

LAND USE COMMISSION  
MEETING MINUTES  
February 11, 2026 – 9:00 a.m.

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

YOUTUBE RECORDING: <https://youtu.be/JZFnw3nScQM>

COMMISSIONERS PRESENT:

Brian Lee  
Bruce U'u  
Dan Giovanni (zoom)  
Ken Hayashida (zoom) *departed at 11:02 a.m.*  
Kuike Kamakea-Ōhelo (zoom)  
Mel Kahele  
Michael Yamane  
Myles Miyasato (zoom)  
Nancy Carr Smith (zoom)

STAFF PRESENT:

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

COURT REPORTER:

Naegeli Deposition and Trial  
(Via Zoom Recording)

**1. CALL TO ORDER** (YouTube: 00:00:00 - 00:04:01)

Chair Lee called the meeting to order at 9:01 a.m.

**2. APPROVAL OF MINUTES FOR JANUARY 7, 2026** (YouTube: 00:04:02 - 00:05:56)

There was no written or oral testimony on this item.

Commissioner U'u moved to adopt the minutes, and Commissioner Kahele seconded the motion. The minutes were approved with 9 ayes and 0 nays.

**3. TENTATIVE MEETING SCHEDULE** (YouTube: 00:05:57 - 00:07:26)

The Executive Officer provided the following tentative meeting dates:

February 12, 2026: Hearing Postponed  
March 11, 2026: OPSD Sustainability Presentation (O'ahu)  
March 12, 2026: SP92-380 Pu'unēnē Quarry (Maui)  
March 25, 2026: DR21-73 Honoipu Hideaway, LLC (Hawai'i)  
April 8, 2026: A92-683 Haseko (O'ahu)

**Executive Session**

The Commission voted to enter executive session under HRS §92-5(a)(4) to consult with legal counsel, with LUC staff invited to participate. The motion passed with 9 ayes and 0 nays. The Commission entered executive session at 9:10 a.m. and returned to open session at 10:13 a.m., where Chair Lee noted that the Commission discussed their powers, duties, privileges, immunities, and liabilities relating to legislative testimony.

**4. DISCUSSION AND/OR DECISION MAKING ON COMMISSION'S POSITION ON  
2026 HAWAII STATE LEGISLATIVE BILLS RELATING TO THE LAND USE COMMISSION**

(YouTube: 00:07:27 - 01:25:29)

**Public Testimony**

No written or oral testimony was received for Agenda Item 4.



#### **4a. SB28, SB2217 and HB1845 - RELATING TO LAND USE COMMISSION**

Discussion included: Important Agricultural Lands (“IAL”) implications; constitutional requirements under Article XI; quorum concerns; potential for District Boundary Amendments (“DBA”) to be approved with fewer than five votes; and the need to maintain a minimum voting safeguard.

Commissioner U’u moved to authorize the Chair, in consultation with the Executive Officer (“EO”), to support the bills with amendments to: (1) exclude IAL from the proposed voting change; and (2) require a minimum of five affirmative votes for approval of non-IAL DBAs. Commissioner Carr Smith seconded the motion.

The motion passed with 7 ayes, 1 nay, and 1 abstention.

#### **4b. SB36, SB2185, SB2218 and HB1844 - RELATING TO LAND USE COMMISSION**

Discussion included: due process concerns; Town case implications; constitutional issues; duplication of county processes; contested case rights; potential litigation; infrastructure responsibility; and affordable housing impacts.

Commissioner U’u moved to authorize the Chair and EO, to support the measure with amendments including exclusion of IAL and requiring procedural safeguards. Commissioner Carr Smith seconded.

The motion failed by a vote of 2 ayes, 0 nays, and 6 abstentions. The chair recognized that the motion would not pass and declined to vote. No official position was taken.

#### **4c. SB1157 - RELATING TO LAND USE COMMISSION**

Discussion referenced similar concerns as Item 4B, including due process and overlap with county authority.

No motion was made to support or oppose this measure.

#### **4d. SB2537 and HB2103 - RELATING TO THE LAND USE COMMISSION**

Discussion included: Staff clarified that the statute already requires cultural expertise and that the bill primarily modifies the nomination process without affecting the current commissioner; the measure was requested by OHA and staff expressed no concerns. Commissioners discussed the appropriateness of one board influencing appointments to another, emphasized the Governor’s appointment authority, and questioned whether a statutory mandate was necessary, noting that expertise can also be provided through agency and stakeholder testimony.

Commissioner Carr Smith moved to authorize the Chair and EO, to oppose these bills. The motion failed for lack of a second. No official position was taken.

Commissioner Hayashida departed the meeting at 11:02 a.m.

#### **4e. SB2986 - RELATING TO THE LAND USE COMMISSION**

Discussion included: The bill was described as a response to the Hawai’i Supreme Court’s Bridge Aina Le’a decision, which limited the LUC’s enforcement authority after substantial commencement. The measure would restore enforcement flexibility by allowing fines or corrective actions instead of requiring reversion through a new DBA proceeding.

No motion was made to support or oppose this measure.

**4f. SB740 and HB777 - RELATING TO SPECIAL PERMITS**

Discussion included: delegation of Special Permit (“SP”) compliance monitoring to other agencies; streamlining enforcement; and resource implications for receiving agencies.

No motion was made to support or oppose this measure.

**4g. SB1099 - RELATING TO IMPORTANT AGRICULTURAL LANDS**

Discussion included: LUC capacity limitations; pending Supreme Court decision on IAL; and feasibility of statewide designation responsibilities.

No motion was made to support or oppose this measure.

**4h. SB1332 and HB1013 - RELATING TO IMPORTANT AGRICULTURAL LANDS**

Discussion included: repeal of farm dwelling provisions on IAL; interaction with pending litigation; and coordination with OPSD and executive branch policy.

No motion was made to support or oppose this measure.

**5. DISCUSSION AND/OR DECISION MAKING ON COMMISSION’S POSITION ON 2026 HAWAII STATE LEGISLATIVE BILLS RELATING TO LAND USE**

*(YouTube: 01:25:30 - 02:11:03)*

**Public Testimony**

No written or oral testimony was received for Agenda Item 5.

**5a. SB1079 and HB502 - RELATING TO LAND USE**

Discussion included: Concerns were raised that the Declaratory Ruling (“DR”) process may not satisfy due process requirements and may be procedurally inappropriate. It was also noted that counties sometimes reconsider such conversions due to infrastructure obligations. Staff recommended the Commission remain neutral and provide technical input if requested.

No motion was made to support or oppose this measure.

**5b. HB2424 - RELATING TO LAND USE**

Discussion included: Staff confirmed that the comments and concerns discussed under Item 5a also apply to this measure. Clarification was provided that the primary difference between Items 5a and 5b is the effective and sunset dates.

No motion was made to support or oppose this measure.

**5c. SB2015 - RELATING TO LAND USE**

Discussion included: Staff indicated the measure is substantively the same as the prior items, with the primary difference being the effective and sunset dates.

No motion was made to support or oppose this measure.

**5d. SB1334 and HB1015 - RELATING TO LAND USE**

Discussion included: Staff advised the measure is substantively the same as Item 4b and noted the Commission had previously taken no position. No additional concerns were raised.

No motion was made to support or oppose this measure.



**5e. SB516 - RELATING TO LAND USE**

Discussion included: Staff indicated no objection to the concept. Staff suggested the technical and policy issues fall more appropriately within the expertise of Agribusiness Development Corporation (“ADC”) and the State Film Office. Commissioners discussed potential economic benefits for neighbor islands, agricultural land compatibility; administrative oversight concerns; and potential additional bureaucracy.

No motion was made to support or oppose this measure.

**5f. SB2156 - RELATING TO LAND USE**

Discussion included: Staff stated the comments and position were the same as Item 5e. Commissioners reiterated prior comments supporting the economic benefits of film production opportunities on neighbor islands and the importance of consistency with earlier discussion.

No motion was made to support or oppose this measure.

**5g. SB2240, SB3006 and HB1848 - RELATING TO LAND USE**

Discussion included: requirement for Commission on Water Resource Management (“CWRM”) certification prior to DBA approval; Commissioner Miyasato questioned if CWRM's sustainable yield is an exact science or a speculative assumption. Questions were raised about sustainable yield methodology concerns; scientific reliability; potential veto authority; contested case protections; and separation of agency roles.

Commissioner Carr Smith moved to authorize the Chair and EO, to oppose the measure. Commissioner U’u seconded.

The motion failed by a vote of 2 ayes, 0 nays, 5 abstentions, and 1 absent. The chair recognized that the motion would not pass and declined to vote. No official position was taken.

**5h. SB760 - RELATING TO LAND USE**

Discussion included: clarification of permitted agricultural activities and legislative policy discretion.

No motion was made to support or oppose this measure.

**5i. SB2161 and HB1703 - RELATING TO LAND USE**

Discussion included: Staff confirmed the comments were the same as the prior rodeo measures, noting personal support for the concept while recommending no formal LUC involvement, as the issue is a legislative policy matter.

No motion was made to support or oppose this measure.

**5j. SB2007 and HB1738 - RELATING TO THE LAND USE DECISION-MAKING**

Discussion included: Support was expressed for expanding housing options, though the bill lacks an explicit affordability requirement. Commissioners discussed the need for safeguards and compliance measures, particularly regarding IALs and constitutional considerations, and noted the measure’s impact remains uncertain.

Commissioner Carr Smith moved to authorize the Chair and EO, to support the measures. Commissioner U’u seconded the motion.

The motion failed by a vote of 3 ayes, 0 nays, 4 abstentions, and 1 absent. The chair recognized that the motion would not pass and declined to vote. No official position was taken.

**5k. SB1114 and SB2162 - RELATING TO HOUSING**

Discussion included: Staff stated the intent of the measures is commendable but identified significant concerns, including unclear definitions, infrastructure responsibilities, and other implementation issues. Staff indicated the bills contain substantive flaws and recommended allowing the Legislature to address and refine the measures before Commission involvement.

No motion was made to support or oppose this measure.

**6. DISCUSSION AND/OR DECISION MAKING ON COMMISSION'S POSITION ON 2026 HAWAII STATE LEGISLATIVE BILLS RELATING TO OTHER MEASURES THAT MAY IMPACT THE LAND USE COMMISSION** (YouTube: 02:11:04 - 02:26:06)

**Public Testimony**

No written or oral testimony was received for Agenda Item 6.

**6a. HB826 - RELATING TO HOUSING**

Discussion included: Staff noted the measure presents competing considerations, including concerns related to the Town case and the use of the SP process, which staff indicated may be an inappropriate mechanism to implement the proposal. Technical issues were also identified. It was clarified that the bill would allow residential housing use in the Ag District beyond traditional farm dwellings.

No motion was made to support or oppose this measure.

**6b. SB2006 and HB1737- RELATING TO FARM EMPLOYEE HOUSING**

Discussion included: Staff indicated the measures, along with the related item that follows, are policy matters for the Legislature. From a theoretical standpoint, staff expressed support for housing on agricultural lands for farm workers but offered no additional comments.

No motion was made to support or oppose this measure.

**6c. SB2740 - RELATING TO FARM EMPLOYEE HOUSING**

Discussion included: Staff indicated the comments were the same as the prior item, noting the measure is a policy matter for the Legislature. Staff reiterated general support for housing on agricultural lands for farm workers but offered no additional comments.

No motion was made to support or oppose this measure.

**6d. SB 2834 and HB1979 - RELATING TO ENVIRONMENTAL REVIEW**

Discussion included: Staff explained the item was presented for the Commission's awareness. The OPSD Environmental Review Program ("ERP") is taking the lead on testimony. Staff recommended deferring to OPSD/ERP and not taking a Commission position.

No motion was made to support or oppose this measure.

**6e. HB541 - RELATING TO URBAN DEVELOPMENT**

Discussion included: Staff noted the measure was informational and does not directly affect the Commission, focusing on neighbor island counties. Commissioners observed it may reflect

differing housing needs between O‘ahu and the neighbor islands, and staff recommended monitoring it for potential statewide implications.

No motion was made to support or oppose this measure.

**6f. SB197 - RELATING TO PUBLIC NOTICE**

Discussion included: Staff stated the measure was presented for the Commission’s awareness and advised that any lead testimony would fall to the Attorney General’s office. It was noted the bill could impose significant procedural and administrative burdens on affected agencies. Staff recommended monitoring the measure rather than taking a position.

No motion was made to support or oppose this measure.

**6g. HB1529 - RELATING TO BOARDS AND COMMISSIONS**

Discussion included: the measure is substantively the same as the voting threshold legislation discussed early on Item 4a.

No motion was made to support or oppose this measure.

**7. ADJOURNMENT** (*YouTube: 02:26:07 - 02:26:48*)

With no further business, the Chair adjourned the meeting at 1:33 p.m.