

LAND USE COMMISSION
MEETING MINUTES
June 24, 2026 – 9:30 a.m.

LOCATION: King Kamehameha's Kona Beach Resort, Conference Room 4
75-5660 Palani Road, Kailua-Kona, HI 96740

YOUTUBE RECORDING: [https://youtu.be/PbTMk9hY -U](https://youtu.be/PbTMk9hY-U)

COMMISSIONERS PRESENT:

Brian Lee
Bruce U'u
Ken Hayashida
Kuike Kamakea-Ōhelo
Mel Kahele
Michael Yamane
Myles Miyasato

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

COURT REPORTER:

Naegeli Deposition and Trial
(Via Zoom Recording)

1. CALL TO ORDER (YouTube: 00:00:00 - 00:03:09)

Chair Lee called the meeting to order at 9:46 a.m.

2. DR21-73 Honoipu Hideway, LLC, Petition for Declaratory Order (Hawai'i)

(YouTube: 00:03:10 - 2:19:01)

To Consider the Remanded Petition for a Declaratory Order for Boundary Interpretation under Hawai'i Administrative Rules ("HAR") §15-15-22 for certain land consisting of approximately 17.5470 acres situated at 56-102 Old Coast Guard Road.

The matter is before the Land Use Commission on remand following the opinion of the Hawai'i Supreme Court in Hono'ipu Hideaway, LLC v. Land Use Commission (Civil Case 3CCV-22-0000088), which vacated the Commission's Decision and Order and remanded the matter for further proceedings. The remand hearing is conducted pursuant to HAR §15-15-100(a)(3). Files pertaining to this docket are available at: <https://luc.hawaii.gov/dr21-73>

Parcel information: Tax Map Key: (3) 5-6-001:074, Approximately 17.547 acres located in Kapa'a-Upolu, North Kohala, County of Hawai'i, State of Hawai'i.

Appearances

Petitioner: Ka'awanui Solar, LLC

Calvert Chipchase, Esq.
Christopher Goodin, Esq.

Public Testimony

Linda Halbritter
Jeff Halbritter
Cindy Freitas

State Office of Planning and Sustainable Development ("State" or "OPSD")

Alison Kato, Deputy Attorney General
Leo Asuncion, LUD Program Administrator

Disclosures and Conflicts of Interest

None



Supplemental Filings for the Record

The Commission considered whether supplemental filings submitted in 2026 should be admitted into the record. Counsel for the Petitioner explained that the materials were relevant to the remand proceedings and included the Hawai'i Supreme Court opinion, prior boundary interpretations, maps, and overlay exhibits.

Commissioner Hayashida moved to admit the supplemental filings into the record. Commissioner U'u seconded the motion. The motion passed with 7 ayes and 0 nays.

Public Testimony Round One

Linda Halbritter and Jeff Halbritter provided testimony in support of the petition. The LUC received eleven written testimonies on this matter and are available on the LUC website.

The OPSD advised that it continued to rely upon its previously submitted written comments and had no additional evidence to present. OPSD stated that it remained unconvinced that the historical road alignment justified changing the officially adopted conservation district boundary.

Executive Session

Commissioner U'u moved and Commissioner Miyasato seconded to enter executive session pursuant to HRS § 92-5(a)(4) to consult with its legal counsel on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. The motion passed with 7 ayes and 0 nays. The Commission entered executive session at 10:16 a.m. and returned to open session at 10:51 a.m.

Presentations

Chief Planner Scott Derrickson presented the staff report, concluding that the existing conservation district boundary was intentionally established during the 1969 State Land Use District Boundary Review and reaffirmed on the 1974 official map. Staff determined that the evidence supported an approximate 300-foot shoreline setback alignment rather than the relocated roadway and concluded that the Petitioner's historical materials did not outweigh the contemporaneous official records. Staff recommended that the Commission affirm the existing boundary and deny the petition.

Counsel for the Petitioner presented arguments in support of the requested boundary interpretation, asserting that the petition involved approximately 1.3 acres affected by an alleged historical mapping error. Counsel argued that the Commission relied on an outdated map during the 1969 boundary review, that the roadway should have been used as the boundary, and that granting the petition would correct the error without authorizing new development or affecting shoreline access or conservation resources.

Commissioners questioned both staff and Petitioner's counsel regarding the historical maps, prior boundary interpretations, the 300-foot shoreline setback guideline, whether the vegetation line could have served as the intended boundary, the evidentiary basis for each position, the timing of the alleged mapping error, and whether a boundary interpretation or district boundary amendment was the appropriate process. Staff reaffirmed its recommendation, while Petitioner's counsel maintained that the requested interpretation would correct an alleged historical mapping error affecting approximately 1.3 acres.

Public Testimony Round Two

During the second round of public testimony, Cindy Freitas provided testimony in opposition.

Deliberations

Each commissioner confirmed that they had reviewed the complete record, including the 2021 hearing transcript, exhibits, and supplemental materials admitted on remand.

Commissioner U'u moved to grant the petition and interpret the conservation district boundary as following the roadway as it existed in 1969. Commissioner Hayashida seconded the motion.

During deliberations, Commissioners U'u and Hayashida expressed their belief that the evidence supported correcting a historical mapping error and that the boundary interpretation process existed to remedy such errors. Commissioners Kamakea-'Ōhelo, Yamane, and Kahele expressed concerns that the official record did not sufficiently establish a mapping error, that changing the boundary could create an undesirable precedent, and that a district boundary amendment appeared to be the more appropriate process. Following discussion, the motion failed with 2 ayes and 5 nays.

Commissioner Kamakea-'Ōhelo then moved to deny the petition, and the motion was seconded by Commissioner Kahele. Before the vote, Commissioner Kamakea-'Ōhelo requested that the Commission conduct the proceedings respectfully with Aloha in recognition of the significance of the matter to the Petitioner and the Petitioner's family. The motion passed with 5 ayes and 2 nays.

3. APPROVAL OF MINUTES FOR April 8, 2026 *(YouTube: 02:19:02 - 02:21:11)*

Commissioner U'u moved to adopt the minutes, and Commissioner Kahale seconded the motion. The minutes were approved with 5 ayes, 0 nays and 2 abstained.

Public Testimony

There was no written or oral testimony received on this agenda item.

4. ELECTION OF COMMISSION OFFICERS FOR FISCAL YEAR 2027

(YouTube: 02:21:12 - 02:37:59)

The Commission conducted its annual election of officers for Fiscal Year 2027, covering the term of July 1, 2026, through June 30, 2027.

Chair

Commissioner Miyasato nominated Commissioner Lee for Chair and seconded by Commissioner U'u. The motion failed with 4 ayes and 3 nays.

Commissioner Yamane nominated commissioner Kamakea-'Ōhelo for Chair and seconded by Commissioner Kahele. The motion failed with 3 ayes and 4 nays.

Commissioner Hayashida nominated Commissioner Lee for Chair and seconded by Commissioner U'u. The motion passed with 5 ayes and 2 nays.

First Vice Chair

Commissioner Lee nominated Commissioner Kamakea-‘Ōhelo for First Vice-Chair. Commissioner U‘u seconded. The motion passed with 7 ayes and 0 nays.

Second Vice Chair

Commissioner Lee nominated Commissioner Kahele for Second Vice-Chair. Commissioner U‘u seconded. The motion passed with 7 ayes and 0 nays.

Public Testimony

There was no written or oral testimony received on this agenda item.

5. DISCUSSION ON PROTOCOL FOR EXECUTIVE OFFICER’S ANNUAL PERFORMANCE EVALUATION FOR FISCAL YEAR 2026 *(YouTube: 02:38:00 - 02:39:44)*

The Commission discussed the process for conducting the Executive Officer's annual performance evaluation for Fiscal Year 2026, covering the term of July 1, 2025, through June 30, 2026. The Chair advised that evaluation forms would be distributed to all commissioners and requested that First Vice Chair Kamakea-‘Ōhelo collect and compile the completed evaluations.

Commissioners agreed to submit their evaluations by July 10, 2026, in advance of the next Commission meeting.

Public Testimony

There was no written or oral testimony received on this agenda item.

6. TENTATIVE MEETING SCHEDULE *(YouTube: 02:39:45 - 02:40:08)*

The next scheduled meeting is July 15, 2026, in Maui. Chair Lee requested lunch be provided for the July 15, 2026, meeting, as the Commission intends to work through lunch.

7. ADJOURNMENT *(YouTube: 02:40:09 - 02:40:15)*

With no further business, the Chair adjourned the meeting at 1:58 p.m.