and Chuck Flaherty.

DECISION ON COMMISSION'S POSITION REGARDING SB1079 AND HB502

(YouTube: 03:08:22 - 03:22:38)

RELATING TO LAND USE. Temporarily allows each county, by resolution of its county council, to petition for the redistricting of land from an agricultural district to a rural district through the LUC's declaratory ruling process. Effective 7/1/2026. Sunsets 6/30/2029.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1079&year=2025

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=502&year=2025

Public Testimony

Written testimony was recognized at the beginning of agenda item 6. At this time, there was one member of the public who testified in opposition of the Commission supporting SB1079 and HB502: Chuck Flaherty

Commissioner Kahele was excused from the meeting at 2 p.m.

Discussion and Deliberation

Staff mentioned the goal of this bill is to "clean up" the agricultural districts and land uses in certain counties, staff raised concerns that the proposed bill may result in unintended consequences with regard to public trust concerns and burdening the infrastructure.

Commissioners discussed the broader implications of the bill, with some expressing the urgent need for housing solutions, county protocol, and origin of the bill. The final guidance to Mr. Orodenker was that the LUC should not testify in opposition but should provide comments outlining concerns with the bill as written.

Public Testimony Round Two

At this time, there were two members of the public who testified in opposition of the Commission supporting SB1079 and HB502; Tara Rojas and Chuck Flaherty

DECISION ON COMMISSION'S POSITION REGARDING SB1114 (YouTube: 03:22:40 - 03:30:04)
RELATING TO HOUSING. Authorizes large landowners to petition the LUC to allow the development of elderly housing on portions of agricultural lands.
https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1114&year=2025

Public Testimony

Written testimony was recognized at the beginning of agenda item 6. At this time, there were no members of the public who wished to testify at this time.

Discussion and Deliberation

Staff indicated that they support the intention of the bill but raised concerns that the proposed bill lays out a process similar to a 201H process, which could be used to pursue this sort of development. Additionally, not changing the districts results in conflicting land uses. Commissioners asked questions regarding the 201H process. Mr. Orodenker indicated that staff will wait to see if the bill moves, and if so, comments will be provided outlining concerns with the bill as written and suggestions for amendment.

Public Testimony Round Two

At this time there was one member of the public who wished to provide public testimony in regards to concerns raised in SB1114: Tara Rojas.

DECISION ON COMMISSION'S POSITION REGARDING SB1157 (YouTube: 03:30:06 - 03:43:07)
RELATING TO LAND USE COMMISSION. Allows the counties to amend district boundaries involving land areas greater than fifteen acres without appearing before the LUC if the affected lands are included in the County General Plan or County Development Plan. Requests the LUC to update the digital state land use district maps and to encourage transit-oriented development that preserves the character of the State's rural areas.
https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1157

Public Testimony

Written testimony was recognized at the beginning of agenda item 6. At this time, there was one member of the public who testified in opposition of the Commission supporting SB1157: Chuck Flaherty and Tara Rojas

Discussion and Deliberation

Staff raised concerns that the proposed bill raised concerns regarding public trust concerns, consolidation of proceedings, and due process. Mr. Orodenker indicated that staff will take no position and provide comments outlining concerns with the bill as written and suggestions for amendment.

Commissioners discussed the broader implications of the bill, with some expressing frustration over the lengthy land use process and the urgent need for housing solutions, as well as county jurisdiction.

Public Testimony Round Two

At this time there was one member of the public who wished to provide public testimony in regard to concerns raised in SB1157: Tara Rojas.

RECESS

The meeting was recessed at 2:32 p.m.

LAND USE COMMISSION
MEETING MINUTES
February 6, 2025 – 10:00 a.m.

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

LOCATION: Leiopapa A Kamehameha, State Office Tower, Room 405
235 S Beretania Street, Room 405, Honolulu, HI 96813

VIRTUAL: <https://us02web.zoom.us/j/83053032515?pwd=r6ePtXb39zpTo30hGD7aafA99XaRB6.1>

YOUTUBE RECORDING: <https://www.youtube.com/watch?v=qeMZ07JExVw>

COMMISSIONERS PRESENT:

Dan Giovanni
Mel Kahele
Brian Lee
Nancy Carr Smith
Bruce U'u
Myles Miyasato (Zoom)
Ken Hayashida (Zoom)

STAFF PRESENT:

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

COURT REPORTER:

Naegeli Deposition and Trial
(Via Zoom Recording)

CALL TO RECONVENE

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

DECISION ON COMMISSION'S POSITION REGARDING SB1334 AND HB1015

(YouTube: 00:02:08 - 00:24:59)

RELATING TO LAND USE. Authorizes county petition process for review and approval of land use district boundary amendments based on adopted county general plans or county development plans.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1334&year=2025

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1015&year=2025

Public Testimony Round One

The Land Use Commission received eighteen written testimonies after the conclusion of yesterday's meeting all pertaining to legislative matters. No members of the public provided oral testimony during either opportunity.

Discussion and Deliberation

Staff raised concerns that the proposed bill allowing counties to amend district boundaries for lands over 15 acres without LUC involvement presents constitutional issues, particularly regarding due process. They referenced the Town v. LUC Supreme Court decision and noted that the bill applies to agricultural, rural, and conservation lands, raising additional public trust concerns. Staff maintained that current law already allows counties to pursue District Boundary Amendments ("DBA") through the LUC.



Commissioners discussed the broader implications of the bill, with some expressing frustration over the lengthy land use process and the urgent need for housing solutions. Others questioned the accuracy of claims that regulation is the primary barrier to development, pointing instead to infrastructure costs. Concerns were raised that shifting decision-making entirely to the counties could lead to political pressures overriding sound land use planning.

The final guidance to Mr. Orodener was that the LUC should not testify in opposition but should provide comments outlining concerns with the bill as written.

DECISION ON COMMISSION'S POSITION REGARDING SB740 AND HB777

(YouTube: 00:24:60 - 00:34:20)

RELATING TO SPECIAL PERMITS. Authorizes the LUC to designate another agency, including the Office of Planning and Sustainable Development, Department of Agriculture, or Agribusiness Development Corporation, to monitor compliance with any restrictions imposed in a special permit.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=740&year=2025
https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=777&year=2025

Public Testimony

It was noted that Commissioner Hayashida joined the meeting via zoom at 10:15am. No members of the public provided oral testimony during either opportunity.

Discussion and Deliberation

Staff explained the proposed bill would allow the LUC to designate other agencies, such as the OPSD or the Agribusiness Development Corporation (“ADC”), to monitor compliance with Special Permits (“SP”) conditions. Mr. Orodener confirmed that LUC has no issue with the bill and supports its intent, though he anticipates that OPSD and ADC may raise concerns about staffing constraints. Mr. Derrickson reminded the Commission that SP’s exceeding 15 acres go through county review, and counties typically impose conditions requiring compliance monitoring. However, the enforcement mechanism remains unclear, often leading to legal disputes rather than direct LUC involvement.

The Commission discussed how monitoring currently relies on counties, neighboring landowners, and interested parties to report violations, as LUC lacks the staff for proactive enforcement. Commissioners debated whether LUC should outright support the bill or merely endorse its intent. Mr. Orodener advised deferring to other agencies on implementation feasibility to avoid overstepping jurisdiction. Questions also arose regarding funding for monitoring, but the Legislature would determine financial allocations.

The Commission agreed to support the bill’s intent without explicitly endorsing or opposing it, recognizing that implementation falls on other agencies.

DECISION ON COMMISSION'S POSITION REGARDING HB826 (YouTube: 00:35:04 - 00:41:14)

RELATING TO HOUSING. Authorizes a county planning commission, by special permit, to permit land uses exclusively providing residential housing for long-term rental or affordable fee simple ownership in an agricultural district, under certain conditions. Repeals 6/30/2035.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=826&year=2025

Public Testimony

No members of the public provided oral testimony during either opportunity.

Discussion and Deliberation

Mr. Orodenker explained that the bill amends Chapter 201H but references Chapter 205, authorizing Hawai'i Housing Finance and Development Corporation ("HHFDC") to develop residential housing for long-term rental or workforce. However, the bill is unclear in key areas, such as whether the executive director referenced is from HHFDC or LUC and whether it intends to use the Special Use Permit ("SUP") process for a DBA or solely for residential housing. Due to these ambiguities, he suggested that the Commission testify in support of increasing workforce and senior housing but express concerns about the bill's unclear language and operational challenges that need to be resolved before it can be effectively implemented.

Commissioners agreed that the testimony should highlight support for the intent while noting concerns that require clarification.

DECISION ON COMMISSION'S POSITION REGARDING SB1332 AND HB1013

(YouTube: 00:41:15 - 00:52:14)

RELATING TO IMPORTANT AGRICULTURAL LANDS. Repeals the provision authorizing farm dwellings and farm employee housing on important agricultural lands, amends the provision for priority permit processing to include farm cluster housing, and adopts a new provision establishing farm cluster housing to incentivize the designation of lands as important agricultural lands pursuant to chapter 205, HRS.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1332&year=2025

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1013&year=2025

Public Testimony

No members of the public provided oral testimony during either opportunity.

Discussion and Deliberation

Mr. Orodenker explained that the bill aims to address concerns arising from the pending Supreme Court case regarding Important Agricultural Lands ("IAL"). The issue stems from whether IAL designation restricts landowners' rights, particularly regarding residential use. The bill seeks to clarify that IAL designation does not change agricultural land use rights under Chapter 205. While the intent of the bill aligns with existing efforts to preserve ag lands, its timing is problematic due to the ongoing litigation.

Chair Giovanni provided historical context, noting that the City & County of Honolulu's IAL designation was previously rejected due to inadequate notice to landowners and concerns over fairness to small landowners. The pending Supreme Court case centers on whether IAL designation triggers due process concerns for affected landowners.

Mr. Orodenker acknowledged the bill's merits, stating that in principle, it addresses some of the issues with the IAL statute. However, he advised caution, as legislative action now could be rendered moot by the Supreme Court's decision. Commissioners agreed that testimony should express support for the bill's intent while recognizing the complications posed by the ongoing Supreme Court case. The recommended position is to wait for the Court's ruling before moving forward with legislative changes.

DECISION ON COMMISSION'S POSITION REGARDING SB1099 (YouTube: 00:52:16- 00:55:38)

RELATING TO IMPORTANT AGRICULTURAL LANDS. Authorizes the Land Use Commission to designate important agricultural lands and adopt maps for the designated lands in counties that fail to identify and recommend important agricultural lands by December 31, 2027.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1099&year=2025

Public Testimony

No members of the public provided oral testimony during either opportunity.

Discussion and Deliberation

Mr. Orodenker expressed strong support for the measure, which would authorize the LUC to designate IAL Lands if counties fail to do so by December 31, 2027. He explained that counties view this task as an unfunded mandate due to staffing challenges, and if they miss the deadline, the responsibility would shift to the LUC. However, LUC would need additional funding to undertake the task, and there is a two-year window for counties to act, during which the Commission could work with the legislature to secure necessary funds.

Chair Giovanni summarized that while the intent of the bill is supported, it is crucial to accompany it with legislation that provides the needed dollars, and Mr. Orodenker should raise this funding issue during his testimony.

DECISION ON COMMISSION'S POSITION REGARDING SB26 AND HB 1451

(YouTube: 00:56:06 - 01:00:43)

RELATING TO AFFORDABLE HOUSING. Establishes the Affordable Housing Land Inventory Task Force within the Hawai'i Community Development Authority to update the Affordable Rental Housing Report and Ten-Year Plan maps, tier tables, and inventories of state lands suitable and available for affordable housing development. Requires a report to the Legislature. Appropriates moneys.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=26&year=2025

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1451&year=2025

Public Testimony

No members of the public provided oral testimony during either opportunity.

Discussion and Deliberation

Mr. Orodenker explained that LUC's involvement in the bill is solely due to the fact that its Executive Director is a named member of the task force. He expressed strong support for the measure, emphasizing that there is no issue with the task force's goals. He noted that both LUC and OPSD already have GIS programs in place and highlighted that the bill appropriates one million dollars for staff positions and contractual services - a provision that may create challenges in the Legislature but does not pose an immediate operational difficulty.

Chair Giovanni raised questions about the details, particularly regarding who would lead the study. Mr. Orodenker clarified that while the task force is administratively attached to Hawai'i Community Development Authority ("HCDA"), with the task force's chair being the head of OPSD. Chair Giovanni expressed confusion over the summary, which described the task force

as being within HCDA, and stressed that this inconsistency should be resolved. Commissioner Carr Smith also reminded Mr. Orodenker of an upcoming hearing.

Commissioners agreed that LUC should testify in support of the measure, simply stating that they back the bill's intent. However, technical details and any issues related to implementation should be deferred to OPSD.

DECISION ON COMMISSION'S POSITION REGARDING SB498 AND HB1294

(YouTube: 01:00:44 - 01:03:38)

RELATING TO AGRICULTURAL WORKFORCE HOUSING. Requires the Department of Agriculture to establish an Agricultural Workforce Housing Working Group to address the shortage and challenges of agricultural workforce housing in the State. Requires reports to the Legislature. Appropriates funds.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=498&year=2025

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1294&year=2025

Public Testimony

No members of the public provided oral testimony during either opportunity.

Discussion and Deliberation

Mr. Orodenker explained that the bill establishes a Workforce Housing group attached to the ADC. LUC's involvement is due to its executive director being named as the chairperson. He stated that the bill's intent is very good. He also noted that the bill appropriates \$800,000 for the task force, which is housed within the Department of Agriculture. Despite these concerns, he emphasized that LUC has no issue with the measure and is happy to participate.

The Commission had no additional comments or questions raised. Chair Giovanni summarized that there is overall agreement to support the bill's intent. He emphasized the need to clarify the role of the executive officer, suggesting that the bill specify that the Land Use Commission chairperson may participate as himself or his designee.

DECISION ON COMMISSION'S POSITION REGARDING SB197 *(YouTube: 01:03:40 - 01:15:54)*

RELATING TO PUBLIC NOTICE. Establishes enhanced public notice requirements for changes in land use by the Department of Hawaiian Home Lands, Department of Land and Natural Resources, or University of Hawai'i and boundary changes by the LUC. Requires approval of the project by the community through a referendum of nearby adult residents except for projects within the Mauna Kea science reserve, which require a referendum by all adult residents of the country in which the Mauna Kea science reserve is located. Appropriates moneys.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=197&year=2025

Public Testimony

No members of the public provided oral testimony during either opportunity.

Discussion and Deliberation

Mr. Orodenker outlined that the bill would require LUC to provide enhanced notice for DBA's. Under its provisions, within 30 days of a permit application filing, public notice must be given, and within four months, no fewer than three public meetings or hearings would be held. Additionally, Section Three mandates that the community approve the project through a referendum before proceeding, a requirement he believes would halt development by significantly delaying the

permit process. He stated that due to these burdensome measures, he does not support the bill as drafted.

Chair Giovanni noted that the bill appears to add unnecessary bureaucracy, counteracting efforts to streamline the process. Commissioner Lee expressed a desire to send a strong message by opposing the measure, arguing that its provisions would effectively shut down development. However, other Commissioners suggested a more diplomatic approach. They emphasized that while the flaws are problematic, the Commission might not need to take a formal stance of outright opposition. Some preferred to simply highlight the issues rather than oppose the entire bill, given its uncertain prospects.

The overall approach should strongly point out the issues without taking an absolute position of opposition on the entire measure.

ADJORNMENT *(YouTube: 01:15:55 - 01:20:57)*

Chair Giovanni announced that the meeting was coming to an end and provided details for the next meeting on February 19 in Maui. The upcoming meeting is scheduled to start at 9:30 AM to accommodate travel from the neighbor islands, with an expectation that the meeting will last approximately four hours (including breaks) and conclude by 1:30 PM. No lunch will be arranged. While there was some discussion about holding a hybrid meeting, the decision was to proceed with an in-person format to avoid technical issues with the MACC internet. Commissioner Kahele mentioned a potential scheduling conflict that might prevent his attendance. Several commissioners expressed their appreciation for the productive discussions over the past days, and Commissioner Carr Smith took a moment to wish Miranda Steed a happy birthday.

With no further comments, Chair Giovanni adjourned the meeting at 11:27 a.m.