

LAND USE COMMISSION
MEETING MINUTES
May 13, 2026 – 10:00 a.m.

LOCATION: Hilton Garden Inn Kauai Wailua Bay, Kūhiō Ballroom
3-5920 Kūhiō Highway, Kapa‘a, HI 96746

YOUTUBE RECORDING: <https://youtu.be/N3wZwfGcgT4>

COMMISSIONERS PRESENT:

Brian Lee
Bruce U‘u
Ken Hayashida
Mel Kahele
Myles Miyasato (zoom)
Nancy Carr Smith

STAFF PRESENT:

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

COMMISSIONERS RECUSED:

Michael Yamane

COURT REPORTER:

Naegeli Deposition and Trial
(Via Zoom Recording)

COMMISSIONERS ABSENT:

Kuike Kamakea-‘Ōhelo

1. CALL TO ORDER (YouTube: 00:00:00 - 00:03:18)

Chair Lee called the meeting to order at 10:03 a.m.

2. SP26-416 Ka‘awanui Solar, LLC (Kaua‘i) (YouTube: 00:03:19 - 1:46:51)

To Consider the Petitioners application for a Special Permit (“SP”) to develop and operate a utility-scale solar energy facility. The Project will produce approximately 43 megawatts (“MW”) alternating current (“AC”)/ 52 MW direct current (“DC”) of electrical power and includes a photovoltaic solar system with a battery energy storage system, substations, and related infrastructure to generate and supply renewable energy to the Kaua‘i Island Utility Cooperative (“KIUC”). Files pertaining to this docket are available at: <https://luc.hawaii.gov/sp26-416>

Parcel information: Tax Map Key Nos. (4) 1-7-006:006 (por.) and 010 (por.). Approximately 269.195 acre portion of land located in Makaweli, Waimea, County of Kaua‘i, State of Hawai‘i.

Appearances

Petitioner: Ka‘awanui Solar, LLC

Curtis Tabata, Esq.
Max Graham, Esq.
Howard Greene, Gay & Robinson, Inc.
Megan Kāne, AES Hawai‘i
Amy Bolan, AES Hawai‘i

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

Leo Asuncion, LUD Program Administrator
Aaron Setogawa, Planner

**County of Kaua‘i, Planning Department
 (“County” or “COK”)**

Laura Barzilai, Esq. Deputy County Attorney
Jodi Higuchi Sayegusa, Deputy Director
Kenneth Estes, Planner

Public Testimony

Brad Rockwell, KIUC



Disclosures and Conflicts of Interest

None

Public Testimony

The LUC received eight written testimonies on this matter and posted to LUC website.

Mr. Rockwell, on behalf of KIUC, provided oral testimony in support of the SP application, discussing renewable energy goals, projected cost savings, and the need for timely approval. He requested the Commission approve the application.

Presentations

LUC Planner presented the staff report, noting that the report was posted on May 6, 2026, and the County record was received on May 4, 2026. Staff stated the Petitioner met the requirements for a State SP under HRS §205-4.5 and HAR §15-15-95. Staff also noted comments from the OPSD and Department of Agriculture and Biosecurity (“DAB”), the submission of an archaeological inventory survey letter from the State Historic Preservation Division (“SHPD”), and recommended amendments to Conditions 2, 8, and 11 of the County’s Decision and Order.

Ms. Kāne, on behalf of AES Hawai‘i, presented an overview of the proposed 43-megawatt solar and battery storage project on approximately 269 acres in West Kaua‘i. She discussed renewable energy benefits, battery storage and grid reliability, wildfire mitigation, community outreach, traffic and cultural studies, visual mitigation measures, agricultural compatibility plans, and the project timeline. Ms. Kāne stated the project would support Kaua‘i’s renewable energy goals while incorporating compatible agricultural uses.

Mr. Greene, on behalf of Gay & Robinson, Inc., testified in support of the project and discussed the importance of renewable energy revenue in supporting agricultural and housing operations. He stated the project would provide financial stability for agricultural operations and improve electric transmission reliability on the west side of Kaua‘i.

Mr. Tabata, counsel for the Petitioner, provided a legal overview of the SP requirements under HRS Chapter 205 and HAR Chapter 15-15. He discussed the project’s compliance with agricultural compatibility requirements, decommissioning obligations, renewable energy goals, and the “unusual and reasonable use” criteria for SPs. Mr. Tabata also responded to OPSD comments regarding project substations, easement and land conveyance issues, and proposed amendments to conditions in the Decision and Order.

Commissioner Miyasato asked whether the project involved a purchase or lease of the land, and Ms. Kāne clarified the project site would be leased. The Chair also asked questions regarding the AES substation and the status of a State land remnant conveyance. Mr. Tabata responded that the AES substation is a permissible use within the Agricultural District and explained the land conveyance process was ongoing.

Commissioner Carr Smith disclosed discussions with Petitioner’s representatives during recess regarding proposed agricultural operations, including water availability for seeded crops and the project timeline. Ms. Kāne explained that water for agricultural use would be supplied through a Gay & Robinson water allotment and clarified the project included an initial 25-year power purchase agreement with a possible 10-year extension period.

The County testified that the County Planning Commission conducted a thorough review of the application and recommended approval of the SP with conditions, stating the project supports the State's renewable energy and energy resilience goals.

OPSD stated the project was an unusual and reasonable use within the State Agricultural District and recommended approval of the application. OPSD also clarified updates regarding the power purchase agreement approval and archaeological inventory survey coordination with the SHPD.

Commissioner Miyasato also asked questions regarding the commencement date for the 35-year SP term and the project's Ka Pa'akai analysis. The Petitioner agreed to notify the Commission upon commencement of operations and responded to questions regarding the Ka Pa'akai analysis and Chapter 343 environmental review requirements. The Executive Officer clarified the distinction between Chapter 343 environmental review requirements and the constitutional Ka Pa'akai analysis requirement.

Deliberations

The Commission considered a motion to approve the SP Application, subject to the County's 24 conditions and additional amendments recommended by LUC staff. The motion was made by Commissioner Hayashida and seconded by Commissioner Kahele.

The motion passed with 6 ayes, 0 nays and 2 absent.

3. APPROVAL OF MINUTES FOR April 8, 2026 (YouTube: 01:46:52 - 01:47:45)

There was no written or oral testimony on this item.

Commissioner Uu moved to adopt the minutes, and Commissioner Kahele seconded the motion. The minutes were approved with 6 ayes, 0 nays and 2 absent.

4. TENTATIVE MEETING SCHEDULE (YouTube: 01:47:46 - 01:49:36)

The Executive Officer provided the following tentative meeting dates:

- May 14, 2026: A89-636 Grove Farm Properties, Inc. (Kaua'i)
- June 3, 2026: SP92-380 Pu'unēnē Quarry (Maui)
- June 4, 2026: DR26-79 Komar Maui Properties I LLC (Maui)
- June 24, 2026: DR21-73 Honoipu Hideaway, LLC (O'ahu)
- July 15, 2026: A26-812 Lāna'i Resorts dba Pūlama Lāna'i (Kō'ele Project)
- July 29, 2026: A26-812 Lāna'i Resorts dba Pūlama Lāna'i (Kō'ele Project)

Chair Lee requested lunch be provided for the June 3-4, 2026 meeting, as the Commission intends to work through lunch.

5. ADJOURNMENT (YouTube: 01:49:37 - 01:49:45)

With no further business, the Chair adjourned the meeting at 12:52 p.m.