



STATE OF HAWAII
LAND USE COMMISSION MEETING
HYBRID MEETING
AGENDA

DATE: February 11, 2026

TIME: 9:00 a.m.

LOCATION: Virtual and Leiopapa A Kamehameha,

State Office Tower, Room 405
235 South Beretania Street,
Honolulu, HI 96813



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LANGUAGE INTERPRETERS

- I. Call to order
- II. Approval of Meeting Minutes for January 7, 2026
- III. Tentative Meeting Schedule
- IV. Discussion and/or Decision Making on Commission's Position on 2026 Hawai'i State Legislative Bills RELATING TO THE LAND USE COMMISSION
- V. Discussion and/or Decision Making on Commission's Position on 2026 Hawai'i State Legislative Bills RELATING TO LAND USE
- VI. Discussion and/or Decision Making on Commission's Position on 2026 Hawai'i State Legislative Bills RELATING TO OTHER MEASURES THAT MAY IMPACT THE LAND USE COMMISSION
- VII. Adjournment.
Act), HRS Chapter 92F (Uniform Information Practices Act), and Subsection 15-15-62 on ex parte communications.
- VII. ADJOURNMENT

BEFORE:



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PARTICIPANTS

LUC COMMISSIONERS:

Brian Lee

Ken Hayashida (via Zoom)

Mel Kahele

Ku'ike Kamakea-Ohelo (via Zoom)

Michael Yamane

Myles Miyasato (via Zoom)

Nancy Carr Smith (via Zoom)

LUC STAFF:

Daniel Orodener, Executive Officer

Scott Derrickson, Chief Planner

Martina Segura, Staff Planner

Ariana Kwan, Chief Clerk

John Dubiel, Esquire, Deputy Attorney General

HAWAI'I LUC COMMISSION MEETING

FEBRUARY 11, 2026

9:00 A.M.

CHAIR LEE: Good morning, everybody.

Aloha kakou. And everyone, Kung Hei Fat Choi. It is now 9:01 a.m. And I would like to call to order the February 11, 2026 Land Use Commission meeting.

This is a hybrid meeting being held in-person at the Leiopapa A Kamehameha State Office Tower at 235 South Beretania Street in Room 405, Honolulu, Hawai'i 96813, and with virtual participation via Zoom.

This meeting is open to the public. Please be advised that this meeting is being recorded via Zoom and the recording will be posted to YouTube and used for court reporting purposes.

Your continued participation is your implied consent to be part of the public record of this event. If you do not wish to be part of the public record you should exit this meeting now.

For those attending via Zoom, please note that the question and answer feature will only be used for signing up for public testimony. All other communications through Zoom will not be monitored or

1 made part of the meeting record. Written
2 communications can be emailed to the Land Use
3 Commission Office at dbedt.luc.web@Hawaii'i.gov.

4 For all meeting participants, including
5 commissioners, please speak slowly, clearly, and
6 directly into your microphone. Before speaking
7 please also state your name and identify yourself
8 for the record. It'll make it a lot easier for the
9 transcription.

10 I would like to also share with all
11 participants that we will be taking breaks from time
12 to time -- about every hour. For commissioners
13 participating remotely, please state your location
14 and whether anyone over the age of 18 is present
15 with you.

16 My name is Brian Lee. And I am serving as
17 the LUC's chair today. There are nine seated
18 commissioners at this time. And joining us today is
19 Commissioner Ken Hayashida from Oahu, Commissioner
20 Mel Kahele from Oahu, Commissioner Ku'ike Kamakea-
21 Ohelo from Oahu, Michael Yamane from Kaua'i, Dan
22 Giovanni from Kaua'i via Zoom.

23 And Commissioner Kamakea-Ohelo, can you
24 confirm that you're by yourself?

25 COMMISSIONER KAMAKEA-OHELO: Hello, Chair.

1 Hello, commissioners. I'm joining you
2 from 560 North Nimitz Highway. And I am alone in my
3 office.

4 CHAIR LEE: Thank you, Commissioner.

5 And Commissioner Giovanni, could you also
6 confirm that you're by yourself?

7 COMMISSIONER GIOVANNI: Aloha. Good
8 morning. Yes, I'm at my home office in my residence
9 at 4428 Kai Ikena Street in Kalaheo, Kaua'i. And I
10 am alone. Thank you.

11 CHAIR LEE: Thank you very much.

12 And also here in person is Commissioner
13 Bruce U'u from Maui and Commissioner Myles Miyasato
14 via Zoom from the Big Island.

15 Commissioner Miyasato, you are by
16 yourself?

17 COMMISSIONER MIYASATO: Yes, I am at my
18 residence in La Hoihoi. And I am by myself.

19 CHAIR LEE: Thank you very much.

20 And also via Zoom is Commissioner Nancy
21 Carr Smith. And do you also confirm that you're by
22 yourself?

23 VICE CHAIR CARR SMITH: Yes, I am, Chair.

24 Good morning, everyone. I'm at my home in
25 Waimea. Thank you.

1 CHAIR LEE: Thank you, Vice Chair Carr
2 Smith.

3 Also in attendance in person is the LUC
4 Executive Officer, Mr. Daniel Orodener; the LUC
5 Chief Planner, Mr. Scott Derrickson; the LUC Chief
6 Clerk, Ms. Ariana Kwan; and the LUC Attorney
7 General, Mr. John Dubiel. Again court reporting
8 transcriptions are being done from the Zoom
9 recording.

10 So we're going to proceed with Agenda Item
11 No. 2, the adoption of the minutes. The first item
12 of business is the approval of the January 7, 2026
13 meeting minutes.

14 Ms. Kwan, has there been any written
15 testimony received on those minutes?

16 MS. KWAN: No, Mr. Chair.

17 CHAIR LEE: Thank you. Are there any
18 members of the public wishing to testify on this
19 item?

20 MS. KWAN: Seeing none in the Q&A feature,
21 Chair.

22 CHAIR LEE: Thank you.

23 Commissioners, are there any corrections
24 or comments on the minutes? Seeing none, is there a
25 motion now to approve those minutes?

1 COMMISSIONER U'U: Motion to approve.

2 Commissioner U'u.

3 CHAIR LEE: Commissioner U'u has moved to
4 adopt the minutes. Is there a second?

5 COMMISSIONER KAHELE: Mel Kahele. I
6 second.

7 CHAIR LEE: Commissioner Kahele seconds.

8 Since this is the first vote for today,
9 Mr. Orodenger, will you please conduct a roll-call
10 vote?

11 MR. ORODENKER: Thank you, Mr. Chair. The
12 motion is to adopt the minutes. I'm sorry. Okay.

13 Commissioner U'u? Commissioner U'u?

14 COMMISSIONER U'U: Sorry. Aye.

15 MR. ORODENKER: Commissioner Kahele?

16 COMMISSIONER KAHELE: Aye.

17 MR. ORODENKER: Commissioner Carr Smith?

18 VICE CHAIR CARR SMITH: Aye.

19 MR. ORODENKER: Commissioner Miyasato?

20 COMMISSIONER MIYASATO: Aye.

21 MR. ORODENKER: Commissioner Hayashida?

22 COMMISSIONER HAYASHIDA: Aye.

23 MR. ORODENKER: Commissioner Kamakea-

24 Ohelo?

25 COMMISSIONER KAMAKEA-OHELO: Aye.

1 MR. ORODENKER: Commissioner Giovanni?

2 COMMISSIONER GIOVANNI: Aye.

3 MR. ORODENKER: Commissioner Yamane?

4 COMMISSIONER YAMANE: Aye.

5 MR. ORODENKER: Chair Lee?

6 CHAIR LEE: Aye.

7 MR. ORODENKER: Thank you, Mr. Chair. The
8 motion passes unanimously.

9 CHAIR LEE: Thank you, Mr. Orodenker. The
10 minutes are now approved. Okay. Agenda Item No. 3
11 is the tentative meeting schedule for the Land Use
12 Commission.

13 MR. ORODENKER: Thank you, Mr. Chair. For
14 clarification, the hearing tomorrow on Honokowai
15 Hideaway has been postponed. Our next meeting will
16 be on March 11th, where we will be receiving a
17 presentation from the Office of Planning and
18 Sustainable Development on sustainability mandates.

19 On March 12th, assuming that there's a
20 filing made on 1217, we will be hearing SP 92-380,
21 which is the Pinaynay Quarry motion to amend.

22 On March 25th, we will be in Kona for the
23 -- tentatively we will be in Kona for the Honokowai
24 Hideaway remand. That has yet to be confirmed with
25 the petitioner.

1 On April 8th, we will be on Oahu at the
2 airport for the Haseko motion to amend. That's A92-
3 683. And that's currently all we have scheduled on
4 the calendar.

5 CHAIR LEE: Thank you, Mr. Orodener.

6 Commissioners, do you have any questions
7 about the schedule? Okay. Seeing none, we're going
8 to move to the next agenda item. Item No. 4 is a
9 discussion on the Commission's positions on 2026
10 Hawai'i State legislative bills relating to the Land
11 Use Commission.

12 Before we get into this, since this is the
13 first time in a while -- long while -- that the Land
14 Use Commission has done legislative bill review even
15 though other similar boards do this, I think it's
16 going to be a good idea for us to check with our
17 Deputy Attorney General on what our authority,
18 powers, duties, privilege, abilities, and
19 liabilities are. So is there a motion to enter into
20 executive session?

21 COMMISSIONER U'U: Bruce U'u. I'll make
22 the motion.

23 CHAIR LEE: Okay. The motion's been moved
24 by Commissioner U'u. Is there a second?

25 COMMISSIONER KAHELE: Mel Kahele. Second.

1 CHAIR LEE: Commissioner Kahele seconds.
2 Let's see. Is there any discussion on the motion?
3 We need a two-thirds vote to approve this. Is there
4 any -- okay. No vote. Okay. I think we can do
5 this by acclamation, right, since we've already
6 conducted a roll-call vote.

7 Mr. Deputy Attorney General, of course, do
8 you advise that we take a roll-call vote?

9 MR. DUBIEL: You don't have to take a
10 roll-call vote.

11 CHAIR LEE: I'm sorry?

12 MR. DUBIEL: You don't have to take a
13 roll-call vote.

14 CHAIR LEE: Okay. Thank you.

15 Seeing no objections, we will now enter
16 into executive session.

17 (WHEREUPON, a recess was taken.)

18 CHAIR LEE: Okay. Thank you, everybody.
19 We just came back from executive session, where we
20 discussed what authorities and powers that the
21 Commission has regarding testimony. And we're now
22 back in open session.

23 And we're going to take up Agenda Item No.
24 4, which is a discussion on the Commission's
25 positions on the 2026 Hawai'i State legislative

1 bills relating to the Land Use Commission.

2 Okay. This is going to be about the
3 Commission's positions on 2026 Hawai'i State
4 legislative bills relating to us. And it's intended
5 to allow the Commission to discuss the listed
6 measures, ask questions, and provide policy
7 direction to the executive officer, including
8 whether the Commission wishes to take a formal
9 position or not at this time.

10 For those attending Zoom and wish to
11 provide oral testimony on Agenda Items 4, 5, or 6,
12 please indicate your request using the Q&A feature
13 so that the Chief Clerk may place you in the queue.
14 Please also identify which agenda item that you wish
15 to testify on.

16 Okay. Before we begin I'd like to briefly
17 explain our procedure for today. First, we will
18 provide a brief summary of the bill. Second, we'll
19 acknowledge any written testimony that has been
20 received. Then we'll call for members of the public
21 who wish to provide oral testimony.

22 Once testimony concludes we'll then open
23 the floor for commissioner questions, comments, and
24 discussion. We'll then reopen the floor to the
25 public for any new and additional oral testimony on

1 this matter.

2 And finally the Commission may or may not
3 make a motion to support or not support a bill. And
4 if no motion passes we will move on to the next
5 bill.

6 We'll again remind all commissioners and
7 staff to speak slowly, clearly, and directly into
8 the microphone and to identify yourselves by name
9 for the record, which will help our transcribers
10 accurately capture the proceedings.

11 Now, you know, I want to say that if we
12 vote to support a bill, we've discussed various
13 options of how that could be done. So please
14 include that in your motion.

15 Right?

16 MR. DUBIEL: Yes.

17 CHAIR LEE: Yes. Our legal counsel
18 concurs. Item No. 4A covers SB28, SB2217, and
19 HB1845 relating to the Land Use Commission. These
20 measures specify that a simple majority of
21 affirmative votes of the members of the LUC present
22 at a meeting and qualified to vote is required for
23 any boundary amendment.

24 So right now six votes are required. So
25 this measure asks that it be five like other

1 decisions. However I want you guys to know that
2 there was some concern that if -- that it wasn't
3 clear that if only five people show up and there's
4 quorum then three of those could approve a DBA.

5 So I think we can address that if we so
6 desire and require a minimum of five. But I'll take
7 testimony on this first. Right?

8 So is there a -- Ms. Kwan, is there any
9 written testimony submitted on this matter?

10 MS. KWAN: No, Mr. Chair.

11 CHAIR LEE: Are there any members of the
12 public that wish to provide oral testimony on this
13 matter?

14 MS. KWAN: Seeing none in the Q&A feature,
15 Chair.

16 CHAIR LEE: Okay. I'm going to ask the
17 executive officer to make some comments. And then
18 we'll open up the floor for commissioners to discuss
19 and any questions for this bill. As briefly as
20 possible.

21 MR. ORODENKER: Thank you, Mr. Chair. I
22 won't go over the details of the bill. However this
23 is a bill that's been submitted several times over
24 the past few years and has not passed.

25 Our concern is twofold. One is that under

1 Article 11, Section 3 a majority of the Commission -
2 - majority is six members -- is required to do a
3 district -- required for a district boundary
4 amendment on IAL lands.

5 The difficulty we have right now is that
6 we -- there has not been a designation of IAL lands
7 throughout this state. As a result I'm not sure if
8 -- first of all if this measure would be
9 constitutional under the circumstances.

10 And second of all whether or not we -- how
11 we would handle it if it did pass because we have to
12 make the assumption, for instance, on Oahu, Maui,
13 and the Big Island that a lot of the lands that are
14 implicated in a petition would be in fact important
15 agricultural lands if there had been a designation.
16 There's a functional problem.

17 CHAIR LEE: Thank you, Mr. Orodener.

18 I want to note that the legislators did
19 offer an option to exclude IAL lands from this
20 measure. And that's something we could also
21 consider. Okay. So we're open for discussion.
22 Members, any discussion? Any discussion?

23 Commissioner Miyasato? Go ahead,
24 Commissioner Miyasato.

25 COMMISSIONER MIYASATO: Thank you. So is

1 it -- isn't it county by county to task of
2 designation of IAL?

3 MR. ORODENKER: Yes, that is correct.
4 However the only county that has completed their
5 designation is Kaua'i.

6 COMMISSIONER MIYASATO: Okay. So
7 technically -- technically -- I'm not going to say
8 legally. But technically if something was to come
9 before us right now on any petition none of the
10 neighbor island, excluding Kaua'i, would be
11 considered IAL as we consider the petition right
12 now.

13 MR. ORODENKER: I'm not sure I know how to
14 answer that. I can tell you that when I was
15 attending the Supreme Court arguments on both
16 Ho'opili and Koa Ridge the sentiment of the Supreme
17 Court was that regardless of whether or not there
18 had been an official designation some lands were by
19 their very nature IAL. So I don't know how the
20 courts would come down on that. I'm not sure.

21 COMMISSIONER MIYASATO: Okay. Yeah, well,
22 I recall Ho'opili very well also. That's why my
23 question was not legally but procedurally. But
24 okay. Thank you.

25 CHAIR LEE: Any other questions?

1 Commissioner U'u?

2 COMMISSIONER U'U: Just a comment. I
3 support this bill. I mean, you have to approve them
4 with six or five. It's still a process you would
5 have to do regardless to a degree. So I support the
6 measure.

7 CHAIR LEE: Any other questions or
8 comments?

9 Mr. Derrickson?

10 MR. DERRICKSON: So just so you're aware,
11 there's three bills identified here. Two of them
12 have not been heard yet. One of them has been
13 heard. And it has been moved forward with proposed
14 amendments. Those amendments have not been posted
15 yet.

16 So two of the bills, if you read the
17 language, it could result in only three members of
18 the Commission being in attendance at a meeting and
19 requiring only two of those voting to approve a
20 district boundary amendment.

21 CHAIR LEE: Right. Well, five is a
22 quorum. So you would need three. Right?

23 MR. DERRICKSON: Oh, that's not how those
24 bills would read.

25 CHAIR LEE: No, your point is taken.

1 MR. DERRICKSON: Okay. In the one bill
2 that is moving forward they have proposed the
3 amendments. We haven't seen it in writing yet. But
4 they proposed setting the required quorum at five.

5 CHAIR LEE: Okay. The quorum or the
6 voting for approval?

7 MR. DERRICKSON: Quorum.

8 CHAIR LEE: Okay. Got it. Great points.
9 You know, I think that's why it is beneficial for us
10 to express our opinion because obviously the
11 legislators that came up with this did not know
12 about IAL or the five or two minimum that could
13 approve a DBA. And so I think that's the value that
14 we could provide.

15 And so if anyone does want to make a
16 motion to support this it would probably be a good
17 idea to include IAL and -- excluding IAL and the
18 five minimum in your motion.

19 And I do want to add that -- and I'm not
20 going to state my position at this time. But you
21 know, sometimes -- fortunately not now -- but if we
22 need a five out of -- and six people only attended,
23 five would be like 85 percent of the vote to get
24 that DBA approved.

25 So I think that's where there was a

1 thought that that could be a problem. So anyway if
2 there's no discussion I'm going to ask if anyone
3 wants to make a motion one way or the other. Okay.
4 Anybody? Okay. If I don't hear anything then --

5 Commissioner U'u?

6 COMMISSIONER U'U: I'll make the motion.

7 And that motion would be -- I don't know how to word
8 it -- excluding the IAL and also what was mentioned
9 earlier about that -- the five-member commission
10 body. So I think that's a little too extreme to a
11 degree. So if you could add that I will support
12 that.

13 CHAIR LEE: About the five minimum?

14 COMMISSIONER U'U: Yeah.

15 CHAIR LEE: Okay. To approve a district
16 boundary amendment?

17 COMMISSIONER U'U: DBA. Correct.

18 CHAIR LEE: Okay. All right. Is there a
19 second?

20 UNIDENTIFIED SPEAKER: Second.

21 COMMISSIONER GIOVANNI: I don't understand
22 the motion. Could you --

23 CHAIR LEE: I believe that Mr. --
24 Commissioner U'u is saying that he would support a
25 bill or a policy that is addressed in these bills

1 but to recommend excluding IAL from the five-vote
2 minimum and that five votes at a minimum -- that
3 language needs to be in the bill for -- in his
4 motion.

5 Is that correct, Commissioner U'u?

6 COMMISSIONER U'U: Commissioner U'u. You
7 said it better than I could, yes.

8 CHAIR LEE: I doubt that. But yes, thank
9 you.

10 Commissioner Giovanni, does that answer
11 your question?

12 COMMISSIONER GIOVANNI: Almost. So if
13 it's an IAL land what is the -- what is our position
14 in terms of the quorum and the majority? And what
15 is it for non-IAL land? What's the motion say?

16 CHAIR LEE: So for IAL land the policy
17 would be for us to not support that if that was
18 included.

19 COMMISSIONER GIOVANNI: Okay. And for
20 non-IAL land are you -- is it to change the current
21 from six to five?

22 CHAIR LEE: Yes, to have a minimum of five
23 votes for non-IAL district boundary amendments.

24 COMMISSIONER GIOVANNI: Okay. I
25 understand. Thank you.

1 CHAIR LEE: Thank you.

2 Mr. Dubiel?

3 MR. DUBIEL: Sorry, I just want to
4 clarify. Are you saying you want to delegate to the
5 Chair the ability to work with the executive officer
6 at the policy direction of the Board to testify with
7 comments regarding a five-member bare minimum needed
8 for DBAs?

9 CHAIR LEE: Excluding them.

10 MR. DUBIEL: And excluding IALs? That's
11 what you said. I just want to make sure you're
12 saying we're delegating to the Chair this power
13 because I think that's what you want to do.

14 COMMISSIONER U'U: Commissioner U'u. Only
15 if it passes.

16 CHAIR LEE: I guess I'll take that as a
17 yes. So is there a second --

18 COMMISSIONER U'U: Yes.

19 CHAIR LEE: Is there a second to
20 Commissioner U'u's motion?

21 VICE CHAIR CARR SMITH: Commissioner Carr
22 Smith. I'll second that.

23 CHAIR LEE: Okay. Now we have more
24 discussion on this matter. Is there any discussion?
25 Pro and con, comments. Some of us have already

1 talked enough. So anyone else that feels they want
2 to chime in? All right.

3 Commissioner Kamakea-Ohelo, you may be --
4 we may want to value your opinion on this.

5 COMMISSIONER KAMAKEA-OHELO: You know, I
6 support the discussion and actually the motion so I
7 don't have much to add. I mean, I do -- I'm
8 inclined to make sure that the IAL is removed from
9 that bill and that we maintain the integrity of a
10 super majority vote for the IAL. But outside of
11 that, Chair --

12 CHAIR LEE: Thank you. Thank you,
13 Commissioner. Appreciate your input. It's very
14 valuable to us.

15 COMMISSIONER KAMAKEA-OHELO: Mahalo.

16 CHAIR LEE: All right. Any other
17 discussion? If not, Mr. Orodenger, will you conduct
18 a roll-call vote?

19 MR. ORODENKER: Okay, Mr. Chair. The
20 motion was to authorize the Chair to work with the
21 legislature to support --

22 CHAIR LEE: And the executive office.

23 MR. ORODENKER: And the executive office
24 as SB28, SB2217, and HB1845 to amend to take out the
25 -- take out language with regard to -- or make sure

1 that IAL land is excluded from the minimum -- of
2 votes and to support a minimum of five votes for
3 non-IAL vote.

4 Commissioner U'u?

5 COMMISSIONER U'U: Aye.

6 MR. ORODENKER: Commissioner Carr Smith?

7 VICE CHAIR CARR SMITH: Aye.

8 MR. ORODENKER: Commissioner Miyasato?

9 COMMISSIONER MIYASATO: Aye.

10 MR. ORODENKER: Commissioner Hayashida?

11 COMMISSIONER HAYASHIDA: Aye.

12 MR. ORODENKER: Is he still here? Yeah.

13 Okay. Commissioner Kahele?

14 Commissioner Kamakea-Ohelo?

15 COMMISSIONER KAMAKEA-OHELO: Aye.

16 MR. ORODENKER: Commissioner Giovanni?

17 COMMISSIONER GIOVANNI: No.

18 MR. ORODENKER: Commissioner Yamane?

19 COMMISSIONER YAMANE: I don't know what my
20 vote is. But I want to just recuse myself as again
21 as I stated I think this is out of the purview of
22 this Commission to have this policy. Whatever the
23 legislature decides it wants it to be, that's the
24 way we should abide by it. So whatever that vote is
25 -- recuse -- I don't know what the right word is.

1 CHAIR LEE: You're recused.

2 COMMISSIONER YAMANE: Thank you, Mr.
3 Chair.

4 MR. ORODENKER: Chair Lee?

5 CHAIR LEE: Aye.

6 MR. ORODENKER: Thank you, Mr. Chair. The
7 vote passes with one, two, three, four, five, six,
8 seven affirmative votes and one abstain and one no.

9 CHAIR LEE: One in opposition. Yeah.
10 Okay. Thank you.

11 MR. ORODENKER: Yeah.

12 CHAIR LEE: All right. The next agenda
13 item is Item 4B, SB36, SB2185, SB2218, and HB1844.
14 This bill requires the Land Use Commission to
15 reclassify lands that are designated for urban
16 growth under a county general plan or county
17 development plan as being in the urban district at
18 the request of the county.

19 So I think this is an automatic thing
20 where if the County has already done their
21 development plans, their general plans, and has
22 already done the work to designate it as an urban --
23 designated for urban growth -- then the LUC would be
24 almost required to then also agree and almost
25 ministerially, if I read this correctly, to also

1 designate it as urban at the request of the County.

2 So Mr. Orodenger, will you please add any
3 more that you wish?

4 MR. ORODENER: Yeah. Staff has a lot of
5 technical concerns on this. As pointed out by the
6 Chair, the word "shall" provides us with no
7 discretion. There's no need to come to the Land Use
8 Commission if the word "shall" remains because we
9 have no option.

10 But from a technical standpoint this
11 violates constitutional due process. And we have
12 serious concerns about whether the Supreme Court
13 would validate it under the terms of the Towne case.

14 CHAIR LEE: That's the right to a
15 contested case hearing?

16 MR. ORODENER: That's correct. It's the
17 requirement for a contested case hearing. We also
18 would point out that general plans and development
19 plans do not provide notice or due process when
20 they're being put together.

21 I think that my difficulty or our
22 difficulty with this bill is that if it were to pass
23 it would result in immediate lawsuits, which would
24 then slow down the development process.

25 CHAIR LEE: Okay. Thank you, Mr.

1 Orodenker.

2 All right. I'm going to now recognize any
3 public written testimony submitted on this matter.

4 Ms. Kwan, has there been any written testimony?

5 MS. KWAN: No, Mr. Chair.

6 CHAIR LEE: Are there any members of the
7 public that wish to provide verbal testimony on this
8 matter?

9 MS. KWAN: Seeing none in the Q&A feature.

10 CHAIR LEE: Okay. I'll open the floor for
11 commissioner discussion and questions on this bill.
12 And then we'll have another opportunity if anyone
13 makes a motion and seconds it.

14 But Mr. Derrickson?

15 MR. DERRICKSON: Thank you, Chair. Just
16 to help you understand what's occurred so far, SB36,
17 SB2185, SB2218 have not been scheduled for hearing
18 yet. House Bill 1844 has had a hearing.

19 And it was passed with amendments. The
20 specific amendments again have not been -- they have
21 not posted a committee hearing report yet. And they
22 have not posted an HD1 draft.

23 However they did indicate that the
24 amendments would exclude IAL from consideration.
25 They would identify that the County would become the

1 applicant to a district boundary amendment to the
2 Land Use Commission.

3 There would be no expedited process and
4 that the LUC should -- shall use all the data if
5 there's an EIS done prior and anything that was
6 collected at the county level in support of the
7 petition.

8 MR. ORODENKER: I would make one other
9 comment. Given the amendments that have been
10 proposed by the House, there's actually really no
11 need for this bill. The County can do this already.

12 CHAIR LEE: Right. So it's basically kind
13 of defanged in a way.

14 MR. ORODENKER: Yeah.

15 CHAIR LEE: Okay. Any other discussion?
16 Okay. Hearing none, we'll now open the second --

17 VICE CHAIR CARR SMITH: Chair?

18 CHAIR LEE: Oh, I'm sorry I missed you,
19 Vice Chair Carr Smith.

20 VICE CHAIR CARR SMITH: That's okay.
21 Thank you. Yeah, I listened to that hearing. And I
22 heard some concern about having the IALs excluded on
23 this one as well. And I think the AG's office was
24 concerned about proper notice and due process.

25 I couldn't help but wonder isn't that --

1 doesn't that end up being the County's due process?
2 I don't know. Maybe that's an AG question.

3 CHAIR LEE: Well, it's an interesting
4 question. But I think the majority of us here have
5 had County Planning Commission experience. So I
6 think we're familiar with the process. It's not a
7 quick process. There's a lot of community meetings.

8 I'm going to try to be as neutral as I can
9 in my words. This has happened -- this bill has
10 been proposed for many years. Hawai'i is the only
11 state that has a state land use zoning type board
12 that some find duplicative, some find good.

13 I think the history is that the Land Use
14 Commission was enacted in the early '60s because of
15 all the unchecked growth, such as, you know,
16 subdivisions on volcano land and, you know, that
17 type of thing. And so there needed to be some
18 oversight.

19 Some people feel that the counties have
20 developed a better process after 40 years. And it
21 was not always 15 acres, for example, for DBAs. At
22 one time it was zero acres, you know, that the
23 counties could decide for themselves.

24 But in the mid-80s it was raised to 15.
25 And maybe this is a later discussion. But it's sort

1 of an arbitrary number in some people's minds. But
2 I don't know if that answers your question, Vice
3 Chair.

4 VICE CHAIR CARR SMITH: Yeah, I'm not sure
5 either. I support the concept of this. I think the
6 counties -- they have done their own planning. And
7 that should carry weight over the State's plan in my
8 opinion.

9 And the bill also speaks to expediting
10 development of affordable housing. I know certainly
11 for my county that I support those concepts.

12 CHAIR LEE: Okay. Thank you, Vice Chair.
13 And Commissioner U'u?

14 COMMISSIONER U'U: I support what Nancy
15 said. I think when you hear the Country frustrated
16 over the -- some of the processes in place I think
17 most of them -- maybe the senators -- I mean, the
18 Senate is proposing this now.

19 Look, this is being proposed. It's not we
20 proposing this. So I'm assuming they're talking to
21 their counties also to a degree. Hence what we have
22 in front of -- so I will support it but with some
23 amendments if somebody's creative enough to create
24 the amendments.

25 And again I've been hearing for a while

1 that the County wants some of the powers back to a
2 degree for their lands. And, you know, the process
3 is long enough existing. And there's still a
4 process.

5 That's the part where regardless where
6 this goes, everyone knows the process is cumbersome
7 and long. And I'm just looking for balance myself
8 really. And my balance is protecting our
9 environment along with creating homes. And we're at
10 a deficit of balance currently. So I think this
11 would bring balance towards that --

12 CHAIR LEE: Thank you --

13 COMMISSIONER U'U: -- to a degree.

14 CHAIR LEE: -- Commissioner U'u.

15 Commissioner Giovanni?

16 COMMISSIONER GIOVANNI: Thank you, Chair.
17 My question has -- goes back to what Mr. Orodenker
18 was talking about in terms of the Supreme Court
19 having issues regarding due process.

20 If I understand that correctly -- or I'd
21 like a little more explanation perhaps from Mr.
22 Orodenker or anyone -- what is the issue?

23 Is it the issue that the landowner may not
24 agree that -- I mean, maybe may not agree with the
25 County versus the State and wants to have his day in

1 court before his land is -- you know, the
2 classification of his land is changed? Is it
3 something like that? I need to understand.

4 MR. ORODENKER: Yeah, that's the crux of
5 it. The Towne case centered around the fact that
6 not only just the landowner but adjacent landowners
7 are entitled to due process because reclassifying
8 their lands has an impact on its value.

9 And when you impact the value of property
10 under both United States and the State constitution
11 you're entitled to due process so that there isn't a
12 taking.

13 There are situations where landowners do
14 not want their land urbanized, mainly because -- or
15 not mainly -- but in a lot of cases because of the
16 tax implications.

17 And that can be a problem for some legacy
18 lands that are held by, you know, families that have
19 held them for generations but don't have any
20 intention of developing them. I think that the
21 underlying problem is that right to due process for
22 the change in classification, which can impact
23 value.

24 COMMISSIONER GIOVANNI: Understood. So if
25 a landowner does not agree with the general plan of

1 the County he wants an opportunity to challenge that
2 officially?

3 MR. ORODENKER: I mean, under the current
4 system the general plan is aspiration.

5 COMMISSIONER GIOVANNI: Right.

6 MR. ORODENKER: It -- yeah.

7 COMMISSIONER GIOVANNI: This bill makes it
8 --

9 MR. ORODENKER: This bill would make it --
10 yeah, would make it more than aspirational. And
11 under those circumstances they would be entitled to
12 due process and have their day in some kind of
13 court.

14 COMMISSIONER GIOVANNI: Okay. Thank you.

15 CHAIR LEE: Okay. I'm just going to make
16 one comment. All general plans, as we know, are
17 aspirational -- county or state level. And if
18 someone does want to make a motion on this they need
19 to address that concern, you know, of perhaps maybe
20 requiring the counties to conduct their own
21 contested case hearing.

22 Many of us have served on the planning
23 commissions for our counties. And we have
24 experience with contested case hearings there too.
25 And also, hey, this is a controversial thing.

1 Maybe put a sunset date on it to try it
2 out if that's -- I'm just bringing up options that
3 have been discussed by others before. And so I --
4 if there's no final comment I'm going to close --

5 Oh, Commissioner Kahele?

6 COMMISSIONER KAHELE: You mentioned about
7 I believe House Bill 1844?

8 MS. KWAN: Closer to the microphone.

9 COMMISSIONER KAHELE: You mentioned about
10 House Bill 1844. What's the --

11 CHAIR LEE: Commissioner Kahele is
12 addressing Mr. Derrickson.

13 MR. DERRICKSON: Yes, this is Scott
14 Derrickson, Land Use Commission Staff. Yes, House
15 Bill 1844 has been heard and was passed with
16 amendments. And I indicated what those were. Do
17 you want to hear them again?

18 COMMISSIONER KAHELE: No, no. No, I'm
19 good with it. Didn't the Attorney General's Office
20 submit testimony recommending changes and something
21 about constitutionality and --

22 MR. DERRICKSON: I'm not sure of that
23 because there were a number of other bills that were
24 heard at the same time. And the AGs did comment on
25 certain ones and not on others. So I'm not 100

1 percent sure whether they provided testimony on this
2 specific bill.

3 COMMISSIONER KAHELE: Okay. But I don't
4 think the AGs Office are in support of this bill
5 because of some issues -- legal issues. Anyway just
6 wanted to bring that up. Thank you.

7 CHAIR LEE: Thank you, Commissioner
8 Kahele.

9 Any final, quick comments?

10 MR. ORODENKER: To answer Commissioner
11 Kahele's question, I'm looking at the testimony that
12 was submitted by the Office of the Attorney General
13 on this matter yesterday. And they brought up the
14 same concerns that we did.

15 CHAIR LEE: Okay. Thank you.

16 Any final comments before we go into a
17 possible motion?

18 COMMISSIONER U'U: Quick comment. I just
19 wanted to add at the finish it says at the request
20 of the County. So that would be at their request.
21 And you know, I don't know if we're giving them
22 enough credit or not. But I think they're capable
23 of doing the right thing for their own island, yeah,
24 just FYI.

25 CHAIR LEE: Yeah, I understand. Thank

1 you, Commissioner U'u.

2 Yeah, and I think also, Commissioner
3 Giovanni, one of the major concerns that folks have
4 that support this bill is the duplicative process --
5 that, you know, it adds a few more years.

6 You know, the AIS will be -- will not be
7 de novo. So that will save time. But still, you
8 know, it's the duplicative process that some folks
9 are worried about. All right. I don't see any
10 final comments except for Mr. Derrickson just
11 raising his hand.

12 COMMISSIONER GIOVANNI: No, Giovanni.

13 CHAIR LEE: Oh, okay. We'll go with Mr.
14 Derrickson and then Commissioner Giovanni.

15 MR. DERRICKSON: So thank you, Chair. So
16 I think it's important for commissioners -- if you
17 want to dig into the bills -- that you should read
18 the -- usually the opening section.

19 And it gives the reasoning why they're
20 doing this, they're making -- they're proposing a
21 change. And so if you read these bills -- these
22 four bills -- they're talking about the long time it
23 takes to -- and the added cost for affordable
24 housing development.

25 And I've heard all of you express concerns

1 about that and those are issues that you care about.
2 The purpose of this act -- it says it's to expedite
3 the development of affordable housing.

4 And do you -- I guess I -- from my
5 standpoint -- and I've worked here for almost 40
6 years now so I have a little bit of a track record.
7 And I do have some experience.

8 The Land Use Commission -- you guys are
9 required by law to make decisions within 365 days.
10 And I've done the analysis and looked back at the
11 Land Use Commission's decision-making process for
12 district boundary amendments over the last 30 years.

13 There's only been one instance where it
14 took 365 days. The general trend is six months or
15 sooner. And for affordable housing projects that
16 are under the 201H law it's 45 days.

17 So when there's a discussion about long
18 delays for affordable housing development I can tell
19 you that it's not at the Land Use Commission level.
20 Okay?

21 CHAIR LEE: Okay. Thank you. I
22 appreciate that. We need to speed things up. But I
23 need to address that. That's always been brought
24 up. And I think it needs to be clear that it's not
25 just the time delay.

1 It's also any additional conditions that
2 are put on by the State that the County did not want
3 to put on. So I think to say that everything's been
4 approved, there's -- and it's been done in six
5 months -- I don't think that covers everything.

6 I think it's the State being allowed to
7 put additional conditions -- that's the concern.
8 And so I don't want to belabor this. So if you guys
9 are okay, we want to move on. All right? Shout if
10 I'm wrong. Commissioner Giovanni also has a final
11 comment.

12 COMMISSIONER GIOVANNI: Yeah. I just
13 wanted to respond to your comment, Chair, about the
14 if this is passed it would be a more expedient
15 process. And that might be case -- that may be the
16 case for certain applications.

17 But certainly if there's ever a challenge
18 based on the due -- by a landowner based on due
19 process they would have standing all the way to the
20 Supreme Court. And that's a three to five-year
21 process. So don't assume upfront that in all cases
22 this bill would expedite and shorten the process.
23 Thank you.

24 CHAIR LEE: Thank you, Chair. I mean,
25 thank you, Chair Emeritus. Yeah, that's why I

1 mentioned that, you know, there could be language to
2 address that requiring the counties to conduct a
3 contested case hearing. But your point is taken.

4 So I'm going to move now to -- we'll have
5 further time for discussion if a motion is made.

6 But right now I'm going to ask if there's a second
7 round of public testimony for any new or additional
8 comments only.

9 So Chief Clerk, are there any requests to
10 testify?

11 MS. KWAN: Nobody has used the Q&A feature
12 to sign up for testimony, Chair.

13 CHAIR LEE: Thank you very much. All
14 right. Is there a motion now one way or the other
15 to this topic on Item 4B? Does anyone have a
16 motion? Last call.

17 Commissioner U'u?

18 COMMISSIONER U'U: I'll make the motion.
19 And hopefully I can get help in creating -- making
20 the motion. And then we can move to a discussion;
21 correct?

22 CHAIR LEE: Yes, if there's a second.

23 COMMISSIONER U'U: I'll make the motion to
24 approve and hoping I can have some additions help
25 made up in this. And part of the -- yeah, I make a

1 motion to approve.

2 CHAIR LEE: With the same things that Mr.
3 Dubiel had indicated, which you will repeat for us,
4 please?

5 MR. DUBIEL: You need to give explicit
6 like what you're looking for. Are you delegating to
7 the Chair to work with the executive officer to
8 approve what?

9 COMMISSIONER U'U: Correct. I'm
10 delegating to the Chair that the -- that he work
11 with the director to -- actually but I'm looking to
12 help to create some amendments to this bill that we
13 all can swallow it to one point.

14 MR. DUBIEL: Would you --

15 COMMISSIONER U'U: I think it was brought
16 up earlier.

17 THE CHAIR: Would you include excluding
18 important agricultural lands as well as requiring a
19 contested case hearing? Would you include that in
20 your motion?

21 COMMISSIONER U'U: I'll include that IAL.
22 Yes, I can include both.

23 CHAIR LEE: And then any sunset date or --

24 COMMISSIONER U'U: None for me.

25 CHAIR LEE: Okay.

1 COMMISSIONER U'U: None for me.

2 CHAIR LEE: Got it. All right. You've
3 heard the motion, which we will probably repeat at
4 some point. Is there a second?

5 MR. DUBIEL: Please do.

6 CHAIR LEE: Is there a second to
7 Commissioner U'u's motion?

8 VICE CHAIR CARR SMITH: I'll second the
9 motion.

10 CHAIR LEE: Okay. Commissioner Carr has
11 seconded the motion. And so now we will have
12 discussion with the commissioners.

13 Commissioner U'u?

14 COMMISSIONER U'U: I'd like to start the
15 discussion that I did take the time and read the
16 bills. And it took many glasses of wine by the way.
17 And I did bounce it off people -- the thought
18 process and how they react -- what the thought
19 process was. And maybe you're right because you
20 have 40 years.

21 MR. DERRICKSON: Yeah.

22 COMMISSIONER U'U: Could be. But what I'm
23 hearing is no one even wants to come to the
24 Commission regardless of what you tell me. So
25 you're limiting the ability of for more homes.

1 They don't even want to show up to the
2 Land Use Commission. On Maui everyone is looking
3 for 15 acres and below to build. The house builders
4 -- that's what they're looking at because the
5 process hasn't been realistic.

6 And that's the part sometimes. Right?
7 And we said that earlier. No offense to anything.
8 That's just staff take. And that's respected. But
9 we're on the pulse on Maui.

10 And this is what I've been hearing
11 continuously regardless what the staff says. That's
12 what I hear. If above 15 acres they don't want to
13 come here because of the process. So that must be
14 limiting people or house builders moving forward to
15 develop anything over 15 years. So that's my
16 mana'o. That's my two cents. Thank you.

17 CHAIR LEE: Thank you, Commissioner U'u.
18 Commissioner and Vice Chair Carr Smith, do
19 you have any comments?

20 VICE CHAIR CARR SMITH: Yeah. Again I
21 just support the counties to know their own lands.
22 The State often looks to make decisions for the
23 counties. And I don't think it's appropriate. The
24 counties know what their lands are.

25 If they've already designated them to

1 urban I think that they should be able to get that
2 land use designation from the State. I understand
3 the due process question. And I don't know what the
4 answer to that is so -- but I also support the IALs
5 being excluded. So that's really all I have.

6 CHAIR LEE: Thank you, Vice Chair Carr
7 Smith.

8 Any other comments, questions?

9 Commissioner Kahele?

10 COMMISSIONER KAHELE: Yeah, I have an
11 issue. What about the issues and the concerns that
12 the Attorney General has raised about this bill not
13 allowing the public to kind of get involved with
14 whatever decisions that --

15 CHAIR LEE: Yeah --

16 COMMISSIONER KAHELE: -- when we make it
17 are we also going to include the Attorney General's
18 recommendation in adding into the bill --

19 CHAIR LEE: Good question, Commissioner
20 Kahele. One part of that was addressed in the
21 motion to require a contested case hearing at the
22 county level.

23 And I think you're right that if there's
24 questions about how the County vetting process works
25 we can add to that. But many of us here have served

1 on the County Planning Commission. So it's not --
2 it's a two, three, four-year process.

3 COMMISSIONER KAHELE: Yeah, but I think
4 this bill doesn't allow a public hearing process and
5 a notice.

6 CHAIR LEE: I don't believe that's what
7 it's saying though.

8 COMMISSIONER KAHELE: Yeah. Well, just
9 regarding their testimony. But I'm just kind of
10 like reading off their testimony that they recommend
11 that the bill be amended to require a public hearing
12 process.

13 CHAIR LEE: Commissioner U'u, would you be
14 okay with that amendment? So we'd have to vote on
15 the amendment and then go back to the full motion.

16 COMMISSIONER U'U: Sure, I'll be okay with
17 that.

18 CHAIR LEE: Commissioner Carr Smith, would
19 you be okay with that amendment?

20 VICE CHAIR CARR SMITH: Please repeat what
21 the amendment is.

22 CHAIR LEE: To require public hearings; is
23 that correct, Commissioner Kahele?

24 COMMISSIONER KAHELE: Yeah. And I'll
25 recommend that the bill be amended to require a

1 public hearing process and notice to affected
2 property owners.

3 VICE CHAIR CARR SMITH: So are you saying
4 that could be done at the county level?

5 COMMISSIONER KAHELE: Well, just asking to
6 include and amend the bill that we're kind of like
7 approving to include this requirement that they're
8 going to notify the general public and allow them a
9 hearing process and at least be able to participate
10 in a public hearing.

11 That's what the Attorney General is
12 recommending in their testimony. There were other
13 items in their testimony that they were kind of
14 concerned about.

15 So I think what we need to do, Brian -- or
16 Chair -- is to look at what the Attorney General's
17 concerns are in their testimony and making sure that
18 we address those issues when you and Dan goes out
19 there and submit testimony or attend the hearings in
20 support of bill -- House Bill 1844.

21 MR. ORODENKER: I --

22 THE CHAIR: Oh, go ahead, Dan.

23 MR. ORODENKER: Yeah. I think that
24 Commissioner Kahele's concerns are well-founded.
25 One of the difficulties that I have or that staff

1 has with what is currently moving its way through
2 the legislature is that the general plan process and
3 the development plan process is a completely
4 different animal from contested case hearings.

5 And if you insert a contested case hearing
6 requirement into the general plan and development
7 plan process you'll never get a general plan and
8 development plan because you'll have to notify each
9 landowner within the proposed development plan or
10 general plan amendment that they have the right to a
11 contested case hearing.

12 And if even only a small portion of those
13 people take advantage of that you're looking at
14 years and years of contested case hearings before
15 you can promulgate a general plan. I don't believe
16 that from a functional standpoint that this measure
17 can work.

18 I mean, I understand the intent. And I
19 understand the situation. I would suggest though
20 that this measure, this proposed legislation, is
21 ill-conceived because of those functional problems.

22 CHAIR LEE: Okay. Thank you.

23 Commissioner Miyasato?

24 COMMISSIONER MIYASATO: Thank you, Chair.

25 Thank you, fellow commissioners. I

1 appreciate all the discussion. But I will be
2 abstaining my vote to the crux of I want to see what
3 amendments or what develops. I'm kind of looking at
4 this from a rancher's perspective. Yeah?

5 As Executive Officer indicated, if my
6 neighbors develop -- plan to develop -- they're
7 going to take me right out of my tax zone on my AG
8 land. So as a -- coming from a rancher's viewpoint
9 and my fellow ranchers, kind of cautious on this
10 where sometimes the vocal minority that show up at
11 these meetings get their way.

12 And sometimes us as the silent majority
13 that have skin in the game get blindsided. Yeah?
14 So kind of just want to see how this bill moves
15 along, what amendments come up. So again I'll be
16 abstaining. Thank you.

17 CHAIR LEE: Thank you, Commissioner
18 Miyasato.

19 Commissioner Giovanni?

20 COMMISSIONER GIOVANNI: I'm going to
21 abstain also for some of the reasons that
22 Commissioner Miyasato said. But I also want to note
23 for the record that by definition general plans are
24 aspirational themselves.

25 So to have a rule, a law, a bill, a

1 statute that would automatically convert the
2 classification of lands based on an aspirational
3 general plan doesn't make sense to me.

4 And I'm very concerned about the due
5 process issues and the small landowners that are
6 influenced by decisions of a general plan for which
7 they've probably not participated in that
8 development. So that's my position.

9 CHAIR LEE: Thank you, Commissioner
10 Giovanni.

11 Any final, quick comments? If not, we're
12 voting on the amendment to add the public hearing
13 requirement. So if you vote yes, you're going to
14 support adding the amendment. If you vote no, then
15 the original amendment will stand with out. All
16 right? Are we clear? Okay.

17 So Mr. Orodenker, will you please conduct
18 the roll-call vote and summarize as best you can
19 what the three conditions were that we wanted to
20 add?

21 VICE CHAIR CARR SMITH: Chair, did we vote
22 on the first round? We're voting on the amendment -
23 -

24 CHAIR LEE: Well, we have to vote the --

25 VICE CHAIR CARR SMITH: -- before --

1 CHAIR LEE: -- amendment first. Yeah, we
2 have to vote on the amendment -- unless you withdraw
3 your amendment and then we start all over. But I
4 think it's a little messy. So it's messy anyway.
5 But let's vote.

6 The correct procedure is to vote on the
7 amendment to add the public hearing requirement to
8 the five-year sunset and require -- I'm sorry, to
9 the requirement that the counties conduct a
10 contested case hearing and no IAL.

11 And I think that's it. And to delegate
12 the Chair to work with the executive officer. But
13 again we're voting on just the amendment to add the
14 public hearing requirement. Okay?

15 COMMISSIONER GIOVANNI: So Chair --

16 CHAIR LEE: -- to the original.

17 COMMISSIONER GIOVANNI: Chair, I think
18 Commissioner Carr Smith has to agree to the
19 amendment. I don't think she's done that.

20 CHAIR LEE: Right. Right. We had asked
21 her to -- if she was okay with that amendment. And
22 so, yes, you need to say yes or no before we can
23 proceed to a vote.

24 VICE CHAIR CARR SMITH: Okay. Thank you,
25 Mr. Giovanni.

1 I do not agree with stating that it needs
2 to be a contested case. I am in favor of due
3 process but not necessarily a contested case. So I
4 wouldn't agree to that.

5 CHAIR LEE: Okay. So since --

6 VICE CHAIR CARR SMITH: So I --

7 CHAIR LEE: Is there another second? If
8 not this amendment will die. Okay. I don't see any
9 second to the amendment. So now we revert to the
10 original motion without the public hearing language.

11 So we had a motion and a second on that.
12 I think we'll have two or three abstentions. But
13 I'm going to call -- ask the executive officer --
14 unless you guys really have to say something.

15 Commissioner U'u? No? Okay. So then,
16 Mr. Orodenker, will you please conduct the roll-call
17 vote on the original amendment?

18 And Mr. Dubiel has a comment.

19 MR. DUBIEL: I'll wait until Mr. Orodenker
20 has spoken.

21 CHAIR LEE: Okay. Mr. Orodenker?

22 MR. ORODENKER: Thank you, Mr. Chair. The
23 motion was as stated by the Chair.

24 Commissioner U'u?

25 COMMISSIONER U'U: Aye.

1 MR. ORODENKER: Commissioner Carr Smith?

2 VICE CHAIR CARR SMITH: Aye.

3 MR. ORODENKER: Commissioner Miyasato?

4 COMMISSIONER MIYASATO: Abstain.

5 MR. ORODENKER: Commissioner Hayashida?

6 COMMISSIONER HAYASHIDA: Abstain.

7 MR. ORODENKER: Commissioner Kahele?

8 Commissioner Kamakea-Ohelo?

9 COMMISSIONER KAMAKEA-OHELO: Abstain.

10 MR. ORODENKER: Commissioner Giovanni?

11 COMMISSIONER GIOVANNI: Abstain.

12 MR. ORODENKER: Commissioner Yamane?

13 COMMISSIONER YAMANE: Abstain.

14 MR. ORODENKER: Chair Lee?

15 CHAIR LEE: Well, it's moot. So I will

16 not vote on this. All right. Okay. Thank you,

17 everybody. We're going to move now to -- let's see.

18 The time is eleven o'clock. I think we're due for a

19 break. So --

20 COMMISSIONER GIOVANNI: So Chair, what

21 does that mean? It means that neither you or Mr.

22 Orodenker will testify?

23 CHAIR LEE: We will not be testifying.

24 But if Mr. Orodenker is asked to attend and he has

25 to make comment about it that would be fine.

1 COMMISSIONER GIOVANNI: Thank you.

2 CHAIR LEE: All right. So ten minutes --

3 VICE CHAIR CARR SMITH: He would -- but
4 excuse me?

5 CHAIR LEE: Yes?

6 VICE CHAIR CARR SMITH: Can I --

7 CHAIR LEE: Vice Chair Carr Smith?

8 VICE CHAIR CARR SMITH: I assume that
9 based on this meeting he's taking into consideration
10 the comments of the commissioners -- not just the
11 abstentions but the comments in general -- if he
12 were to --

13 CHAIR LEE: Yeah, that's a good point.

14 And --

15 MR. ORODENKER: Sorry, can I answer this?

16 CHAIR LEE: Yes, Mr. Orodenker.

17 MR. ORODENKER: Given the -- this
18 discussion, my -- we will not take a position on
19 this matter. I will attend the hearing in case
20 there are questions with regard to technical issues
21 and the legal issues associated with the Towne case.
22 Otherwise I will be taking no position.

23 CHAIR LEE: Yeah. And I guess, you know,
24 if the legislators ask him I guess he can -- he's
25 able now to provide a little bit more color to the

1 situation.

2 MR. ORODENKER: Yes. If the legislators
3 ask me how the Commission feels about this I can
4 tell them that we don't currently have a position
5 after discussing it at hearing.

6 CHAIR LEE: Okay. Mr. Dubiel?

7 MR. DUBIEL: I have no other comment.
8 Thank you. Just wanted to make sure that we did the
9 motion right, got this part right. And the
10 abstentions made it so that we didn't actually have
11 a vote.

12 CHAIR LEE: Thank you very much.

13 MR. DUBIEL: Thank you.

14 CHAIR LEE: Okay. We're going to take a
15 ten-minute break. We'll be back at 11:13.

16 (WHEREUPON, a recess was taken.)

17 CHAIR LEE: Okay. It's 11:13. We're back
18 in session. We're going to resume with Item No. 4C
19 on SB1157 relating to the Land Use Commission.

20 This bill would allow the counties to
21 amend district boundaries involving land areas
22 greater than 15 acres without appearing before the
23 LUC if the affected lands are included in the county
24 general plan or county development plan.

25 This requests the LUC to update also the

1 digital state land use district maps and to
2 encourage transit-oriented development that
3 preserves the character of the state's rural areas.

4 I will now recognize the written public
5 testimony submitted on this matter. Is there any
6 written testimony, Ms. Kwan?

7 MS. KWAN: No, Mr. Chair.

8 CHAIR LEE: Are there any members of the
9 public that wish to provide verbal testimony?

10 MS. KWAN: Seeing none in the Q&A feature.

11 CHAIR LEE: Okay. I'm going to ask Mr.
12 Orodanker to make some comments.

13 MR. ORODENKER: Yeah, Mr. Chair. And
14 given the time constraints that we're under, this
15 bill is essentially or similar in nature to the
16 bills that we just discussed. It's slightly
17 different so it was given a second -- a separate
18 item. But I think the concerns are exactly the
19 same.

20 CHAIR LEE: Okay. Thank you for that
21 concise response.

22 Any discussion from members? Okay.
23 Hearing none, is there a motion -- I'm sorry, I'm
24 supposed to take public testimony again. Is there
25 now any additional, new, or any testimony or

1 comments on this matter?

2 MS. KWAN: Seeing none in the Q&A feature.

3 CHAIR LEE: Thank you. Any requests to
4 testify?

5 MS. KWAN: No, Chair.

6 CHAIR LEE: No. So is there a motion now
7 one way or the other on Item 4C? Okay. Is there
8 any motion now on Item 4C? Last call. Hearing
9 none, we're going to move on. Take no position.
10 All right.

11 We're going to go the next item, 4D,
12 SB2537 and HB2103 relating to the Land Use
13 Commission. These measures would amend the
14 composition of the Land Use Commission to require at
15 least one member who has substantial experience and
16 expertise in water resource management and requires
17 the Office of Hawai'ian Affairs to submit a list of
18 nominees to the governor for the appointment of a
19 commission member having substantial experience or
20 expertise in traditional Hawai'ian land use and
21 knowledge of cultural land practices. Fortunately
22 we have one already. But this would make it a
23 requirement. So --

24 MR. ORODENKER: Mr. Chair, first of all,
25 I'd like to point out that we already have that

1 requirement -- that it is required that we have a
2 cultural expert on the Land Use Commission.

3 This just changes the way in which that
4 commissioner would be selected. It would have no
5 impact on Commissioner Kamakea-Ohelo. Generally
6 staff defers to legislators on matters such as this.

7 THE CHAIR: Okay. Before you say that, so
8 if this bill passes wouldn't OHA be required to
9 submit a new name or asked to submit a new name?

10 MR. ORODENKER: Not necessarily.

11 CHAIR LEE: Okay.

12 MR. ORODENKER: Not necessarily.

13 CHAIR LEE: But they would have the
14 option. Right?

15 MR. ORODENKER: Well, no. I mean, I think
16 the way that this is worded it would be on the next
17 go-around if -- they could either resubmit
18 Commissioner Kamakea-Ohelo's name or submit three
19 others. But --

20 CHAIR LEE: Thanks for the clarification.

21 MR. ORODENKER: Yeah. But anyway, we --
22 this is something we usually defer to the
23 legislature on. Generally, as we've already
24 discussed this, the staff has been supportive of
25 increasing commissioners' expertise on any matter --

1 not just water or cultural resources.

2 I think staff's position is that knowledge
3 of its commissioners is important in certain
4 specific areas. We actually took the position
5 several years ago that it should be required that
6 there be an engineer on the Commission because it's
7 important that we have somebody who understands --

8 CHAIR LEE: We've got that covered too.

9 MR. ORODENKER: Yeah, yeah, we do. We do.
10 So we're in good shape. But we don't have any
11 concerns with this. I would point out that OHA was
12 the one who requested this bill. So it is an OHA
13 measure.

14 CHAIR LEE: Thank you. Yes, it is an OHA
15 package. And additional expertise is always sought.
16 Maybe it should be opened up to a banking expert or
17 a developer expert. But your point is well-taken.

18 Ms. Kwan, is there any written or verbal
19 testimony on this matter?

20 MS. KWAN: Seeing none in the Q&A feature,
21 Chair.

22 CHAIR LEE: Thank you. All right. Let's
23 see. Is there a motion now to support or not
24 support Agenda Item 4D?

25 Commissioner Miyasato?

1 COMMISSIONER MIYASATO: Yeah, Chair, I
2 just have a couple comments on this.

3 CHAIR LEE: Yes, please proceed.

4 COMMISSIONER MIYASATO: That's fine?
5 Okay. Yeah, you know, I guess for myself I don't
6 feel a board -- another state board should be
7 dictating who comes on another board or -- I think
8 it's the Governor's privilege to be able to appoint
9 people in certain positions to follow what he
10 promised he'd be trying to achieve.

11 Yeah, for some -- for another board to
12 shove something down another board's throat -- I
13 don't think that's right. And for me it takes away
14 for the very reason of having boards and
15 commissions, you know, if you can start putting
16 people in there intentionally.

17 Other commissions by what -- our State's
18 intent -- are designed to give citizens a voice in
19 their government and provide a means of influencing
20 decisions that shape the quality of life for
21 residents of our state. It's meant to have a cross-
22 section of Hawai'i's residents to offer vital input.

23 Yeah, other than that, OHA can come
24 testify. Any water expert can come testify and we
25 will duly note their testimony. So that's where I

1 stand on this.

2 CHAIR LEE: Okay. Thank you, Commissioner
3 Miyasato.

4 Any other comments?

5 Commissioner and Vice Chair Carr Smith?

6 VICE CHAIR CARR SMITH: Thank you, Chair.
7 I agree with Myles on this one. I don't think it's
8 necessary. We have the cultural specialist already
9 required. And I think that's important.

10 The water specialist I don't think is
11 important because of the fact that they can come and
12 provide testimony. We have a process through OPSD
13 and CWRM. And I just don't think it's necessary.
14 Thank you.

15 CHAIR LEE: Thank you. Anybody else?
16 Quick comments. Okay. Hearing none, we're going to
17 open a second round of public testimony for any new
18 or additional testimony.

19 Ms. Kwan, is there any written or verbal
20 testimony?

21 MS. KWAN: Seeing none in the Q&A feature,
22 Chair.

23 CHAIR LEE: Okay. Thank you.

24 So anyone at this point, commissioners, if
25 you want to make a motion on Item 4D? Anyone want

1 to make a motion on Item 4D?

2 Commissioner Carr Smith?

3 VICE CHAIR CARR SMITH: I guess I could
4 put this out there for consideration. I would move
5 to instruct and authorize the Chair to work with the
6 executive officer on this bill to not support it
7 basically and to give the reasons why as stated in
8 our discussion.

9 CHAIR LEE: Okay. Is there a second --

10 VICE CHAIR CARR SMITH: I have a small
11 concern that the executive officer already stated --
12 that he does support this. So if the Commission is
13 going to instruct him to say that he doesn't support
14 it I don't know whether he has the ability to do
15 that or what that looks like. So just a comment
16 there.

17 CHAIR LEE: Yeah. And if there is no vote
18 then wouldn't it be that we will take no position,
19 Mr. Dubiel?

20 MR. DUBIEL: Yes.

21 CHAIR LEE: Okay. Thank you very much.

22 Is there a second to Vice Chair Carr
23 Smith's motion? Is there a second to Vice Chair
24 Carr --

25 COMMISSIONER MIYASATO: -- clarify Chair

1 Carr --

2 CHAIR LEE: Commissioner Miyasato?

3 COMMISSIONER MIYASATO: I just wanted to
4 clarify what you just mentioned to Mr. Dubiel. Can
5 you repeat that?

6 CHAIR LEE: No position if there is no
7 vote.

8 MR. DUBIEL: Are you asking me? Sorry.
9 If you guys don't take a -- if there's no vote, no
10 motion, or too many abstentions, you take no
11 position and it's like we never talked. We talked
12 about it but nothing happened.

13 CHAIR LEE: And we would not be
14 representing that the Commissioner or the staff is
15 in support of this or in opposition.

16 MR. DUBIEL: Yeah.

17 COMMISSIONER MIYASATO: Okay. Thank you.

18 CHAIR LEE: Okay. So once again is there
19 a second to this motion?

20 Mr. Miyasato, I see your fingers
21 twitching. Is that a second?

22 COMMISSIONER MIYASATO: No, I'm fine.
23 Thank you.

24 CHAIR LEE: Okay. Anyone else wants to
25 make a second to this motion? Okay. I don't see a

1 second. Last call. Okay. All right. We are going
2 to move on then. We will take no position on this
3 item.

4 Okay. We're moving on to Item No. 4E,
5 SB2986, relating to the Land Use Commission. This
6 bill would authorize the LUC to amend, revise, or
7 modify a decision and order granting a DBA or fine a
8 petitioner upon finding that a petitioner or its
9 successors or assigns have not adhered to the
10 conditions imposed by the Commission, regardless of
11 whether there has been substantial commencement of
12 use of the land and a defined substantial
13 commencement. And so this is a Supreme Court case
14 issue.

15 And I'm going to -- before I have Mr.
16 Orodenker comment I'm going to see if there's any
17 written or verbal testimony, Ms. Kwan?

18 MS. KWAN: Seeing none in the Q&A feature,
19 Chair.

20 CHAIR LEE: Okay. Thank you.
21 Mr. Orodenker?

22 MR. ORODENKER: Thank you, Mr. Chair.
23 First I want to clarify that the staff and anybody
24 as far as I know on the Land Use Commission had
25 anything to do with this bill. But I have talked to

1 the legislators involved with it.

2 And this is designed to fix the problem
3 that arose out of Bridge Aina Le'a. And in Bridge
4 Aina Le'a the Supreme Court held that the Land Use
5 Commission has no powers of enforcement once there
6 has been substantial commencement absent -- I mean,
7 the only power we have is reversion.

8 But they said we couldn't revert the
9 property after there's been substantial commencement
10 unless we went through another DBA process.

11 What happened in Bridge Aina Le'a was that
12 the Commission was trying to work out a solution,
13 which was why we got -- the developer was able to
14 get to substantial commencement. And then when they
15 didn't do what the Commission wanted, the Commission
16 then went to revert.

17 This bill would allow projects to continue
18 -- and this is the way the legislature looked at it
19 -- projects to continue moving and -- even though
20 they might be in violation of a condition -- and
21 give the Land Use Commission the ability to come up
22 with some sort of solutions or -- in lieu of
23 reversion, including fining them until they resolve
24 the problem.

25 I mean, all I can speak to is what the

1 intent of the bill was. Staff has -- ten years ago
2 we supported a similar measure. But we have not
3 dipped our toes into this issue since.

4 CHAIR LEE: Thank you, Mr. Orodenker.

5 Commissioners, do you have any discussion
6 or questions on this bill? Okay.

7 Hearing none, is there a second round of
8 any new or additional testimony, Ms. Kwan, for
9 verbal or written?

10 MS. KWAN: Seeing none in the Q&A feature,
11 Chair.

12 CHAIR LEE: Thank you, Ms. Kwan.

13 Okay. So is there a motion now on any
14 position for Item 4E? Commissioners, does anyone
15 want to make a motion on this item? Okay.

16 This would allow some recourse, for
17 example, in the Bridge Aina Le'a situation. Last
18 call. Is there any motion on Item 4E? Any motion
19 on Item 4E? If not then we're going to move on to
20 the next item, 4F.

21 Mr. Orodenker?

22 MR. ORODENKER: I just want to make sure I
23 understand what the direction is. So with regard to
24 this measure we will not submit any testimony in
25 opposition or support. However we will be available

1 for comment. Is that the way I understand we're
2 proceeding? Okay.

3 CHAIR LEE: That is correct, Mr.
4 Orodenker.

5 Commissioners, are you -- do you concur?
6 If not -- okay. I mean, if so then we're going to
7 move on --

8 VICE CHAIR CARR SMITH: Chair?

9 CHAIR LEE: Oh, I'm sorry. Vice Chair
10 Carr Smith?

11 VICE CHAIR CARR SMITH: Sorry. I
12 personally think that comments, as was just stated,
13 should be limited to administrative matters or
14 procedure but not policy.

15 CHAIR LEE: Thank you for that comment. I
16 think we're all going to be watching the hearings,
17 which are archived on YouTube. And so I will be
18 working with Mr. Orodenker. And I think we'll try
19 and make the best of the situation. But yes, thank
20 you for your comments and clarification.

21 All right. We move on to Item 4F, SB740
22 and HB777, relating to special permits. These bills
23 authorize the Land Use Commission to designate
24 another agency, including Office of Planning and
25 Sustainable Development, the Department of

1 Agriculture, or the Agribusiness Development
2 Corporation to monitor compliance with any
3 restrictions imposed in a special permit.

4 Ms. Kwan, is there any written or verbal
5 testimony on this matter?

6 MS. KWAN: Seeing none in the Q&A feature,
7 Chair.

8 CHAIR LEE: All right. Now open up the --
9 oh, first I'm going to ask Mr. Orodenger to make a
10 comment on this.

11 MR. ORODENKER: Thank you, Mr. Chair.
12 Once again this was a spontaneous bill from the
13 legislature. The way staff views this bill is that
14 it is a work reduction bill for the Land Use
15 Commission and a streamlining of a process.

16 Right now if there's a violation of a
17 special permit condition then either the County has
18 to take action or the petitioner needs -- or a
19 member of the community comes to the Land Use
20 Commission, we hold a hearing, and then after that
21 something may happen. But it is a -- the current
22 process is convoluted.

23 This would allow us to grant an
24 enforcement on SBs to an appropriate agency -- one
25 that actually has skin in the game so to speak, such

1 as ADC, to ensure that there is enforcement so that
2 they don't have to come back to the LUC with a
3 complaint and so forth and so on. So, I mean, it's
4 a good idea. Whether or not we support it is up to
5 the Commission.

6 CHAIR LEE: Okay. Thank you. I want to
7 note that these bills have not been heard yet. But
8 we're going to open this to the commissioners for
9 comment and discussion. Anyone want to offload work
10 to other people?

11 COMMISSIONER KAHELE: I just want to
12 update, Chair, you know, those two bills actually
13 are carryover bills from last year. And are those
14 bills dated to be heard?

15 CHAIR LEE: No, they haven't been
16 scheduled. But they're technically still live and
17 could be --

18 COMMISSIONER KAHELE: Okay. All right.

19 CHAIR LEE: -- revived at any time.

20 COMMISSIONER KAHELE: So --

21 CHAIR LEE: As you well know.

22 UNIDENTIFIED SPEAKER: All right.

23 CHAIR LEE: Thank you. All right then.

24 I'm pretty sure the other agencies may not be so
25 happy to take on the other work. But we're

1 responding for our organization at this point. So
2 is there --

3 Vice Chair Carr Smith?

4 VICE CHAIR CARR SMITH: Thank you. Yeah,
5 just a quick comment. I went through the testimony
6 on this. And I saw that OPSD of course commented
7 that they didn't have the capability without adding
8 to their budget and their personnel.

9 But I did see that Department of
10 Agriculture was in support of it for them being the
11 entity to support the agricultural special permits.

12 CHAIR LEE: Thank you, Commissioner Carr
13 Smith. That's very helpful.

14 Okay. So we just wanted to clarify that
15 the testimony that was referred to by Vice Chair
16 Carr Smith was at the legislature last year; is that
17 correct? Right. Yeah. Okay. So we're just
18 clarifying that that was testimony at the
19 legislature that Vice Chair Carr Smith was referring
20 to in the past. All right.

21 Okay. We'll now -- is there any other
22 Commission discussion or questions on this bill?

23 Okay. We'll now open it for a second round of
24 public testimony for written or verbal, if any.

25 Ms. Kwan, did anyone register to testify?

1 MS. KWAN: Seeing none in the Q&A feature,
2 Chair.

3 CHAIR LEE: Okay. So now we're going to
4 entertain any motions in support or opposition to
5 this bill. I'm sorry, to this agenda item -- these
6 two bills.

7 Commissioners, second call. Any motions
8 on Item 4F? Okay. Last call. All right. Hearing
9 none, we're going to move on to the next item, 4G,
10 SB1099, relating to important agricultural lands.

11 This measure authorizes the LUC to
12 designate county or state lands as important
13 agricultural lands and adopt maps for the designated
14 lands in counties that fail to identify and
15 recommend important agricultural lands by December
16 31, 2027. Okay. I will now recognize any written
17 or verbal testimony.

18 Ms. Kwan, is there any?

19 MS. KWAN: Seeing none in the Q&A feature,
20 Chair.

21 CHAIR LEE: All right. So now I'm going
22 to ask Mr. Orodenger to give a very brief comment on
23 this.

24 MR. ORODENKER: Okay. I think that it's
25 important to remember with regard to important

1 agricultural lands that we're still waiting for the
2 Supreme Court to render a decision on the IAL
3 submittal by the counties several years ago.

4 So generally I don't think it's a good
5 idea to mess around with IAL while that is still
6 pending. This measure is -- I mean, it's not
7 reasonable.

8 I mean, there's no way that the counties
9 can do an IAL designation by 12/31/2027, which means
10 this bill essentially gives the Land Use Commission
11 power to do -- to identify IAL lands, which we don't
12 have the capacity to do.

13 So my testimony if I were to testify on
14 this was -- would be simply that -- that we don't
15 have the capacity to do this.

16 CHAIR LEE: Okay. So this is the less
17 work for LUC bill. Opening the floor now for
18 commissioners to discuss or have any questions on
19 this bill.

20 Any commissioners have any comments,
21 discussion, questions? You'll have another
22 opportunity if there is a motion. All right. We'll
23 now open a second round of public testimony for
24 verbal or written.

25 Ms. Kwan, is there anyone signed up to

1 testify?

2 MS. KWAN: Seeing none in the Q&A feature.

3 CHAIR LEE: Okay. So now -- thank you,
4 Ms. Kwan -- we're going to entertain any motion for
5 the LUC to designate IAL lands. Anybody wants to
6 make a motion on Item 4G?

7 I mean, it could be that we don't want to
8 do it -- that could be a motion -- or just take no
9 position. All right. Anybody else have any
10 thoughts of making a motion on this?

11 I'm seeing none so we're going to move on
12 to the next item. We're going to take no position
13 on that bill. And as Mr. Orodener said, he will
14 just be there for technical comments. And so we're
15 on Agenda Item 4H, SB1332 and HB1013, relating to
16 important agricultural lands.

17 These bills repeal the provision
18 authorizing farm dwellings and farm employee housing
19 on important ag lands, amends the provisions for
20 priority permit processing to include farm cluster
21 housing, and adopts a new provision establishing
22 farm cluster housing to incentivize the designation
23 of lands as important agricultural lands pursuant to
24 Chapter 205 HRS.

25 All right. I'm going to now ask if

1 there's any written public testimony -- verbal as
2 well.

3 Ms. Kwan?

4 MS. KWAN: Seeing none in the Q&A feature.

5 CHAIR LEE: Okay. Now I'm going to have
6 Mr. Orodenger make some quick comments.

7 MR. ORODENKER: Thank you, Mr. Chair.
8 This measure has the same problems as the one before
9 but even more so.

10 This measure attempts to change the key
11 provision that is the subject of the Supreme Court
12 case that is currently pending. We don't recommend
13 this measure move forward. However, the
14 legislature, in its infinite wisdom, can make an
15 attempt to fix the problem if they want.

16 CHAIR LEE: All right. That's very brief.
17 So Commissioners, I'm going to open the floor now
18 for any discussion or questions on this bill. Is
19 there any questions or discussion on this bill?
20 Okay. Seeing none -- oh, I'm sorry.

21 Vice Chair Carr Smith?

22 VICE CHAIR CARR SMITH: Thank you. I
23 noticed that this was in the governor's package.
24 And I know that the executive officer had mentioned
25 before about being asked by the Governor to not

1 testify against things.

2 But for this bill, for example, would he
3 have asked you to testify in favor of it?

4 MR. ORODENKER: I believe this is a
5 holdover bill. And it was submitted last year. And
6 last year we took no position. And we did not
7 testify I believe.

8 CHAIR LEE: So going forward how would we
9 address this issue?

10 MR. ORODENKER: My suggestion is that if
11 the bill does get scheduled for hearing, which I'm -
12 - I don't know if it will or not -- that we leave it
13 to OPSD to handle this matter because it was an OPSD
14 measure.

15 CHAIR LEE: Commissioner Carr Smith, does
16 that answer your question or do you have any further
17 questions --

18 VICE CHAIR CARR SMITH: Not really.

19 CHAIR LEE: -- about it?

20 VICE CHAIR CARR SMITH: I was trying to
21 get a sense of if the Governor calls and asks you to
22 support his bill as he puts forth through somebody
23 else how do you handle that?

24 MR. ORODENKER: If the Governor calls and
25 requests that we submit testimony in support we will

1 of course do that. In all my time at the Land Use
2 Commission that has never occurred. But if the
3 Governor did do that of course we would support the
4 bill.

5 VICE CHAIR CARR SMITH: Okay. Because
6 I've heard you say several times over the months or
7 years that the Governor does call and ask for
8 testimony. So you're saying now that he only has --

9 MR. ORODENKER: I don't think I've ever
10 said the Governor calls and asks for testimony. I
11 think that what I've been telling you is that we're
12 instructed at various times on how we are to handle
13 testimony at the legislature.

14 VICE CHAIR CARR SMITH: Okay. Same thing.

15 MR. ORODENKER: You know, not necessarily
16 with regard to whether we support a measure or not.
17 We have actually had discussions with OPSD in the
18 past with regard to bills that we disagree on.

19 And if we cannot reach agreement then the
20 director will simply instruct the one of us who is
21 not in line with Governor's policy to not testify.

22 VICE CHAIR CARR SMITH: Got it. Thank
23 you.

24 CHAIR LEE: This is a very valuable
25 discussion. Which I don't know how agencies end up

1 testifying against each other even on the governor's
2 packages. But it does happen.

3 So you know, I'm going to try to work with
4 Mr. Orodener in case that situation comes up. And
5 we won't do anything, you know, out of turn. But if
6 it comes up we'll try and figure something out to
7 the best of our ability and to the satisfaction of
8 the rest of the members.

9 Okay. I think I asked the final is there
10 any motion on this. And I don't see anything. And
11 so we're going to move on. Oh, this is just
12 discussion. So I have to ask again for any second
13 round of public testimony.

14 So Ms. Kwan, is there any written or
15 verbal request to testify?

16 MS. KWAN: Seeing none using the Q&A
17 feature, Chair.

18 CHAIR LEE: Okay. Thank you.

19 Is there a motion now then on Agenda Item
20 4H from the Commissioners? Okay. Any motion from
21 the Commissioners on Agenda Item 4H on important
22 agricultural lands? All right. Seeing none, we're
23 going to move on to the next item. We're going to
24 take no position on that except for technical
25 comments and information.

1 All right. Agenda Item No. 5 --
2 discussion on the Commission's position on 2026
3 Hawai'i State legislative bills relating to land
4 use. This is a discussion and/or decision-making on
5 the position of bills that may not directly -- but
6 I'll just move on and say we're going to take up
7 Item 5A and let you make your decisions.

8 SB1079, Item 5A on this, HB502, relating
9 to land use. These measures temporarily allow each
10 county by resolution of its county council to
11 petition for the re-districting of land from an
12 agricultural district to a rural district through
13 the Land Use Commission's declaratory ruling process
14 effective July 1, 2026; sunsets June 30, 2029.

15 And I'm going to let Mr. Orodener make
16 some very brief comments before we do public
17 testimony.

18 MR. ORODENKER: I'm going to make some
19 little bit more than brief comments because it's
20 going to cover the three items -- A, B, and C --
21 because they're similar items.

22 The genesis of these measures was some
23 time ago going back to when Will Spence was the
24 planning commissioner on Maui.

25 And it was an attempt to resolve the

1 problems that the counties have with regard to
2 places like Paradise Park and other areas where you
3 have agricultural subdivisions that are for all
4 intents and purposes rural but are still designated
5 as ag.

6 And once again we were not involved in the
7 submission of these bills. This is to resolve a
8 county problem. The difficulty that the counties
9 may have with this is twofold. Number one is, you
10 know, it may not meet due process requirements and
11 the declaratory ruling process is probably the wrong
12 process.

13 But the other problem is the one that the
14 counties eventually come to realize every time this
15 bill has wound its -- these bills have wound their
16 way through the legislature.

17 And that is that at some point they
18 realize that if they convert these agricultural
19 lands to rural they're going to be required to put
20 in infrastructure such as, you know, fire hydrants
21 and things like that. And so in the end they balk.

22 But my suggestion is that we stay out of
23 these measures because -- since they don't really
24 relate to us -- that they are county measures and
25 that we allow them to proceed and just be available

1 for questions.

2 CHAIR LEE: Thank you. Good comments.

3 We're going to now recognize any written
4 public testimony or verbal.

5 So Ms. Kwan, is there any request for
6 that?

7 MS. KWAN: Seeing none in the Q&A feature,
8 Chair.

9 CHAIR LEE: Thank you, Ms. Kwan.

10 Now we're going to open discussion for the
11 commissioners on this item. Commissioners, are
12 there any comments on this item? Okay. Seeing
13 none, we're going to take a second round of public
14 testimony if there are any.

15 Ms. Kwan?

16 MS. KWAN: Seeing none in the Q&A feature,
17 Chair.

18 CHAIR LEE: Okay. With no written or
19 verbal request to testify, is there a motion now on
20 Agenda Item 5A? Any motion now on Agenda Item 5A?
21 Okay. Seeing none, we're going to move on. We're
22 going to take no position on that except for
23 technical comments as mentioned before.

24 Item 5B is the next item, HB2424, relating
25 to land sue from July 1, 2026, to December 31, 2028.

1 This bill would authorize each county planning
2 commission to petition the Land Use Commission for a
3 district boundary amendment to reclassify certain
4 lands within the agricultural district to the rural
5 district through the declaratory ruling process.

6 Mr. Orodenger, you said this was related.

7 So --

8 MR. ORODENKER: Yeah, my comments are the
9 same on this measure as the prior one.

10 CHAIR LEE: Okay. Thank you. All right.

11 Ms. Kwan, is there any written or verbal
12 request to testify?

13 MS. KWAN: Seeing none in the Q&A feature.

14 CHAIR LEE: Okay. Thank you.

15 I'm going to open the floor for
16 commissioners for discussion and questions on this
17 bill. Are there any comments or questions on Item
18 5A? Okay. I don't see -- oh.

19 Commissioner Carr Smith?

20 VICE CHAIR CARR SMITH: Thank you, Chair.
21 We're on 5B. Right?

22 CHAIR LEE: Yes.

23 VICE CHAIR CARR SMITH: Okay. I just
24 wanted to ask staff is the difference between A and
25 B the effective date and the sunset date basically?

1 MR. ORODENKER: Yes, that is correct.

2 VICE CHAIR CARR SMITH: Thank you.

3 CHAIR LEE: Okay. Any other questions or
4 discussion on Item 5B? Okay.

5 Seeing none, Ms. Kwan, is there -- there's
6 now a second round of public testimony available.
7 Is there anyone requesting written or verbal
8 testimony?

9 MS. KWAN: No, Mr. Chair.

10 CHAIR LEE: Okay. Thank you.

11 All right. Commissioners, is there any
12 motion on Item 5B relating to land use and the LUC
13 reclassifying IAL lands through the DR process? Any
14 motion on Item 5B? Okay. Seeing none, we're going
15 to take no position except for the technical
16 comments.

17 We're going to now move on to Item 5C,
18 SB2015, relating to land use. These measures
19 temporarily allow each county by resolution of its
20 county council to petition for the redistricting of
21 land from an agricultural district to a rural
22 district through the LUC DR process effective
23 7/1/2027, sunset 6/30/2030.

24 Mr. Orodenker, how does this differ?

25 MR. ORODENKER: It's just the effective

1 dates.

2 CHAIR LEE: Okay. Thank you.

3 Is there any public written testimony or
4 verbal testimony requested on this matter, Ms. Kwan?

5 MS. KWAN: No, Mr. Chair.

6 CHAIR LEE: Okay. Thank you very much.

7 Is there any discussion from Commissioners
8 or questions on this bill? Okay. Seeing none, is
9 there any second round of testimony from the public
10 -- written or verbally by request?

11 MS. KWAN: No one in the Q&A feature,
12 Chair.

13 CHAIR LEE: Thank you, Ms. Kwan.

14 Commissioners, is there now any motion on
15 Agenda Item 5C? Any motion on Agenda Item 5C? I
16 don't see anything. So we're going to move on and
17 take no position except for technical comments from
18 the executive director on these matters. All right.

19 On 5D, SB1334 and HB1015, this measure
20 relating to land use would authorize county petition
21 process for review and approval of land use district
22 boundary amendments based on adopted county general
23 plans or county development plans. Sounds very
24 similar to a previous one.

25 Mr. Orodenker?

1 MR. ORODENKER: Yes. This is the same as
2 Item 4B. And I don't -- I won't repeat everything
3 that was said prior. But I think the Commission has
4 already taken a position on this.

5 CHAIR LEE: Okay. Which was? Refresh my
6 memory on that again.

7 MR. ORODENKER: 4B was no position.

8 CHAIR LEE: All right. Thank you very
9 much.

10 Ms. Kwan, is there any written testimony
11 or requests for verbal testimony on this matter from
12 the public?

13 MS. KWAN: Seeing none in the Q&A feature.

14 CHAIR LEE: Thank you, Ms. Kwan.

15 I'll now open the floor for commissioners
16 to discuss and ask questions on Item 5D. Is there
17 any discussion or questions on this? Okay.

18 Seeing none, Ms. Kwan, is there --

19 Oh, I'm sorry -- Vice Chair Carr Smith,
20 please go ahead.

21 VICE CHAIR CARR SMITH: No problem. Just
22 a comment. I still just want to put on the record
23 that I support this idea. But I also support the
24 concept of waiting and seeing how things turn out as
25 it goes through the hearing process.

1 CHAIR LEE: Oh, thanks for the comment.
2 And yes, we may have another opportunity if things
3 start to be clarified a little bit more. So we'll
4 see how that goes.

5 Okay. I'm going to move on to Agenda Item
6 5E, SB516, relating to land use.

7 Oh, I see. I'm sorry. Thank you, Mr.
8 Dubiel.

9 Ms. Kwan, I need to ask if there is a
10 second round of public testimony for new or
11 additional comments only. Is there anyone making
12 any request of that sort?

13 MS. KWAN: Nobody has used the Q&A
14 feature, Chair.

15 CHAIR LEE: Thank you. Okay. And I guess
16 I got to make the motion again or ask if there is a
17 motion on this item. Is there any motion on Item 5D
18 from Commissioners? Okay. Seeing none, we will
19 take no position and offer technical comments only.

20 Okay. Next item is Agenda Item 5E, SB516.
21 This bill relating to land use will permit film
22 production on lands that are zoned for agricultural
23 use in counties with a population of less than
24 500,000, which is Oahu. So I'm sorry. So this will
25 be everything except Oahu.

1 Thank you, Mr. Dubiel.

2 And that meet other conditions.

3 Establishes the Agricultural Film Production Land
4 Use Oversight Committee to monitor and enforce
5 compliance with regulations on film permit
6 activities on agricultural-zoned lands.

7 Mr. Orodenger?

8 MR. ORODENKER: Thank you, Mr. Chair. We
9 don't have a -- staff doesn't have a problem with
10 this bill. And I don't think as commissioners
11 there's much of an issue. There has been a
12 slow-down in film production in part because the
13 counties are unsure how to handle requests to
14 utilize agricultural land for film production.

15 We do have some significant concerns on
16 both this measure and the next agenda item in that
17 if they were to move forward I think that some
18 protections need to be put in place for sensitive
19 environmental areas and cultural resources and, you
20 know, how that occurs. It can be done in
21 conjunction with discussions at the legislature.

22 But this particular bill I have talked
23 with some of the members proposed on this oversight
24 committee. And it's just too much for everybody to
25 handle. And just as a philosophical matter I've

1 discussed this with several representatives from the
2 film industry.

3 And really it would be better if there was
4 something called -- similar to an SP minor that
5 could be utilized for this rather than this process.
6 But that being said, that's not what's in front of
7 us. But I would suggest taking no position on these
8 measures -- both of these measures -- at this time.

9 CHAIR LEE: Thank you, Mr. Orodenker.

10 You know, I'd like to also add that the --
11 you know, on the surface this looks like it would be
12 a good thing to help the film industry. But the
13 folks I've talked to have said this will only add
14 additional bureaucracy. So just wanted to note
15 that. Don't let that prejudice you.

16 Ms. Kwan, are there any members of the
17 public that wish to provide oral testimony or have
18 provided written testimony of this matter?

19 MS. KWAN: Seeing none in the Q&A feature,
20 Chair.

21 CHAIR LEE: Okay. Members --

22 Thank you, Ms. Kwan.

23 Members, is there any discussion or
24 questions on this item 5E?

25 Vice Chair Carr Smith?

1 VICE CHAIR CARR SMITH: I will say again
2 that I support this concept. I don't know what
3 bureaucracy you're talking about or why the
4 executive officer said we should stay away from
5 these.

6 But, you know, I think that parts of some
7 of the islands would really benefit from the
8 economic driver of filming in certain agricultural
9 areas so I support it.

10 CHAIR LEE: Okay. Thank you for your
11 comments, Vice Chair Carr Smith.

12 Commissioner U'u?

13 COMMISSIONER U'U: I would like to add too
14 that I will probably support it too if it -- as the
15 increase of cost of land management due to the
16 wildfires. And I think people need more options to
17 offset some type of cost.

18 And this could give some people who want
19 to try to offset their cost by utilizing something
20 like this. So that's my mana'o.

21 CHAIR LEE: Thank you. And again this
22 applies only to labor islands.

23 Mr. Orodenker?

24 MR. ORODENKER: Yeah, I just want to
25 clarify Commissioner Carr Smith's comments. I think

1 I did say that we support this concept. The reason
2 that I'm suggesting that we do not testify on it is
3 that the technical issues associated with both of
4 these bills are not within the Land Use Commission's
5 purview.

6 They're associated with the Department of
7 Business and Economic Development and the
8 Agricultural Development Corporation and the film
9 branch. That's the reason that I'm suggesting that
10 we not testify because I think they have more
11 expertise in this area than we do.

12 CHAIR LEE: Okay. Thank you.

13 Any further discussion on this agenda
14 item? Okay.

15 Seeing none, Ms. Kwan, is there any
16 additional testimony, written or verbal, on this
17 agenda item?

18 MS. KWAN: Seeing none in the Q&A feature.

19 CHAIR LEE: Okay. Thank you very much,
20 Ms. Kwan.

21 Members, is there anyone that makes --
22 wants to make a motion on Agenda Item 5E SB516?
23 Anyone want to make a motion on Agenda Item 5E?
24 Last call. Okay.

25 If not, we're going to move to the next

1 agenda item -- 5F for SB2156 relating to land use.
2 This bill would permit film production on certain
3 lands zoned for agricultural use under certain
4 conditions, including obtaining land use special
5 permits.

6 Establishes Agricultural Film Production
7 Land Use Oversight Committee within the Creatives
8 Initiatives Division of DBEDT to establish film
9 permit application requirements and processes,
10 facilitate the issuance of special permits for film
11 production on agricultural zone parcels, and advise
12 and make recommendations relating to the regulation
13 of film production on agricultural-zoned lands.

14 Mr. Orodenker?

15 MR. ORODENKER: Position is the same and
16 comments are the same with regard to this measure as
17 the prior one.

18 CHAIR LEE: Okay. Thank you.

19 Ms. Kwan, is there anyone that has written
20 testimony or has signed up to give verbal testimony?

21 MS. KWAN: Seeing none in the Q&A feature,
22 Chair.

23 CHAIR LEE: Thank you, Ms. Kwan.

24 Board members, we're now open for
25 discussion and questions on this bill.

1 Commissioner U'u?

2 COMMISSIONER U'U: Commissioner U'u.

3 Ditto my part -- whatever I said earlier to the last
4 one. So just want to be consistent on my part.

5 CHAIR LEE: Thank you, Commissioner U'u.
6 Appreciate it.

7 Any other discussion on this agenda item?

8 Okay.

9 Seeing none, Ms. Kwan, is there anybody
10 who wants to do a second round of public testimony
11 either written or verbal?

12 MS. KWAN: Seeing none in the Q&A feature.

13 CHAIR LEE: Okay. Thank you, Ms. Kwan.

14 Now we're going to ask if there is anyone
15 who wishes to make a motion on this Agenda Item 5S -
16 - 5F as in Frank -- on SB2156. Commissioners, is
17 there any motion now on this agenda item? Last call
18 on this agenda item. Seeing none, we're going to
19 take no position and just technical comments.

20 Next item is -- okay. This is going to be
21 our last one before lunch. Agenda Item 5G --
22 SB2240, SB3006, and HB1848 relating to land use.
23 These measures require any petitioner for a DBA to
24 obtain -- well, maybe we should save this one.
25 Okay. Let's go. Let's go. All right.

1 For a DBA to obtain certification from the
2 Commission on Water Resources Management that enough
3 water is available for the project's needs without
4 causing harm to the relevant aquifers and provide
5 that certification to the LUC.

6 Mr. Orodenger?

7 MR. ORODENKER: Thank you, Mr. Chair.

8 It's going to take me a couple minutes to go through
9 this unfortunately. I want to talk about the
10 genesis of this measure.

11 Basically what happened with this was that
12 representatives Yamashida and Chair Hashim called me
13 in some time last summer and expressed consternation
14 over the failed Pu'a Lei Hua project because the
15 County had denied them permits because they didn't
16 have any water.

17 They expressed to me that they wanted to
18 make sure that this didn't happen again. And I told
19 them that was the legislature's prerogative. I
20 explained to them what had already occurred -- at
21 that time what had already occurred at the Land Use
22 Commission. And they decided to go ahead with the
23 measure anyway on their own.

24 And despite the misrepresentations by --
25 made by Mr. Arakawa at the hearing -- those of you

1 who watched it -- we did not have anything to do
2 with pushing this measure forward.

3 We were asked by both -- by
4 representatives Yamashida and Hashim back in
5 September, October to express our support of this
6 measure, which we did so. And all we said was that
7 we supported it.

8 Mr. Derrickson was at the hearing. And I
9 think that neither one of us was prepared for the
10 questions that we got because we assumed that this
11 was a measure that was being moved forward by Chair
12 Hashim.

13 We actually don't believe that this
14 measure is -- personally don't believe that this
15 measure is necessary given the changes at the Land
16 Use Commission and the discussions that we have had
17 with the Commission of Water Resource Management.

18 Our testimony at the time was made as a
19 request -- by request of the Chair and the
20 representative. But my position remains that this
21 is a policy call on the part of the legislature and
22 that the only thing that we really should be
23 testifying on is whether or not the measure itself
24 poses any technical difficulties.

25 CHAIR LEE: Thank you, Mr. Orodenker.

1 You know, I wanted to note that we've --
2 this Board has already addressed this twice and
3 rejected it unanimously, you know, whether it be
4 rules or by other means.

5 And CWRM already has the ability to
6 provide testimony. They're given that option.
7 Maybe this bill should be targeted at CWRM -- that
8 they need to provide and respond to our open
9 requests for comment rather than direct it at us.

10 And then I want to also add at the hearing
11 on one of these bills -- and I think the testimony
12 even from OPSD and CWRM and DL&R is that instead of
13 it being a certification that a statement be
14 provided. So maybe that addresses some of the
15 issues. But I just wanted to bring that out there.

16 And next I'm going to ask, Ms. Kwan, is
17 there any written public testimony before we
18 discuss? Any written or oral testimony?

19 MS. KWAN: Seeing none in the Q&A feature.

20 CHAIR LEE: Okay. Thank you, Ms. Kwan.

21 All right. Commissioners, any discussion
22 or questions about this matter -- about CWRM
23 certification before coming to the Land Use
24 Commission? Any discussion? Okay. I'm going to go
25 with Commissioner Miyasato first followed by Vice

1 Chair Carr Smith.

2 COMMISSIONER MIYASATO: Yeah, Chair. You
3 know, I appreciate hearing Executive Officer's
4 comments, yeah, because we did go over this several
5 times. Just correct me if I'm wrong. Is CWRM's
6 sustainable yield an exact science or a speculative
7 assumption?

8 CHAIR LEE: Mr. Orodener, would you like
9 to answer that question?

10 MR. ORODENKER: I'm not sure if I can
11 answer that question definitively. Commission of
12 Water Resource Management's methodology is always
13 the subject of discussion.

14 The problem that CWRM has is that it is
15 required to set, you know, sustainable yields for
16 all the aquifers in the state so they have to use
17 some methodology. They chose whatever methodology
18 they're currently using to do that. And we're kind
19 of stuck with that.

20 I mean, we're not the experts. They have
21 chosen the methodology that they've chosen. Whether
22 that is in fact accurate -- I mean, I've been on
23 both sides of this.

24 When I was running Molokai Ranch, you
25 know, we questioned Commission of Water Resource

1 Management's assertions with regard to how much
2 could be pumped out of Well 17 and had experts to
3 refute them.

4 With regard to sustainable yield they are
5 the arbiters. They have to set a sustainable yield.
6 And that's the problem that we have.

7 COMMISSIONER MIYASATO: Okay. Yeah, I
8 just -- you know, a certification -- I just have a
9 problem with that because from what I see their
10 sustainable yield method is one-dimensional. Right?

11 Two barriers basically -- salt water,
12 fresh water barrier and the salt rock and what's
13 contained in between on a profile. When they pump
14 water, GPMs, test the salt salinity -- once the
15 salinity increases theoretically that's your GPM
16 sustainable yield kind of in a nutshell.

17 If you had a three-dimensional -- a
18 satellite with x-ray vision -- and you could show me
19 that aquifer three-dimensional I would say you can
20 certify your water availability.

21 But you know, even the Ota Well they
22 cannot -- they can't even schedule the meeting
23 because they need more research. They cannot
24 determine if a new well will impact sustainable
25 yield in another well nearby if the aquifer is even

1 connected.

2 So yeah, I just have a problem with this
3 bill being -- that the methodology is one-
4 dimensional and clear -- in my mind kind of
5 theoretical. You can drill a well 50 feet away, hit
6 a pond, and have all the water you want.

7 I mean, I've seen it in the mainland.
8 They have agricultural subdivisions, ten acres, in
9 Madera, California about a half hour north of
10 Fresno. Ten-acre lots. Every lot is only provided
11 with electricity. You do your own leach field,
12 drill your own well on every single lot.

13 I have a friend with a lot right in the
14 middle. His neighbor built up on the hill.
15 Beautiful view. Other neighbor, same thing up on
16 the ridge. They're hauling water during drought
17 seasons. He has water.

18 If you look at the lay of the land, he's
19 down in a little bit of a slump -- depression. And
20 so obviously the surface water gets caught and
21 permeates a lot more in his area. And he probably
22 got lucky and where he drilled there's probably a
23 bigger depression underground.

24 So you know, that neighbor is probably 300
25 yards away. The other neighbor may be 4, 500 yards

1 away. And it varies. It's just that in three lots
2 it varies, you know, sustainable yield. So, you
3 know, I just have a problem with them certifying
4 before us and condemning something. That's all I
5 have, Chair.

6 CHAIR LEE: Yeah. I would comment on that
7 and agree with you. I think that's one of the
8 reasons that we hold contested case hearings is so
9 that the petitioner has the opportunity to rebut
10 positions taken by state agencies.

11 And it's up to this Commission to decide
12 who they want to believe. I will repeat though that
13 this bill was put together by a couple of
14 representatives who were trying to attack a problem.
15 And this is what they came up with.

16 COMMISSIONER MIYASATO: Okay. Understood.
17 Thank you.

18 CHAIR LEE: Thank you.

19 Commissioner Carr Smith?

20 VICE CHAIR CARR SMITH: Thank you. Yeah,
21 I'm sure the intention was there. But I too don't
22 think that CWRM is the proper agency to certify
23 whether there's water or not. I think that the
24 counties control their water sources and provide
25 water to their customers.

1 I understand CWRM's role in it and with
2 well permits and all that. But I just -- this just
3 doesn't seem appropriate to me.

4 CHAIR LEE: Thank you, Vice Chair Carr
5 Smith.

6 So I just wanted to briefly add that, you
7 know, for something as important as housing for
8 local families, I mean, we've addressed this before.
9 I don't think that -- you know, listening to what
10 Commissioner Miyasato said -- that LUC should just
11 default and defer to a veto power from CWRM without
12 questioning or examination.

13 I mean, you know, that -- Mr. Orodener
14 pointed out that's why we want contested case
15 hearings. So I don't think a preemptive veto of
16 power is what will help local families in this
17 situation. But that's just my comment.

18 They're already allowed to make
19 statements. They're asked to make statements in
20 fact. So maybe if the representatives want to help
21 they can make this a requirement of CWRM to make
22 statements on every project.

23 So that's just my thought. Is there any
24 other discussion or questions from commissioners on
25 this agenda item? Okay.

1 Seeing none, Ms. Kwan, is there any second
2 round of public testimony, either written or verbal?

3 MS. KWAN: Seeing none in the Q&A feature.

4 CHAIR LEE: Thank you, Ms. Kwan.

5 Members, is there a motion to support or
6 oppose or anything else on Agenda Item 5G regarding
7 CWRM certification before coming to the Land Use
8 Commission? Any -- oh.

9 Vice Chair Carr Smith?

10 VICE CHAIR CARR SMITH: Okay. Yeah, I
11 would make a motion to instruct and authorize the
12 Chair to work with the executive officer on
13 testifying against this bill -- these bills.

14 CHAIR LEE: Okay. So to oppose the bills
15 that have the similar concepts to Item 5G; is that
16 correct?

17 VICE CHAIR CARR SMITH: Correct.

18 CHAIR LEE: Okay. The motion's been made
19 by Vice Chair Carr Smith. Is there a second to her
20 motion to oppose bills that fall under Agenda Item
21 5G? Is there a second to Ms. Carr's motion?

22 COMMISSIONER U'U: I'll second
23 Commissioner Carr's motion.

24 CHAIR LEE: Okay. Commissioner U'u
25 seconded the motion to oppose those types of bills.

1 Any discussion? So I'm going to ask Vice Chair Carr
2 Smith to make a brief comment in support if she
3 wants to of the motion to oppose --

4 VICE CHAIR CARR SMITH: No, I think I
5 already stated. I'm good.

6 CHAIR LEE: Okay. Thank you.

7 Commissioner Miyasato?

8 COMMISSIONER MIYASATO: Yeah, thank you,
9 Chair. I believe this bill came up for hearing and
10 Chair Hashim tabled it. So I'll probably be
11 abstaining and waiting to see if the companion
12 bill's got legs. Thank you.

13 CHAIR LEE: Okay. Yeah, there are two
14 other bills. And, yeah, those may involve -- you
15 may support them later on -- who knows -- or oppose
16 them even more. All right. Anybody else with any
17 comments or questions on Agenda Item 5E -- 5G?
18 Okay. Hearing none, the motion has been made and
19 seconded to oppose.

20 Mr. Orodenker, will you conduct the roll-
21 call vote before we have lunch?

22 MR. ORODENKER: Thank you, Mr. Chair.

23 The motion is to oppose the measure.

24 Commissioner Carr Smith?

25 VICE CHAIR CARR SMITH: Aye.

1 MR. ORODENKER: Commissioner U'u?

2 COMMISSIONER U'U: Aye.

3 MR. ORODENKER: Commissioner Miyasato?

4 COMMISSIONER MIYASATO: Abstain.

5 MR. ORODENKER: Abstain. Commissioner
6 Hayashida is absent.

7 Commissioner Kahele?

8 COMMISSIONER KAHELE: I abstain.

9 MR. ORODENKER: Commissioner Kamakea-
10 Ohelo?

11 COMMISSIONER KAMAKEA-OHELO: I abstain.

12 MR. ORODENKER: Commissioner Giovanni?

13 COMMISSIONER GIOVANNI: Abstain.

14 MR. ORODENKER: Commissioner Yamane?

15 COMMISSIONER YAMANE: Abstain.

16 MR. ORODENKER: Chair Lee?

17 CHAIR LEE: The motion is moot. So I am
18 not going to vote on this as is proper with Robert's
19 Rules of Procedure. But I think now we have
20 informed the executive officer. And he can give
21 more flavor in any testimony.

22 All right. We're going to take a break
23 for lunch. And we will reconvene at 1:00 p.m. in
24 the afternoon today. Thank you.

25 (WHEREUPON, a recess was taken.)

1 CHAIR LEE: Okay. We're calling this
2 meeting back to order of the State Land Use
3 Commission. And thank you, everyone, for your
4 patience. I'm going to start again with Agenda Item
5 5H, SB760, relating to land use. This measure
6 authorizes rodeos on lands that are zoned for
7 agricultural use.

8 Mr. Orodenker?

9 MR. ORODENKER: Thank you. Both this Item
10 H and Item I, which covers SB716, SB2161, and HB1703
11 with regard to rodeos, were put on the agenda for
12 the Commission's edification so to speak.

13 Personally I'm in support of both of
14 these. When I was running Molokai Ranch we had a
15 rodeo. And this is more clarification of what's
16 allowed than anything else because we -- our rodeo
17 was on agricultural land and nobody ever bothered us
18 about it.

19 But I don't recommend that we get involved
20 in this. I think this is a policy call on the part
21 of the legislature even though it impacts Chapter
22 205.

23 CHAIR LEE: Thank you, Mr. Orodenker.

24 Ms. Kwan, are there any requests for
25 verbal testimony or did anyone submit any written

1 testimony?

2 MS. KWAN: Seeing none in the Q&A feature,
3 Chair.

4 CHAIR LEE: Thank you, Ms. Kwan.

5 We'll now open it up for commissioners if
6 they have any discussion, questions, or comments on
7 this bill. Okay. Any questions, comments? We have
8 a few cowboys here. But I guess they're going to
9 refrain from too much comment. One last chance.
10 Agenda Item 5H. Okay.

11 Hearing none, the Commission will take no
12 official position on this except for making comments
13 on technical issues. All right. I have to ask
14 again though -- did I ask for testimony a second
15 time? Well, I'll just do it then.

16 Is there any second round of testimony,
17 Ms. Kwan?

18 MS. KWAN: No, Mr. Chair.

19 CHAIR LEE: Okay. No written or verbal
20 requests to testify. We're going to move to Item
21 5I, SB2161 and HB1703 relating to land use. These
22 measures authorize rodeos and -- oh, so this is a
23 similar one. Okay.

24 Go ahead, Mr. Executive Officer.

25 MR. ORODENKER: Same as the last one. We

1 personally support but have no comment as the Land
2 Use Commission.

3 CHAIR LEE: Thank you.

4 Commissioner Miyasato can personally
5 testify on his own if he wishes to on this in his
6 individual capacity.

7 Ms. Kwan, is there anybody from the public
8 who has submitted written testimony or requesting
9 verbal testimony?

10 MS. KWAN: No, Mr. Chair.

11 CHAIR LEE: Okay. Commissioners, is there
12 any discussion or questions on this similar bill?
13 Okay. Seeing none, this is a second opportunity for
14 the public to make written testimony or verbal
15 testimony.

16 Ms. Kwan, are there any requests?

17 MS. KWAN: No, Mr. Chair.

18 CHAIR LEE: Okay. Thank you very much.

19 Is there a motion now to address Agenda
20 Item 5I, SB2161 and HB1703? Is there any motion
21 from Commissioners? Okay. Seeing none, we're going
22 to take no position and offer only technical
23 comments if asked.

24 All right. Item 5J, HB2007 and HB1738
25 relating to land use decision-making. These

1 measures provide authority for counties to amend
2 district boundaries up to 25 acres from 15 currently
3 for purposes only for residential housing,
4 agricultural, workforce housing, long-term rental,
5 or workforce fee-simple ownership.

6 Mr. Orodenger?

7 MR. ORODENKER: Thank you, Mr. Chair. And
8 I'd like to take a moment to talk about the history
9 of this measure. We were actually approached by
10 Senator -- I was actually approached by Senator
11 Schatz's office with regard to this bill before it
12 was drafted and the concepts that he was trying to
13 move forward, which we support.

14 And I discussed technical language with
15 him on how to move it forward. And I continue to
16 take the position that we -- well, I personally -- I
17 take the position that this is something we should
18 be supporting.

19 CHAIR LEE: What were the -- some of the
20 technical amendments if you can quickly summarize?

21 MR. ORODENKER: Well, it wasn't technical
22 amendments. But we discussed some of the ways in
23 which it could have been done. I didn't see the
24 bill until after it was submitted.

25 The only concern -- and I've had these

1 discussions with the legislators -- is that he left
2 out the word "affordable" in front of residential
3 housing, which I suggested was in error when I
4 discussed it with him because I don't think that was
5 what the intent -- and this was in discussion with
6 Senator Schatz's office as well.

7 CHAIR LEE: Okay. Thank you, Mr.
8 Orodenker.

9 Ms. Kwan, is there any written testimony
10 or requests for verbal testimony?

11 MS. KWAN: No, Mr. Chair.

12 CHAIR LEE: Okay. Thank you, Ms. Kwan.

13 We're open for discussion for
14 commissioners. Are there any questions, comments on
15 this bill? Any?

16 Oh, Vice Chair Carr Smith?

17 VICE CHAIR CARR SMITH: Thank you, Chair.
18 I'm kind of surprised that you support it. So can
19 you explain to me why you do? Is it because of the
20 specific affordable residential, agriculture, long-
21 term rental?

22 I mean, you wouldn't -- I don't think you
23 would be in favor of this if it didn't include those
24 specific types of housing; is that true?

25 MR. ORODENKER: Well, that was the

1 discussion with Senator Schatz's office. I mean,
2 they would like to move the needle on affordable
3 housing. And I agree with them. And this is one
4 measure that perhaps will result in that.

5 I'm supporting it because it's an attempt
6 to do something. I'm not sure it's going to have
7 that much of an impact. But I don't think there's -
8 - I have any disagreement with the Commission that
9 we need to find ways to move affordable housing
10 forward.

11 CHAIR LEE: Commissioner Carr Smith, does
12 that answer your question?

13 VICE CHAIR CARR SMITH: Yeah, thank you.
14 I agree with you and I support that. Thank you.

15 CHAIR LEE: Mr. Orodener, does this bill
16 as it's currently drafted affect important
17 agricultural lands?

18 MR. ORODENER: It doesn't differentiate
19 with regard to any type of agricultural lands --
20 important agricultural lands or not. I'm not sure -
21 - I mean, the devil is in the details on bills like
22 this.

23 I'm not sure if it passes what kind of
24 measures the counties would have to put in place to
25 ensure compliance with the constitution. But that

1 is something that they will have to do.

2 CHAIR LEE: Thank you.

3 Any further discussion from commissioners?

4 Okay.

5 Seeing none, Ms. Kwan, is there any
6 requests for verbal testimony or did anyone submit
7 written testimony a second time?

8 MS. KWAN: Seeing none in the Q&A feature.

9 CHAIR LEE: Thank you, Ms. Kwan.

10 So commissioners, is there a motion that
11 you would like us to entertain on Agenda Item 5J?

12 Anyone wishing to make any motion on this?

13 Vice Chair Carr Smith?

14 VICE CHAIR CARR SMITH: Thank you, Chair.

15 I would move that we instruct and authorize the
16 Chair to work with the executive officer to support
17 SB2007 and HB1738.

18 CHAIR LEE: Okay. Thank you, Vice Chair
19 Carr Smith.

20 Is there a second to her motion?

21 COMMISSIONER U'U: I'll second.

22 Commissioner U'u.

23 CHAIR LEE: Commissioner U'u seconds the
24 motion. Now we're open for discussion.

25 And Ms. Carr Smith, would you like to say

1 any words?

2 VICE CHAIR CARR SMITH: Nothing more.

3 Thank you.

4 CHAIR LEE: Mr. U'u?

5 COMMISSIONER U'U: No comment. I support
6 it.

7 CHAIR LEE: Okay. Thank you,
8 Commissioners. All right.

9 Mr. Orodenker, will you conduct the roll-
10 call vote?

11 MR. ORODENKER: Thank you, Mr. Chair.

12 The motion is to support --

13 COMMISSIONER MIYASATO: Chair --

14 CHAIR LEE: Oh, sorry. Commissioner
15 Miyasato?

16 COMMISSIONER MIYASATO: Yeah, sorry. Real
17 quick. I thought I saw a version of this that did
18 mention majority had to be affordable -- within the
19 140 percentile? Isn't there a version that
20 references that?

21 CHAIR LEE: Okay. So are you wanting to
22 amend the --

23 COMMISSIONER MIYASATO: No, I was just
24 curious --

25 CHAIR LEE: -- motion?

1 COMMISSIONER MIYASATO: -- if anyone knew
2 offhand if there was that -- I'm pretty sure I read
3 a version that had that affordable component
4 requirement as a condition to be a majority --
5 whatever "majority" is interpreted as. But within
6 that 140 percentile for affordable housing. But if
7 not I would rather support that bill but --

8 CHAIR LEE: Okay. I think that's your --
9 you make a good point. I think currently, according
10 to Mr. Derrickson, these two bills don't have that
11 language. There may be other bills with the same
12 topic.

13 So I believe that the motion that Vice
14 Chair Carr Smith made and that we've agreed to is
15 about the policy and not any specific bill. If
16 that's something that you feel should be in there,
17 you know, you can offer an amendment or you can ask
18 --

19 COMMISSIONER MIYASATO: Okay.

20 CHAIR LEE: -- Commissioner Carr Smith to
21 withdraw hers and make a new motion.

22 COMMISSIONER MIYASATO: No, understanding
23 that we are proceeding with the intent then I'm
24 fine.

25 CHAIR LEE: Okay. Thank you. Any other

1 comments from Commissioners? Okay.

2 Mr. Orodenger?

3 MR. ORODENKER: Thank you, Mr. Chair.

4 The motion is to instruct the executive
5 officer and with the Chair to support these
6 measures.

7 Commissioner Carr Smith?

8 VICE CHAIR CARR SMITH: Aye.

9 MR. ORODENKER: Commissioner U'u?

10 COMMISSIONER U'U: Aye.

11 MR. ORODENKER: Commissioner Yamane?

12 COMMISSIONER YAMANE: Abstain.

13 MR. ORODENKER: Commissioner Giovanni?
14 Commissioner Giovanni?

15 COMMISSIONER GIOVANNI: I was on mute. My
16 apologies. I abstain.

17 MR. ORODENKER: Commissioner Kamakea-
18 Ohelo?

19 COMMISSIONER KAMAKEA-OHELO: I abstain.

20 MR. ORODENKER: Commissioner Kahele?

21 COMMISSIONER KAHELE: Abstain.

22 MR. ORODENKER: Commissioner Hayashida is
23 absent. Commissioner Miyasato?

24 COMMISSIONER MIYASATO: Aye.

25 MR. ORODENKER: Chair Lee?

1 CHAIR LEE: Okay. The motion is moot so
2 I'm not going to vote on this. Thank you,
3 everybody. All right. Agenda Item 5K, SB21 --
4 SB1114 and SB2162 relating to housing.

5 These measures would authorize large
6 landowners to petition the Land Use Commission to
7 allow the development of elderly housing on portions
8 of agricultural lands.

9 Mr. Orodenker?

10 MR. ORODENKER: Thank you, Mr. Chair. I
11 believe that the intent of this measure is a
12 laudable one. However it seems to have a bunch of
13 flaws. And I've read the bill several times. And
14 I'm not sure how to fix it.

15 I mean, there are concerns with the
16 definitions and the responsibility for
17 infrastructure and the rest. But I mean, my advice
18 on this one would be to let it go and see if the
19 legislature can somehow find a way to fix the fatal
20 flaws that are contained in it.

21 CHAIR LEE: Okay. Thank you, Mr.
22 Orodenker.

23 Ms. Kwan, is there any written testimony
24 or requests for oral testimony?

25 MS. KWAN: No, Mr. Chair.

1 CHAIR LEE: Okay. Thank you.

2 Discussion. Do the commissioners have any
3 questions, comments, or discussion on this agenda
4 item? Okay. Seeing none, we're going to give the
5 public a second opportunity for written or verbal
6 testimony.

7 Ms. Kwan, is there any request?

8 MS. KWAN: No, Mr. Chair.

9 CHAIR LEE: Okay. Thank you. Let's see
10 here. All right. So right now we'll entertain any
11 motion from Commissioners on this agenda item. Is
12 there any motion on this agenda item? Okay. Seeing
13 none, we will take no position and offer just
14 comments on technical issues.

15 All right. Next item is Agenda Item No.
16 6, discussion on Commission's position on 2026
17 Hawai'i State legislative bills relating to other
18 measures that may impact the Land Use Commission.

19 Okay. 6A is HB826 relating to housing.
20 This would authorize a county planning commission by
21 special permit to permit land uses exclusively
22 providing residential housing for purposes of
23 agricultural workforce housing, long-term rental, or
24 workforce fee-simple ownership in an agricultural
25 district under certain conditions. And it sunsets

1 on 6/30/2035.

2 Mr. Orodenker?

3 MR. ORODENKER: Thank you, Mr. Chair. I
4 mean, there are two sides to this bill. One of the
5 main problems is of course the Towne case and the
6 things that were discussed in Item 4D I think it
7 was.

8 But also this one theorizes the use of the
9 special permit process, which I think is the wrong
10 process to accomplish this measure. And I think
11 there are a lot of technical problems with it.

12 CHAIR LEE: Okay. Thank you, Mr.
13 Orodenker.

14 Ms. Kwan, has there been any written
15 testimony or requests for verbal testimony?

16 MS. KWAN: Seeing none in the Q&A feature.

17 CHAIR LEE: Okay. Thank you. So we're
18 into discussion. Commissioners, is there any
19 discussion, comments, or questions on this bill --
20 Agenda Item 6A, HB826? Okay. Oh, I'm sorry.

21 Commissioner Giovanni?

22 COMMISSIONER GIOVANNI: Thank you, Chair.
23 Just a question. Would this bill allow housing on
24 agricultural districts other than farm dwellings?

25 CHAIR LEE: Mr. Orodenker?

1 MR. ORODENKER: Yes, it would.

2 COMMISSIONER GIOVANNI: Thank you.

3 CHAIR LEE: Okay. Any other discussion
4 from commissioners or questions? Okay.

5 Seeing none, Ms. Kwan, is there any
6 additional comments or requests for verbal or
7 written testimony?

8 MS. KWAN: No, Mr. Chair.

9 CHAIR LEE: Okay. Thank you, Ms. Kwan.

10 All right. Commissioners, is there a
11 motion on this agenda item? Commissioners, any
12 motion on HB826? Okay. I am seeing none. So we're
13 going to take no position and just be there for
14 comment -- to answer technical questions.

15 Okay. The next item is Item No. 6B,
16 SB2006 and HB1737, similar relating to farm employee
17 housing. This bill clarifies that a farm dwelling
18 permitted in an agricultural district includes a
19 single-family farm dwelling and with an accessory
20 employee housing structure subject to certain
21 restrictions.

22 Mr. Orodenker?

23 MR. ORODENKER: Thank you, Mr. Chair.

24 With regard to two these measures and SB2740 -- the
25 next item on the agenda -- we don't have any

1 position. We believe that once again this is a
2 policy call to be made by the legislature.

3 I would add that from a theoretical
4 standpoint we're in support of housing on
5 agricultural land for housing workers. But
6 otherwise we have no comments.

7 CHAIR LEE: Thank you, Mr. Orodenker.

8 Ms. Kwan, has there been any written
9 testimony or requests for verbal testimony of this
10 matter?

11 MS. KWAN: No, Mr. Chair.

12 CHAIR LEE: Okay. Thank you, Ms. Kwan.

13 Discussion. We're opening the floor for
14 commissioners to discuss or comment or make
15 questions on this bill. Is there anyone who would
16 like to do so? Okay.

17 Seeing none, Ms. Kwan, is there any second
18 request for -- a second round of requests for public
19 testimony, either written or verbal?

20 MS. KWAN: No, Mr. Chair.

21 CHAIR LEE: Thank you, Ms. Kwan.

22 All right. Commissioners, is there any
23 motion on this Agenda Item 6B? Okay. Hearing and
24 seeing none, we're going to take no position and
25 just offer technical comments if requested.

1 Okay. Next item is 6C, SB2740 relating to
2 farm employee housing. This bill authorizes farm
3 cluster housing on certain agricultural land within
4 agricultural districts and requires the counties to
5 adopt ordinances to allow farm cluster housing.

6 Mr. Orodenker?

7 MR. ORODENKER: Same comments as the prior
8 agenda item, Mr. Chair.

9 CHAIR LEE: Okay. Thank you.

10 Ms. Kwan, is there any written testimony
11 or requests for verbal testimony?

12 MS. KWAN: Seeing none in the Q&A feature,
13 Chair.

14 CHAIR LEE: Thank you, Ms. Kwan.

15 Commissioners, is there any discussion,
16 comments, or questions on this bill? Okay. Seeing
17 none, we're going to offer the public a second
18 opportunity to either offer written or verbal
19 testimony.

20 Ms. Kwan, is there such testimony?

21 MS. KWAN: No, Chair.

22 CHAIR LEE: Okay. Thank you. So
23 Commissioners, is there anyone who would like to
24 make a motion on this Agenda Item 6C? Okay. Seeing
25 and hearing none, we're going to take no position

1 and just be there for technical comments and
2 information.

3 Agenda Item 6D -- SB2834 and HB1979
4 relating to environmental review. This bill
5 structures a period within which certain judicial
6 proceedings involving environmental assessments and
7 environmental impact statements for actions that
8 propose a use of land or construction of affordable
9 housing or clean energy projects that must be
10 initiated.

11 Mr. Orodenker?

12 MR. ORODENKER: Thank you, Mr. Chair.
13 This item was put on the agenda just so that the
14 matter could be brought to the Commission's
15 attention. OPSD's Office of -- environmental
16 review. It used to be called OAQC. And I always
17 stumble over that.

18 But has been taking the lead on testimony
19 on this. So I mean, I don't suggest that we take
20 any position on this. And my suggestion is we leave
21 it to OPSD to handle. But we did want to bring it
22 to the Commission's attention.

23 CHAIR LEE: Thank you, Mr. Orodenker.

24 Ms. Kwan, is there any written testimony
25 or requests for verbal testimony on this matter?

1 MS. KWAN: No, Chair.

2 CHAIR LEE: Okay. Thank you.

3 Commissioners, is there any discussion,
4 question, or comments on this agenda item? Okay.

5 Hearing and seeing none, Ms. Kwan, we're
6 going to give the public a second chance for public
7 testimony. Is there any written or requests for
8 verbal testimony?

9 MS. KWAN: No, Chair.

10 CHAIR LEE: All right. Thank you very
11 much.

12 Commissioners, is there anyone who wishes
13 to make a motion on this Agenda Item 6D? Hearing
14 and seeing none, we're going to do the same thing
15 and take no position and just offer comments --
16 technical and informational. All right. Next
17 Agenda Item 6E, HB541 relating to urban development.

18 This bill makes certain urban development
19 and land use requirements applicable only to
20 counties with a population of less than 500,000 --
21 so labor islands -- including vesting the Director
22 of the County Land Use Agency with the
23 administrative authority to act on any application
24 for subdivision consolidation or re-subdivision that
25 required adoption or amendment of an ordinance to

1 allow at least two accessory dwelling units subject
2 to certain conditions on all residentially-zoned
3 lots, the calculation of certain school impact fees,
4 and a prohibition on private covenants that include
5 certain limitations or restrictions for
6 residentially-zoned lots within an urban district.

7 Mr. Orodenker?

8 MR. ORODENKER: Thank you, Mr. Chair.

9 Once again this measure was put on the agenda for
10 the Commission's information. This doesn't affect
11 us in any way. But we wanted to know that this was
12 -- Commission to know that this was out there. We
13 will continue to monitor it to see if there any
14 statewide impacts.

15 We do have a little bit of a concern or a
16 question about limiting -- eliminating it to
17 essentially -- limiting it to essentially what --
18 the neighbor islands. And we're not sure why that
19 occurred. But my suggestion is that we just monitor
20 this.

21 CHAIR LEE: Thank you, Mr. Orodenker. I
22 believe that the reason for this is because Honolulu
23 felt that they were being imposed on with last
24 year's 2ADU permission, which was ministerial.

25 And they felt that this really was only

1 for Maui and the neighbor islands to give them more
2 housing but that Oahu was a different situation if I
3 recall correctly. Okay.

4 So Ms. Kwan, we're going to see if there's
5 any written testimony or if there's any request for
6 verbal testimony at this time.

7 MS. KWAN: None in the Q&A feature, Chair.

8 CHAIR LEE: Thank you.

9 Commissioners, is there any discussion,
10 question, or comments on this bill? Okay. Seeing
11 none -- of course all this stuff could evolve and
12 then we may or may not take that up again.

13 Ms. Kwan, is there any -- a second
14 opportunity for public testimony, either written or
15 that was -- that's been requested verbally.

16 MS. KWAN: No, Chair.

17 CHAIR LEE: Okay. Thank you, Ms. Kwan.

18 Commissioners, is there anyone who wishes
19 to make this -- make any motion on Item 6E regarding
20 HB541? Okay. I don't see anything. So we're going
21 to take no position and just offer technical
22 comments if asked.

23 Okay. Item 6F, SB197 relating to public
24 notices. This bill establishes enhanced public
25 notice requirements for changes in land use by the

1 Department of Hawai'ian Homelands, Department of
2 Land and Natural Resources, or the University of
3 Hawai'i and to boundary changes by the Land Use
4 Commission.

5 This requires approval of a project by the
6 community through a referendum of nearby adult
7 residents except for projects within the Mauna Kea
8 Science Reserve, which would require referendum by
9 all adult residents of the country -- of the county
10 in which the Mauna Kea Science Reserve is located.
11 And it appropriates funds.

12 Mr. Orodener?

13 MR. ORODENKER: Once again this measure
14 was put on the agenda for the Commission's
15 education. We would not under any circumstances be
16 taking the lead on this -- on testimony on this.
17 And we would leave that to the AG's office.

18 I think you can see that this would create
19 some significant burdens on all of the agencies and
20 departments that are mentioned. But once again I
21 don't suggest that we do anything but monitor that.

22 CHAIR LEE: Ms. Kwan, is there any written
23 testimony submitted on this matter or request for
24 verbal testimony?

25 MS. KWAN: No, Mr. Chair.

1 CHAIR LEE: Okay. Thank you.

2 Commissioners, is there any discussion,
3 questions, or comments about this bill? Well, I
4 guess it would significantly increase the
5 notification requirements.

6 So seeing no other discussion, Ms. Kwan,
7 for the second round of testimony is there any
8 written or requests for verbal testimony?

9 MS. KWAN: No, Chair.

10 CHAIR LEE: Okay. Thank you.

11 So Commissioners, is there any motion
12 anyone wishes to make on Agenda Item 6F regarding
13 public notices -- public notice requirements? Okay.
14 Then we will move on, take no position on that bill,
15 and just be there for comments if requested.

16 Item 6G, HB1529 relating to boards and
17 commissions. This bill reduces the quorum
18 requirements for boards and commissions to a
19 majority of current voting members of a board or
20 commission and reduces the number of affirmative
21 votes needed to validate action of a board or
22 commission to a majority of members voting at a
23 meeting with quorum.

24 Mr. Orodenger?

25 MR. ORODENKER: Thank you, Mr. Chair.

1 This is essentially a duplication of Item A -- 4A of
2 the agenda -- which we already voted on. That is
3 SB28, SB2217, and HB1845. We attached this one
4 because it came in late as a separate item.

5 CHAIR LEE: Thank you, Mr. Orodenger.

6 Ms. Kwan, has there been any written
7 public testimony or requests for verbal testimony?

8 MS. KWAN: Seeing none in the Q&A feature.

9 CHAIR LEE: Thank you, Ms. Kwan.

10 Commissioners, is there any discussion,
11 questions, or comments on this bill? Okay.

12 Seeing none, Ms. Kwan, is -- for the
13 second round of public testimony has there been any
14 written or requests for verbal testimony?

15 MS. KWAN: No, Chair.

16 CHAIR LEE: Okay. Thank you very much.

17 Commissioners, is there anyone who would
18 wish to make a motion on Agenda Item HB541 and --
19 Agenda Item 6E HB541. Okay. Seeing none, okay.
20 Then we will take no position. And we will offer
21 comments only.

22 MR. ORODENER: Excuse me, Mr. Chair. I
23 think --

24 CHAIR LEE: 6F. Right?

25 MR. ORODENER: Yeah.

1 CHAIR LEE: Yeah, sorry.

2 MR. ORODENKER: I believe it's the same as
3 4A. So we would refer back to that guidance with
4 regard to how to testify on this --

5 CHAIR LEE: Yep. Thank you very much.

6 Okay. Next agenda item. We're almost
7 there. Item 6G, HB1529. Did I do that already?
8 That's the one we just did.

9 MR. ORODENKER: Yeah.

10 CHAIR LEE: Okay. That's 6G. I'm getting
11 worn out here. Okay. All right. So did we take
12 public testimony a second time? I think we did.
13 Right?

14 MS. KWAN: Seeing none on the Q&A feature,
15 Chair.

16 CHAIR LEE: Thank you. Okay. Agenda Item
17 7. All right. This concludes our meeting. I told
18 you guys. I told you guys. All right. Is there
19 any further business to discuss? Okay.

20 I want to also before we go congratulate
21 Commissioner Giovanni. I think if we keep our
22 fingers crossed he'll be a Kaua'i Planning
23 Commissioner. And I think his experience at the
24 state level will really help and inform him to help
25 the County of Kaua'i in making their decisions. So

1 congratulations. And thank you very much.

2 All right. Motion to adjourn?

3 COMMISSIONER GIOVANNI: Motion.

4 CHAIR LEE: Second?

5 COMMISSIONER KAMAKEA-OHELO: Second.

6 CHAIR LEE: All right. We're adjourned.

7 Thank you.

8 (WHEREUPON, the Hawai'i Land Use

9 Commission Meeting adjourned at 11:04 a.m.)

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CERTIFICATE

I, LeAnn Trumble, do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true, and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 20th day of March, 2026.



LeAnn Trumble