

THE PIONEER COURTHOUSE



NAEGELI
DEPOSITION & TRIAL

(800) 528 - 3335

NAEGELIUSA.COM

Nationwide

COURT REPORTING

LEGAL VIDEOGRAPHY

REMOTE DEPOSITIONS

TRIAL PRESENTATION

LEGAL TRANSCRIPTION

COPYING AND SCANNING

LANGUAGE INTERPRETERS

Powerful
LITIGATION SUPPORT

LAND USE COMMISSION

DATE: April 8, 2026

TIME: 10:00 a.m.

VIRTUAL:

<https://us02web.zoom.us/j/82609716097>

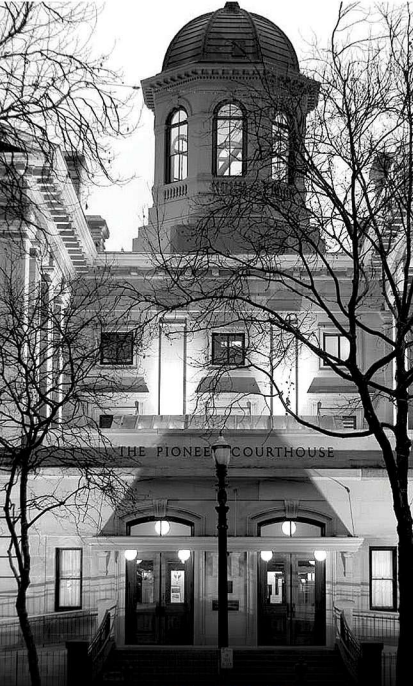
LOCATION: Airport Conference Center (in
Hawaiian Airlines Terminal Building) 400 Rodgers
Blvd., 7th Floor, Room #3,
Honolulu, HI 96819

This meeting will be held using interactive
conference technology under Hawaii Revised Statutes
("HRS"), Section Commission members, staff,
testifiers, and the public can choose to participate
in person, online via Zoom, or by telephone.

1. Call to Order

2. A92-683 Halekua Development Corporation (O'ahu)
To consider Haseko Royal Kunia, LLC's Motion to
Amend the Memorandum of Understanding's ("MOU")
Offsite Infrastructure Date in Condition
A.1 filed October 7, 2024 to amend the MOU's
offsite infrastructure date in Condition A.1.
to be consistent with the Sixth Amendment to
Amendment and Restatement of MOU dated

NAEGELI | (800) 528-3335
DEPOSITION & TRIAL | NAEGELIUSA.COM



NAEGELI
DEPOSITION & TRIAL

(800) 528 - 3335

NAEGELIUSA.COM

Nationwide

COURT REPORTING

LEGAL VIDEOGRAPHY

REMOTE DEPOSITIONS

TRIAL PRESENTATION

LEGAL TRANSCRIPTION

COPYING AND SCANNING

LANGUAGE INTERPRETERS

Powerful
LITIGATION SUPPORT

December 17, 2025.

Files pertaining to this docket are available at:

<https://luc.hawaii.gov/a92-683>

Parcel information: Tax Map Key No. 9-4-02:

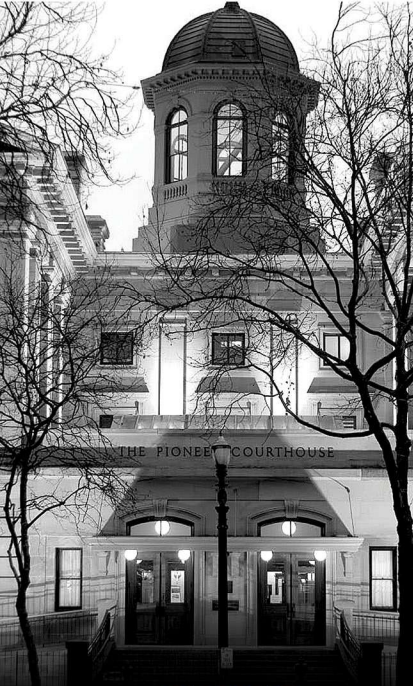
01, portion of 52, 70 and 71. Approximately 503.886 acres at Waikele and H~'ae'ae, 'Ewa, O'ahu, City and County of Honolulu, State of Hawai'i.

3. Update on 2026 Hawai'i State Legislative Bills Relating to Measures That May Impact the Land Use Commission ("LUC")

a. SB2156 SD1 - RELATING TO LAND USE

Permits film production on certain lands zoned for agricultural use under certain conditions, including obtaining land use special Oversight Committee within the Creative Industries Division of the Department of Business, Economic Development, and Tourism ("DBEDT") to establish film permit application requirements and processes, facilitate the issuance of special permits for film production on agricultural zoned parcels, and advise and make recommendations relating to the regulation of film productions on agricultural zoned lands. Requires DBEDT to adopt rules. Requires DBEDT to consult with state and county agencies to issue permits for film

NAEGELI | (800) 528-3335
DEPOSITION & TRIAL | NAEGELIUSA.COM



THE PIONEER COURTHOUSE



NAEGELI
DEPOSITION & TRIAL

(800) 528 - 3335

NAEGELIUSA.COM

Nationwide

COURT REPORTING

LEGAL VIDEOGRAPHY

REMOTE DEPOSITIONS

TRIAL PRESENTATION

LEGAL TRANSCRIPTION

COPYING AND SCANNING

LANGUAGE INTERPRETERS

Powerful
LITIGATION SUPPORT

production within an agricultural district using the consolidated film permit process under certain circumstances. Includes temporary filming activities as a permissible conditional accessory use of lands within the agricultural district.

Effective 7/1/2050. (SD1)

<https://www.capitol.hawaii.gov/session/measure-indiv.aspx?billtype=SB&billnumber=2156&year=2026>

b. HB1737 HD3 SD1 - RELATING TO FARM EMPLOYEE HOUSING

Clarifies the allowable uses within agricultural districts with respect to farm dwellings and farm employee housing. Effective 7/1/2050. (SD1)

<https://www.capitol.hawaii.gov/session/measure-indiv.aspx?billtype=HB&billnumber=1737&year=2026>

c. HB1713 HD3 SD1 - RELATING TO SCHOOL IMPACT FEES.

Prohibits the Land Use Commission from imposing exactions from a residential development for educational purposes. Repeals school impact fees.

Abolishes school impact fee subaccounts within the School Facilities Special Fund and transfers

unencumbered balances to the School Facilities

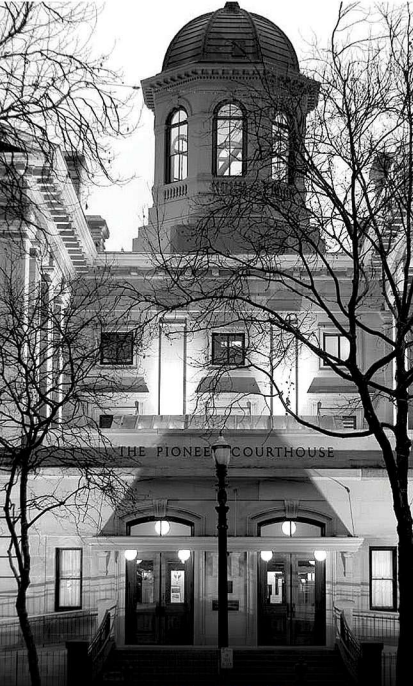
Special Fund. Abolishes fair share contribution and

impact fee accounts within the Department of

Education ("DOE) Donations - Facilities Trust and

transfers unencumbered balances to the School

NAEGELI | (800) 528-3335
DEPOSITION & TRIAL | NAEGELIUSA.COM



NAEGELI
DEPOSITION & TRIAL

(800) 528 - 3335

NAEGELIUSA.COM

Nationwide

COURT REPORTING

LEGAL VIDEOGRAPHY

REMOTE DEPOSITIONS

TRIAL PRESENTATION

LEGAL TRANSCRIPTION

COPYING AND SCANNING

LANGUAGE INTERPRETERS

Powerful
LITIGATION SUPPORT

Facilities Special Fund. Provides that any existing educational contribution agreements executed with the DOE or School Facilities Authority before the repeal of school impact fees shall remain in effect. Transfers existing educational contribution agreements from the DOE to the School Facilities Authority. Repeals a requirement for the School Facilities Authority to report to the Legislature. Appropriates funds from the School Facilities Special Fund. Effective 7/1/3000. (SD1) indiv.aspx?billtype=HB&billnumber=1713&year=2026

4. Approval of Meeting Minutes for March 11, 2026

Meeting Minutes are available at:

<https://files.hawai.gov/luc/meetings/minutes/2026/2026-03-11pdf>

5. Tentative Meeting Schedule

6. Adjournment

BEFORE:

NAEGELI | (800) 528-3335
DEPOSITION & TRIAL | NAEGELIUSA.COM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PARTICIPANTS
APRIL 8, 2026

LUC COMMISSIONERS

- Brian Lee
- Bruce U'u (via Zoom)
- Mel Kahele (via Zoom)
- Michael Yamane
- Myles Miyasato

Nancy Carr Smith (via Zoom)

LUC STAFF

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

- PETITIONER: HASEKO ROYAL KUNIA, LLC ("HRK")
- Curtis Tabata, Esq.
 - Peter Kwan, Vice President
 - Kelly Uwaine, In-House Counsel

PARTICIPANTS (CONT'D)

CITY AND COUNTY OF HONOLULU ("COUNTY" OR "DPP")

Pono Arias, Esq., Deputy Corporation Counsel (via
Zoom)

Dina Wong, Planner DPP (via Zoom)

STATE DEPARTMENT OF AGRICULTURE & BIOSECURITY
("DAB")

Kelcie Nagata, Deputy Attorney General

Janice Fujimoto, Engineer

Brian Kau, Engineering Program Administrator

STATE OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT
("STATE" OR "OPSD")

Alison Kato, Esq., Deputy Attorney General

Leodoloff Asuncion, LUD Program Administrator

PUBLIC TESTIMONY

Jennifer Lim, Esq., Ho'ohana Solar 1

Hai Hoang, Asset Manager, Ho'ohana Solar 1

HAWAII LUC COMMISSION MEETING

APRIL 8, 2026

10:00 A.M.

CHAIR LEE: Aloha, mai kakou, and good morning everyone. It is now 10:00 a.m., and we're calling to order the April 8th, 2026 Land Use Commission meeting. This is a hybrid meeting being held in person at the Airport Conference Center in Hawaiian Airlines Terminal Building at 400 Rodgers Boulevard, 7th Floor, Room 3, Honolulu, Hawaii 96819, 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 on 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 made part of the meeting record. Written

1 communications can be emailed to the Land Use
2 Commission office at dbedt.luc.web@hawaii.gov. For
3 all meeting participants, please speak clearly,
4 slowly, and directly into your microphone.

5 And before speaking, please state your
6 name to identify yourself for the record. We'll
7 also share with all participants that we will take
8 breaks from time to time, around 60 minutes or so.
9 And for commissioners participating remotely, please
10 state your location and whether anyone over the age
11 of 18 is present with you. My name is Brian Lee,
12 and I'll be serving as the LUC chair today.

13 There are currently eight seated
14 commissioners, and joining me today is Commissioner
15 Mel Kahele from O'ahu. Commissioner Bruce U'u via
16 Zoom. Commissioner U'u, will you please confirm
17 that you're by yourself?

18 COMMISSIONER U'U: I am in my office and
19 alone.

20 CHAIR LEE: Thank you. Commissioner
21 Michael Yamane from Kaua'i. Commissioner Myles
22 Miyasato from Hawaii Island and Commissioner Nancy
23 Carr Smith from Hawaii Island. Also in attendance
24 with us is the LUC Executive Officer Daniel
25 Orodenker, the LUC Chief Planner Scott Derrickson,

1 LUC Staff Planner Martina Segura, the LUC Chief
2 Clerk Ariana Kwan, and the LUC Attorney General
3 Miranda Steed via Zoom. Do we need to have Miranda
4 confirm that she's by herself?

5 MIRANDA STEED: I am by myself, but no
6 need to confirm.

7 CHAIR LEE: Okay. Thanks for that for
8 future reference. Again, I guess, the -- the AG's
9 office has special dispensation. Again, the court
10 reporting transcriptions are being done from the
11 Zoom recording. So we're going to go to agenda item
12 2, A92-683 Halekua Development Corporation on O'ahu.

13 The next order of business is to consider
14 Haseko Royal Kunia, LLC's Motion to Amend the
15 Memorandum of Understanding Offsite Infrastructure
16 Date in Condition A.1 filed October 7th, 2024 to
17 amend the MOU's offsite infrastructure date in
18 Condition A.1. to be consistent with the Sixth
19 Amendment to -- to Amend and Restatement of MOU
20 dated December 17th, 2025.

21 Will the parties please identify
22 themselves for the record. Petitioner, will you
23 please identify yourself.

24 CURTIS TABATA: Thank you. Good morning,
25 Chair, Vice Chair, members of the Commission.

1 Curtis Tabata, here for Haseko. Also present with
2 me are Peter Kwan, Haseko vice president, and Kelly
3 Uwaine, Haseko in-house counsel.

4 CHAIR LEE: Okay. The City and County of
5 Honolulu, Department of Planning and Permitting.

6 PONO ARIAS: Good morning. Pono Arias,
7 Deputy Corporation Counsel, on behalf of the City
8 and County of Honolulu. On Zoom is Dina Wong from
9 DPP as well.

10 CHAIR LEE: Thank you, Counselor.

11 The State Office of Planning and
12 Sustainable Development?

13 ALISON KATO: Good morning. Alison Kato,
14 Deputy Attorney General, on behalf of the Office of
15 Planning and Sustainable Development. Also here
16 with me from the Office of Planning and Sustainable
17 Development is the Land Use Division Administrator
18 Leo Asuncion. And just noting that department
19 representatives are here from the Department of
20 Agriculture and Biosecurity. Thank you.

21 CHAIR LEE: Thank you.

22 All right. Mr. Tabata, have you reviewed
23 Hawaii Administrative Rules Section 15-15-45.1
24 regarding the reimbursement of hearing expenses?

25 CURTIS TABATA: Yes. And we will comply,

1 Chair.

2 CHAIR LEE: Thank you. So now, in
3 accordance with Hawaii Revised Statute Section 84-
4 14, commissioners are not allowed to take any
5 official action affecting a business in which they
6 or a member of their family has any financial
7 interest. They must therefore recuse themselves
8 from this matter if there is any benefit, monetary
9 or otherwise, to themselves or members of their
10 family.

11 Also, in accordance with legal ethical
12 standards, commissioners should disclose any
13 relationship -- business, social or otherwise --
14 that they may have with the petitioner or its
15 representatives or any of the other parties to this
16 proceeding that may give rise to an allegation of
17 bias or impropriety. Do any of the commissioners
18 have any conflicts of interest or disclosures to
19 make?

20 Okay. Seeing none, we'll move on. Let me
21 now briefly explain the procedures for today.
22 First, we'll recognize the written public testimony
23 that has been submitted on this matter. Next, we'll
24 call for members of the public who wish to provide
25 oral testimony on this matter. Third, the staff

1 planner will then give us a briefing on the staff
2 report that has been posted for this docket.

3 Fourth, the petitioner will then be called
4 upon to make their presentation. Fifth, we will
5 then call on the County Planning Department and then
6 the State Office of Planning and Sustainable
7 Development for their presentation and/or comments.
8 Sixth, the commissioners will then have
9 opportunities to ask questions of the parties at the
10 conclusion of each of their presentations.

11 Then the parties will be given an
12 opportunity for closing arguments. Number eight, I
13 will then reopen the floor to the public for any new
14 and additional oral testimony in this matter. And
15 nine, finally, the Commission will deliberate on
16 this matter based on the testimony and evidence
17 presented.

18 We would like to once again remind all
19 participants to speak slowly, clearly, and directly
20 into their microphones and to state your name and
21 identify yourself for the record before speaking.
22 This ensures that our transcriber can produce an
23 accurate transcription of this proceeding. Are
24 there any questions now about our procedure for
25 today?

1 Okay. Thank you. And as stated on
2 today's agenda, please be informed that the relevant
3 records and documents pertaining to this matter can
4 be accessed for review on the LUC website at
5 luc.hawaii.gov/a92-683. All right. We'll now
6 recognize any written public testimony submitted on
7 this matter.

8 Ms. Kwan, has there been any written
9 testimony submitted?

10 ARIANA KWAN: Chair, we received two
11 testimonies, one from RK II Partners, and one from
12 Ho'ohana Solar. Both have been posted to the
13 website.

14 CHAIR LEE: Okay. Thank you, Ms. Kwan.
15 Are there any members of the public that wish to
16 provide oral testimony on this matter?

17 ARIANA KWAN: Nobody used the Q&A feature
18 to indicate they would like to give testimony right
19 now.

20 CHAIR LEE: Thank you, Ms. Kwan.

21 Oh, I'm sorry. Ms. Lim, you wanted to
22 provide oral testimony? Yes. Yes, please.

23 JENNIFER LIM: Good morning, Chair, Vice
24 Chair, members of the Commission and -- and parties.
25 I'm Jennifer Lim, and I represent Ho'ohana Solar 1,

1 LLC. As you may or may not remember, Ho'ohana has
2 done this beautiful, big solar farm project that's
3 in a portion of the petition area.

4 It's a separate portion of the petition
5 area from the portion that Haseko is going to
6 develop. And the gentleman with me today, just so
7 that you're not wondering, is Hai Hoang, who is the
8 asset manager for the Ho'ohana Solar Project.

9 It's his first time before the Land Use
10 Commission, and he just wanted to get a little bit
11 familiar with what goes on over here, and, of
12 course, the project is very important to him. So to
13 get to the point, we submitted testimony. We
14 intentionally submitted testimony. We didn't file
15 something to become a party in this.

16 And I hope in that testimony that we filed
17 on -- I submitted on April 3rd, but the Commission
18 received it on Monday, April 6th. We -- we did make
19 it clear we're not opposed to the motion. Haseko's
20 goal of getting an extension to a deadline for work
21 that they have to do -- yeah?

22 CHAIR LEE: Before you proceed any
23 further, I need to swear you in.

24 JENNIFER LIM: Oh, I'm sorry.

25 CHAIR LEE: Oh, no? Oh, okay. So -- I'm

1 sorry. Go ahead.

2 JENNIFER LIM: As it -- yeah, I -- I'm
3 bound as an officer of the court to be giving honest
4 testimony. Anyway, we're not against their motion.
5 Haseko's motion is pertaining to a deadline that
6 applies to Haseko and only Haseko. And we wish them
7 the very best with their project and with getting an
8 extension on the deadline.

9 And I think we've made that clear in prior
10 presentations before the Commission. But what we
11 were concerned about -- and again, I recognize that
12 this is not the core center of the motion, but we
13 were concerned when we saw certain language in the
14 MOU that we are not a party to, but the MOU, that is
15 the basis for the motion.

16 The MOU is between Haseko and the
17 Department of Ag and Biosecurity. Again, we're not
18 a party to it. We don't have responsibilities under
19 it. We didn't negotiate it. But when we looked at
20 it, because it is an Exhibit to the motion, there's
21 a -- a section in that MOU, Section M, that in one
22 short paragraph has many statements that as to
23 Ho'ohana, we assert are erroneous -- at -- at a
24 minimum they're misleading and at worst they're
25 erroneous.

1 That -- that doesn't mean that their
2 agreement is valid or invalid. I take no position
3 on that. I'm not representing either of those
4 parties. But what is important -- most important to
5 Ho'ohana, and why we took this time and why we have
6 a representative who came too, is we want this
7 Commission's record to be clear as to Ho'ohana's
8 obligations.

9 The Commission knows -- you -- you ordered
10 it -- we had to install a waterline. That's done.
11 You made a finding in, was it 2024, you know, that
12 that waterline is in, it's done. It's completed.
13 We had to get a grant of easement from the landowner
14 so that the state could operate that waterline and
15 have that waterline there.

16 That's done. It's been recorded. You've
17 seen that. That's on the record. It's in findings
18 that you've previously -- that -- that you've
19 previously put into orders. The water that we're --
20 or the -- excuse me, not the water, the waterline is
21 to support the Department of Ag.

22 It's as -- as far as we know, based on
23 anything that we've ever been tasked with, it's to
24 support only the Department of Ag Ag Parks. So
25 there were some statements in that Section M of the

1 MOU that says it's for Royal Kunia Phase 1 and Phase
2 2. I mean, that's beyond what we were told we were
3 putting the waterline in for.

4 And then, finally, there's a reference in
5 Section M -- and again, it's all in our written
6 testimony -- that the two parties to that MOU had to
7 use -- committed to using best efforts to get
8 Ho'ohana to do what we're obligated to do.

9 And that is just really galling because
10 Ho'ohana has done what it is obligated to do. As
11 far as the Department of Ag, the waterline is in,
12 the easement has been granted. The other obligation
13 that we have is to maintain that waterline, the
14 waterline and only the waterline.

15 It is crystal clear on your orders to
16 maintain that waterline for the period that the
17 solar farm is in place. Ho'ohana is ready, willing,
18 and able to do that. We've communicated that
19 directly to the Department of Ag this past summer.
20 There's nothing -- there's nothing undone on
21 Ho'ohana's side of the ledger.

22 As to Haseko -- and -- and again, I say
23 this -- I -- I -- I'm uncomfortable creating tension
24 when there's no need to create tension. We're just
25 here to bring clarity. We -- Ho'ohana had an

1 agreement with Haseko. It was an agreement where
2 both parties got together to basically pick
3 contractors, get bidding, and get the infrastructure
4 work done. And that's been completed.

5 So it -- it was galling to read in this
6 section and that -- that Ho'ohana -- excuse me --
7 Haseko was going to use best efforts, you know, to
8 get us to comply with an agreement that we've
9 already complied with. So I could say a whole lot
10 more about what's in our testimony, but I'm
11 respectful of your time, and this is just public
12 testimony, so I'll rest there.

13 If you have any questions, we're -- we're
14 more than happy to speak at length. But like I
15 said, this isn't the core of your meeting. We just
16 want to make sure that your record is clear and that
17 facts don't get confused in the future. Thank you.

18 CHAIR LEE: Thank you, Mrs. Lim.

19 Commissioners, do you have questions for
20 the testifier?

21 Okay. Well, can I ask you, having put
22 forth your statements and your testimony, do you
23 feel that that is enough to satisfy the record for
24 your purposes?

25 JENNIFER LIM: Well, I mean, ideally, I

1 would want the Commission's motion to reflect what's
2 in this testimony. Again, I recognize that -- that
3 the motion Haseko filed is simply to extend their
4 deadline, and their deadline has nothing to do with
5 our deadline. And -- and so I don't want to mix
6 apples to -- and oranges.

7 But a statement from the Commission
8 confirming, you know, recognizing the -- the
9 accuracy in this testimony would be beneficial,
10 certainly.

11 CHAIR LEE: Okay. Mr. Tabata, would you
12 have a problem with a statement like that from the
13 Commission?

14 CURTIS TABATA: Haseko is taking no
15 position on the points raised in Ho'ohana's
16 testimony. I leave it -- so we leave it to the
17 Commission to decide the contents of this decision
18 in order.

19 CHAIR LEE: Do -- do you question or
20 disagree with what Ms. Lim has stated?

21 CURTIS TABATA: For today, Chair, we --
22 again, we take no position. We're not -- not
23 prepared to verify or -- or deny any of the
24 statements, just to stay within the confines of our
25 motion for today.

1 CHAIR LEE: Okay. Thank you.

2 Any final questions for Testifier?

3 Okay. All right. Thank you very much.

4 JENNIFER LIM: Thank you.

5 CHAIR LEE: All right. Ms. Kwan, are
6 there any other requests for verbal testimony?

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

9 CHAIR LEE: Okay. Thank you, Ms. Kwan.
10 We will now call on staff planner, Ms. Segura, to
11 please summarize the staff's report for us and any
12 staff concerns.

13 MARTINA SEGURA: Good morning. This is
14 Martina Segura, for the record. The staff report
15 was posted on April 1st, before we received a filing
16 from OPSD and the Ho'ohana filing, which was
17 received on April 6th. So, in summary, the OPSD
18 filing was not included in our staff report, but
19 they restated their support and includes a comment
20 letter from the Department of Ag and Biosecurity.

21 And the Ho'ohana filing, which was just
22 summarized by Mrs. Lim, pointed out some potential
23 errors in the MOU, specifically Section M, which can
24 be found in the petitioner's motion on Exhibit 6,
25 page 60 of the PDF, and Section M is on page 66 of

1 the PDF. So with those two filings, the staff
2 recommendation that was posted on the staff report
3 is slightly amended.

4 We slightly amended our staff
5 recommendation. We recommend to -- we recommend the
6 Commission have the parties in the MOU amend Section
7 M, specifically Section M, to clarify that on the
8 record as it's a filing that mentions important
9 dates and conditions that the Commission already
10 issued findings on previously.

11 Staff does not have a problem with the
12 extension of the MOU dates whatsoever. We're in
13 strong support of the dates in the MOU. We just
14 have some concerns regarding Section M.

15 CHAIR LEE: Thank you, Ms. Segura.

16 Commissioners, are there any questions for
17 Ms. Segura?

18 Ms. Kwan -- I mean, Ms. -- Commissioner
19 Carr Smith.

20 COMMISSIONER CARR SMITH: What's her name?
21 I didn't realize that the staff report had been
22 amended.

23 MARTINA SEGURA: We actually did not issue
24 an amend -- an amended -- an amendment to the staff
25 report. Just to be in compliance with Chapter 91

1 and 92, we were kind of pushing the dates on that.
2 So we decided as a team that we were going to
3 verbally issue an amendment during this section.

4 CHAIR LEE: Any other questions for Ms.
5 Segura? Okay. Thank you.

6 Petitioner, will you now please provide
7 your presentation.

8 CURTIS TABATA: Thank you, Chair. Curtis
9 Tabata, for Haseko. Today's motion that Haseko
10 filed is to extend the deadline to provide temporary
11 functional electrical power to the state
12 agricultural park that is adjacent to the Royal
13 Kunia 2 project. The project was reclassified in
14 1993, approximately 504 acres in West O'ahu, from
15 the state agricultural district to the state urban
16 district for land uses that are now designated as
17 residential, light industrial, public parks, and an
18 elementary school.

19 Chair, if I may share screen, Exhibit 2.
20 Thank you. The current ownership of the petition
21 area is shown on Exhibit 2 of our motion, which is
22 included in the handout and on share screen right
23 now. Ownership of the petition area includes
24 Haseko, which owns the land for the residential
25 housing component of the project.

1 Robinson Kunia Land owns the land that is
2 leased to Ho'ohana Solar, who has the existing solar
3 energy facility. RK II Partners is the owner of the
4 light industrial component, and RKES owns the land
5 for the future elementary school. Adjacent land in
6 the northwestern corner of the project shown in blue
7 on Exhibit 2 is a parcel owned by the state of
8 Hawaii for the agricultural park.

9 The original 1993 D&O for the project
10 included a requirement that the petitioner construct
11 offsite infrastructure improvements up to the
12 boundary of the agricultural park. The non-potable
13 irrigation water system and the temporary potable
14 waterline have been completed, and the temporary
15 electricity is the subject of today's motion.

16 The permanent infrastructure for the state
17 agricultural park will be constructed together with
18 the roadway that will connect to the agricultural
19 park and will include potable water, electricity,
20 gravity sewer, and communications. Currently, the
21 agricultural park is not yet developed.

22 To fulfill the requirement to provide the
23 offsite infrastructure to the agricultural park, the
24 original petitioner entered into a memorandum of
25 understanding with the Department of Agriculture and

1 Biosecurity -- for today, I'll just refer to them as
2 the Department of Agriculture -- to provide the
3 terms by which the infrastructure would be provided.

4 The LUC's most recent order was entered in
5 2024 and provided offsite infrastructure deadlines
6 based upon the fifth amended MOU between Haseko and
7 the Department of Agriculture, which provided three
8 categories of offsite infrastructure, one, non-
9 potable irrigation water, two, temporary
10 infrastructure, and three, permanent infrastructure.

11 The non-potable irrigation waterline was
12 to be constructed up to the Department of
13 Agriculture's property by August 31st, 2024. The
14 temporary infrastructure comprising of functional
15 electricity and potable water was to be completed by
16 December 31st, 2025. The permanent infrastructure
17 is to be constructed by September 30th, 2028.

18 The non-potable irrigation waterline was
19 completed and accepted by the Department of
20 Agriculture on October 1st, 2025. The temporary
21 potable waterline was completed on January 15th,
22 2026, but Haseko has not been able to complete a
23 temporary electrical line because Hawaiian Electric,
24 also known as HECO, requires that there be an end
25 user for the electrical power in order for the

1 temporary electrical facilities to be installed.

2 Because of the anticipated missed
3 deadline, Haseko and the Department of Agriculture
4 entered into the sixth amended MOU on December 20 --
5 December 17th, 2025. The sixth amended MOU is
6 attached to our motion as Exhibit 6. The sixth
7 amended MOU extends the deadline for the
8 construction of the temporary electrical line until
9 there is an end user of the electricity at the
10 agricultural park.

11 But no temporary electrical line will be
12 required after September 30th, 2028 when the
13 permanent infrastructure is completed. Because once
14 the permanent infrastructure is completed, there
15 will be no need for any temporary infrastructure.
16 With the sixth amended MOU signed, we filed our
17 motion to extend the deadline on December 26th,
18 2025.

19 Chair, may I share screen, Exhibit 7, 8,
20 and 9?

21 CHAIR LEE: Yes.

22 CURTIS TABATA: Thank you. Exhibit 7 are
23 photographs of the temporary potable waterline. The
24 root of the waterline starts on the first page, is
25 the -- is the root of the waterline, which starts at

1 the end of Anonui Street and loops northward to the
2 eastern side of the agricultural park, providing the
3 connection at the same location as the future
4 provision of their permanent utilities.

5 The location of Anonui Street -- if you go
6 back to Exhibit 2, Anonui Street, you can see it on
7 the lower righthand corner of the map. And at that
8 end of the Anonui Street is the beginning of the
9 temporary potable waterline, which -- we go back to
10 Exhibit 7 -- loops up to the eastern boundary of the
11 state agricultural park.

12 On the second page of Exhibit -- Exhibit
13 7, we have the -- the existing fire hydrant, which
14 is the source of the potable water. And it's --
15 it's -- and hooked up to that is the BWS temporary
16 water meter. That's on page 2 of -- of Exhibit 7.
17 On page 3 of -- of Exhibit 7, we have pictures of
18 the three-inch temporary potable waterline running
19 along the perimeter of Haseko's property.

20 I believe the fourth page is more
21 photographs of the three-inch temporary waterline.
22 And on the final page of Exhibit 7, we have the
23 terminus of the three-inch potable waterline with a
24 valve and transition to a capped two-inch PVC
25 conduit stubout for future Department of Agriculture

1 connection.

2 Moving on to Exhibit 8, we have the
3 temporary electrical power plan and a photograph of
4 the future location of the temporary electricity.
5 The temporary electrical power plan on the top of
6 Exhibit 8 was approved by HECO on October 6th, 2025.
7 And the -- on the bottom half of Exhibit 8, you have
8 the photograph of the future location of the
9 temporary electrical line that will cross Kunia Road
10 from existing utility poles. You can see those on
11 the righthand side of the photo.

12 And then there are future power lines that
13 will cross Kunia Road and connect to a temporary
14 pole that will be located on the western side of the
15 agricultural park at the location of the Department
16 of Agriculture's future intersection with Kunia
17 Road. So you can see in the photo there's going to
18 be a temporary HECO meter and temporary transformer
19 and a -- and can see that there's a -- there's a
20 connection.

21 There's also the connection for -- to the
22 state agricultural park. It's called a stub and cap
23 for the future underground utility service. Final
24 Exhibit 9 is -- are photographs of the non-potable
25 irrigation system pump equipment that Haseko

1 constructed at the reservoir site. As -- as -- as
2 previously mentioned, this irrigation system is
3 complete and has been turned over to the Department
4 of Agriculture.

5 The photographs show the pump equipment,
6 the HECO electric meter, transformer, and secondary
7 conduit to the pump equipment. In conclusion,
8 Chair, Haseko requests an order that replaces the
9 old Condition A.1 in the 2024 D&O with a new
10 Condition A.1 that is provided on page 8 of our
11 memorandum in support of motion. And that concludes
12 our motion, Chair. Thank you.

13 CHAIR LEE: Thank you, Mr. Tabata.

14 Commissioners, do you have any questions
15 for Mr. Tabata?

16 Commissioner Yamane?

17 COMMISSIONER YAMANE: Thank you, Mr.
18 Chair.

19 Mr. Tabata, on the MOU Fifth Amendment and
20 the MOU Sixth Amendment on Section M, was that
21 modified or is that the same wording from the Fifth
22 Amendment MOU to the Sixth Amendment on Section M?

23 CURTIS TABATA: It's -- based on my
24 review, they're identical. From the fifth to the
25 sixth --

1 COMMISSIONER YAMANE: Yeah.

2 CURTIS TABATA: -- they're identical.

3 COMMISSIONER YAMANE: Okay. Meaning --
4 just what does that mean, technical?

5 CURTIS TABATA: Well, I guess, to go back
6 further, in 2021, there was a fourth amended MOU.
7 Okay? I think it was -- it may have been 2020. And
8 then Ho'ohana, they filed a motion to allow the --
9 the construction of their solar facility. And they
10 -- and they were -- their motion was granted, and
11 they were required to comply with a new Condition
12 B.1.

13 And then after that order was issued,
14 Haseko and the Department of Agriculture had to work
15 on the fifth amended MOU, because we needed to
16 extend our deadline back then in 2024. And that's
17 when the language in Section M was -- was first
18 created. Prior -- prior -- in the fourth amended
19 MOU, I believe Section M merely referred to the
20 requirements of the petitioner to provide both the
21 land and the offsite infrastructure to the
22 agricultural -- for the agricultural park.

23 But after the creation of the new
24 Condition B.1, the -- Section M was -- was -- was
25 changed to -- into what it reads today.

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

3 CHAIR LEE: Thank you, Commissioner
4 Yamane.

5 Anyone else with questions for Mr. Tabata?
6 Okay. Seeing none. Thank you, Mr.
7 Tabata.

8 City and County of Honolulu, will you
9 please present your comments.

10 PONO ARIAS: Thank you, Chair and
11 Commissioners. Very briefly, the City will stand on
12 its written testimony, basically that it has no
13 objections to the amendment, and that because the
14 Department of Agriculture is the entity that is
15 building the Ag park and will receive the benefit of
16 this infrastructure, they're in a better position to
17 give more substantive comments on this issue. But
18 to that extent, the City does not object to this
19 amendment. Thank you.

20 CHAIR LEE: Thank you, Mr. Arias.
21 Commissioners, any questions for the City
22 and County of Honolulu? Okay, if not, thank you.

23 State Office of Planning and Sustainable
24 Development, please present your comments.

25 ALISON KATO: Hello. Alison Kato, on

1 behalf of OPSD. We don't really have anything new
2 to add. OPSD supports this motion. It reflects the
3 agreement between Department of Agriculture and
4 Haseko, which is in their sixth amended MOU. The
5 requested change is only a change in the deadline to
6 provide electrical power, which was caused by HECO's
7 requirements.

8 Haseko has done everything they can at
9 this point with respect to temporary infrastructure
10 to the Ag park. So OPSD supports this motion. We
11 would like to see this project continue to move
12 forward to provide housing and permanent
13 infrastructure to the Ag park. Thank you.

14 CHAIR LEE: Thank you, Mrs. Kato.

15 Commissioners, any questions for Ms. Kato?
16 Okay. Thank you.

17 Petitioner, do you now have any final
18 comments you would like to make at this time? Mr.
19 Tabata, do you have any closing arguments you would
20 like to make?

21 CURTIS TABATA: No, Chair. Thank you.
22 Nothing more to add.

23 CHAIR LEE: Okay. Thank you.

24 County, do you have any closing arguments
25 you would like to make?

1 PONO ARIAS: Nothing to add.

2 CHAIR LEE: Thank you.

3 OPSD, do you have any closing arguments
4 you would like to make?

5 ALISON KATO: No, nothing to add. Thank
6 you.

7 CHAIR LEE: All right. Commissioners, do
8 you have any final questions or comments for the
9 parties before we enter deliberations?

10 Commissioner Carr Smith?

11 COMMISSIONER CARR SMITH: Chair, I was
12 wondering if we could hear any potential comments
13 from Department of Ag.

14 CHAIR LEE: The Department of Ag, can you
15 please come to the public testimony. And are you an
16 attorney?

17 KELCIE NAGATA: Yes. Kelcie Nagata,
18 Deputy Attorney General, representing the Department
19 of Agriculture and Biosecurity. Thank you for
20 hearing this motion. We agree with Haseko, City and
21 County, OPSD, that -- and we support the motion and
22 it should be granted.

23 We again have entered into agreement with
24 Haseko for the -- to extend the deadline for the
25 temporary infrastructure, at least for electrical,

1 pursuant to HECO's requirements, and we are -- I'm
2 available for any further questions.

3 CHAIR LEE: Okay. Thank you.

4 Commissioner Carr Smith, is that satisfactory?

5 COMMISSIONER CARR SMITH: (No audible
6 response.)

7 CHAIR LEE: Okay. Thank you. Thank you.
8 All right. We'll now open a second round of public
9 testimony for any new or additional comments only.
10 For anyone participating via Zoom, please notify the
11 chief clerk using the question and answer feature.

12 Ms. Kwan, are there any requests now to
13 testify?

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

16 CHAIR LEE: Okay. Thank you. All right.
17 The Commission will now conduct formal deliberations
18 on the petitioner's motion to amend the memorandum
19 of understanding offsite infrastructure date in
20 Condition A.1. Is there any desire to consult with
21 our Attorney General, Ms. Steed, on our powers,
22 duties, privileges, immunities, and liabilities,
23 Commissioners? Okay. I don't see any.

24 All right. I will now note for the
25 parties and the public that during the Commission's

1 deliberations, we will not entertain any additional
2 input from the parties or the public, unless those
3 individuals or entities are specifically requested
4 to do so by the chair. If called upon, I will ask
5 that any comments be limited to the question at
6 hand.

7 So, Commissioners, let me now confirm that
8 each of you has reviewed the record and is prepared
9 to deliberate on this matter. After I call your
10 name, will you please signify with either an "aye"
11 or a "nay" that you're prepared to deliberate on
12 this matter.

13 Commissioner Carr Smith?

14 COMMISSIONER CARR SMITH: Aye.

15 CHAIR LEE: Commissioner Kahele?

16 COMMISSIONER KAHELE: Aye.

17 CHAIR LEE: Commissioner Kamakea-'Ohelo is
18 not here. Commissioner Miyasato?

19 COMMISSIONER MIYASATO: Aye.

20 CHAIR LEE: Commissioner Yamane?

21 COMMISSIONER YAMANE: Aye.

22 CHAIR LEE: And Commissioner U'u?

23 COMMISSIONER U'U: Aye.

24 CHAIR LEE: And I, Brian Lee, am also
25 prepared to deliberate on this matter.

1 Okay. Commissioners, we'll now entertain
2 a motion to amend the memorandum of understanding's
3 offsite infrastructure date in Condition A.1, filed
4 October 7th, 2024 -- the 2024 D&O -- to amend the
5 memorandum of understanding's offsite infrastructure
6 date in Condition A.1 to be consistent with the
7 Sixth Amendment to the Amendment and Restatement of
8 Memorandum of Understanding dated December 17th,
9 2025, known as the sixth amended MOU, and adopt the
10 condition language in the 2025 motion, and authorize
11 the chairperson to execute the order necessary to
12 effectuate the Commission's decision, subject to
13 review and approval by the Department of the
14 Attorney General. Does anyone wish to make such a
15 motion?

16 COMMISSIONER MIYASATO: Chair?

17 CHAIR LEE: Yes, Commissioner Miyasato?

18 COMMISSIONER MIYASATO: Yeah. I'll move
19 to make the motion, but I would want to put out for
20 discussion or -- or how do I put this? Would like
21 to recognize the testimony by Ho'ohana that was
22 stated in this hearing.

23 CHAIR LEE: Okay. Is there a second to
24 the motion?

25 COMMISSIONER U'U: I'll second that.

1 CHAIR LEE: It's been seconded by
2 Commissioner U'u. Let's have some discussion on --
3 on this. Does any -- Commissioner Kahele, did you
4 have any comments?

5 COMMISSIONER KAHELE: No, Chair. I was
6 just going to second the motion.

7 CHAIR LEE: Thank you.

8 Any discussion? Commissioner Carr Smith?

9 COMMISSIONER CARR SMITH: I'm just -- I'm
10 not clear what the comment was about the testimony
11 and how that fits into the motion.

12 CHAIR LEE: I believe that Commissioner
13 Miyasato just wanted us to recognize for the record
14 the statements made by counsel for Ho'ohana Solar.
15 Is that correct?

16 COMMISSIONER MIYASATO: Correct.

17 CHAIR LEE: Okay. Any further discussion?

18 COMMISSIONER MIYASATO: No -- no effect on
19 the tasks at hand or deadlines. Just a statement
20 also, you know, I -- I agree with the Department
21 State, our staff, County, that Haseko has shown
22 progress. As far as the electrical, you know, that
23 end user needs to be established. So I feel they
24 have made substantial progress that they were able
25 to do.

1 I guess, one quick comment, though, just a
2 side note, nothing to do with the motion or
3 anything. Just an observation on Exhibit 8, you
4 might -- oh, sorry. Exhibit 7, you might just want
5 to note on the back end of page 7, on your double
6 backflow preventer, you might want to double-check
7 your clearance. There's a brush fire in the area.

8 Fire department needs -- the wrench is
9 about 19 inches. Looks like your blocking is in the
10 way. You can find a broken -- if they need to take
11 that apart, they're just going to break it. So you
12 just might want to check your clearance to wrench
13 that operator valve on the six-inch on the back end,
14 yeah, normally they need 21 inches. That's all,
15 Chair.

16 CHAIR LEE: Thank you, Commissioner
17 Miyasato.

18 I would like to ask our Madam Deputy
19 Attorney General, Miranda Steed, if she has any
20 comments on the motion or the proper wording.

21 MIRANDA STEED: I don't specifically have
22 comments. If you want assistance wording it, I'd
23 recommend you go into executive session.

24 CHAIR LEE: Okay. So now, do we have any
25 motion to enter into executive session to speak with

1 our Deputy Attorney General?

2 COMMISSIONER MIYASATO: Sounds like that
3 may be a segue from that, so I'll make a motion.

4 CHAIR LEE: Okay. It's been moved by
5 Commissioner Miyasato. Is there a second?

6 COMMISSIONER CARR SMITH: Second.

7 CHAIR LEE: Seconded by Commissioner Carr
8 Smith.

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

11 DANIEL ORODENKER: Thank you, Mr. Chair.
12 The motion is to go into executive session.

13 Commissioner Miyasato?

14 COMMISSIONER MIYASATO: Aye.

15 DANIEL ORODENKER: Commissioner Carr
16 Smith?

17 COMMISSIONER CARR SMITH: Aye.

18 DANIEL ORODENKER: Commissioner Kahele?

19 COMMISSIONER KAHELE: Aye.

20 DANIEL ORODENKER: Commissioners Kamakea-
21 'Ohelo and Hayashida are absent. Commissioner U'u?

22 COMMISSIONER U'U: Aye.

23 DANIEL ORODENKER: Commissioner Yamane?

24 COMMISSIONER YAMANE: Aye.

25 DANIEL ORODENKER: Chair Lee?

1 CHAIR LEE: Aye.

2 DANIEL ORODENKER: Thank you, Mr. Chair.

3 Motion passes unanimously.

4 CHAIR LEE: Okay. Thank you. We'll
5 excuse the parties, and we'll call you back as soon
6 as we're done. Thank you.

7 (WHEREUPON, a recess was taken.)

8 CHAIR LEE: All right, everyone, we're
9 back from executive session where we discussed our
10 motion and any ramifications with our Deputy
11 Attorney General, Miranda Steed. All right. Based
12 on our discussions, is there any motion or motion to
13 amend?

14 COMMISSIONER MIYASATO: Chair?

15 CHAIR LEE: Commissioner Miyasato?

16 COMMISSIONER MIYASATO: Yeah, I'd like to
17 amend my motion.

18 CHAIR LEE: Okay. Please proceed.

19 COMMISSIONER MIYASATO: So I'd like to
20 approve the MOU as stated. But I would like to
21 amend -- in recognizing the testimony, I would want
22 to amend that to have Section M stricken from all
23 our approval.

24 CHAIR LEE: Okay. Thank you. Is there a
25 second?

1 COMMISSIONER KAHELE: Chair, I'll second
2 the motion.

3 CHAIR LEE: Okay. It's been moved and
4 seconded. May we have a roll-call vote.

5 DANIEL ORODENKER: Thank you. Thank you,
6 Mr. Chair. The motion -- excuse me. The motion is
7 to approve the MOU as stated with Section M
8 stricken.

9 Commissioner Miyasato?

10 COMMISSIONER MIYASATO: Aye.

11 DANIEL ORODENKER: Commissioner Kahele?

12 COMMISSIONER KAHELE: Aye.

13 DANIEL ORODENKER: Commissioners Ku'ike
14 and Hayashida -- I mean, Kamakea-'Ohelo and
15 Hayashida are absent. Commissioner U'u?

16 COMMISSIONER U'U: Aye.

17 DANIEL ORODENKER: Commissioner Yamane?

18 COMMISSIONER YAMANE: Aye.

19 DANIEL ORODENKER: Vice Chair Carr Smith?

20 COMMISSIONER CARR SMITH: Aye.

21 DANIEL ORODENKER: Chair Lee?

22 CHAIR LEE: Aye.

23 DANIEL ORODENKER: The motion passes
24 unanimously.

25 CHAIR LEE: Okay. We'll now go back to

1 our original motion with the amendments, and is
2 there any further discussion? Okay. Seeing none, I
3 -- I believe we're ready for the vote.

4 Mr. Orodenger?

5 DANIEL ORODENKER: Thank you, Mr. Chair.

6 The motion is to approve the MOU with Section M
7 stricken. Different seconders, but okay.

8 Commissioner Miyasato?

9 COMMISSIONER MIYASATO: Aye.

10 DANIEL ORODENKER: Commissioner Carr
11 Smith?

12 COMMISSIONER CARR SMITH: Aye.

13 DANIEL ORODENKER: Oh, I'm sorry.

14 Commissioner U'u was actually the -- the -- the
15 second on that motion. Commissioner U'u?

16 COMMISSIONER U'U: Aye.

17 DANIEL ORODENKER: Commissioner Yamane?

18 COMMISSIONER YAMANE: Aye.

19 DANIEL ORODENKER: Commissioner Kahele?

20 COMMISSIONER KAHELE: Aye.

21 DANIEL ORODENKER: Chair Lee?

22 CHAIR LEE: Aye.

23 DANIEL ORODENKER: Thank you, Mr. Chair.

24 Motion passes unanimously.

25 CHAIR LEE: Okay. Thank you, everyone.

1 Thank you to all the parties for your presentations.
2 We will now move to agenda item 3. Thank you.
3 We'll give you folks a few minutes to get -- get
4 yourselves together. Okay. Agenda item 3: we'll
5 now move to an update on the 2026 Hawaii State
6 legislative bills relating to measures that may
7 impact the Land Use Commission.

8 For those attending via Zoom and wish to
9 provide oral testimony on agenda item 3a, 3b, or 3c,
10 please indicate your request using the Q&A feature
11 so that the chief clerk may place you in the QE.
12 Please identify which agenda item you may wish to
13 testify on. And before we begin, I want to briefly
14 explain the procedures for agenda item 3. First,
15 we'll provide a summary of the bill. Second, we'll
16 acknowledge any written testimony that has been
17 received.

18 And third, we'll call for members of the
19 public who wish to provide oral testimony. Fourth,
20 once testimony concludes, we'll then open the floor
21 for commissioner questions, comments, or discussion.
22 And fifth, finally, we will then reopen the floor to
23 the public for any new and additional oral testimony
24 on this matter.

25 I will again remind all commissioners and

1 staff to speak slowly, clearly, and directly into
2 the microphone and to identify yourselves by name
3 for the record, which will help our transcribers
4 accurately capture the proceedings. All right.
5 "Agenda item 3a, SB2156 SD1 - relating to land use:
6 permits film production on certain land zone for
7 agricultural use under certain conditions, including
8 obtaining land use special permits.

9 Establishes the Agricultural Film
10 Production Land Use Oversight Committee within the
11 Creative Industries Division of the Department of
12 Business, Economic Development, and Tourism to
13 establish film permit application requirements and
14 processes, facilitate the issuance of special
15 permits for film production on agricultural zoned
16 parcels, and advise and make recommendations
17 relating to the regulation of film productions on
18 agricultural zoned lands.

19 Requires DBEDT to adopt the rules and
20 requires DBEDT to consult with state and county
21 agencies to issue permits for film production within
22 an agricultural district using the consolidated film
23 permit process under certain circumstances, and
24 includes temporary filming activities as a
25 permissible conditional use -- conditional accessory

1 use of lands within the agricultural district."

2 Currently, it's written to be effective
3 7/1/2050 for the SD1. Mr. Orodenker -- oh, I'm
4 sorry. Before -- before Mr. Orodenker speaks, I
5 will now recognize any written public testimony on
6 this matter.

7 Ms. Kwan, has there been any written
8 testimony?

9 ARIANA KWAN: No, Mr. Chair.

10 CHAIR LEE: Ms. Kwan, is there any member
11 of the public that wishes to provide oral testimony
12 on this matter?

13 ARIANA KWAN: Nobody has used the Q&A
14 feature to give testimony today, Chair.

15 CHAIR LEE: Okay. Thank you.

16 Mr. Orodenker?

17 DANIEL ORODENKER: Thank you, Mr. Chair.
18 Our latest information is that this bill failed to
19 make first lateral in the Senate and absent some
20 last-minute rule amendments, it is probably not
21 going to pass.

22 CHAIR LEE: Okay. Thank you.

23 Commissioners, any discussion or questions
24 on this bill? Okay. Hearing none, we'll now open
25 for a second round of public testimony for any new

1 or additional comments only. For those that may be
2 participating via Zoom, please notify the chief
3 clerk using the Q&A feature.

4 Ms. Kwan, is there any request to testify?

5 ARIANA KWAN: No, Mr. Chair.

6 CHAIR LEE: Okay. Thank you. Agenda item
7 3b is HB1737 HD3 SD1 - relating to farm employee
8 housing. It clarifies the allowable uses within
9 agricultural districts with respect to farm
10 dwellings and farm employee housing. Currently, the
11 SD1 is effective 7/1/2050.

12 Is there any written public testimony on
13 this matter, Ms. Kwan?

14 ARIANA KWAN: No, Mr. Chair.

15 CHAIR LEE: Is there any member of the
16 public that wishes to provide oral testimony, Ms.
17 Kwan?

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

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

22 DANIEL ORODENKER: Thank you, Mr. Chair.
23 This measure is currently scheduled to be heard in
24 final committee in the Senate, which is the
25 Judiciary Committee, on Thursday, April 9th, at

1 10:01 a.m. Staff has not taken -- testified on this
2 bill or its companion SB 2006, which was not heard
3 in the Senate.

4 The primary impact on this bill will be on
5 counties to verify bona fide agricultural activity
6 and existence prior to permitting farm dwellings and
7 farmworker housings. In -- in other words, the --
8 the burden on this one is going to be on the
9 counties to verify whether or not the housing is
10 legitimate -- legitimately associated with an
11 agricultural activity.

12 CHAIR LEE: Okay. Thank you.

13 Commissioners, is there any discussion or
14 questions on this bill? Okay. Hearing none, we now
15 open it for a second round of public testimony, if
16 any, for new or additional comments only. For
17 anyone participating via Zoom, please notify the
18 chief clerk using the Q&A feature.

19 Ms. Kwan, are there any requests to
20 testify?

21 ARIANA KWAN: None in the Q&A feature,
22 Chair.

23 CHAIR LEE: Okay. Thank you.

24 We're going to now move on to agenda item
25 3c, HB1713 HD3 SD1 - relating to school impact fees.

1 It prohibits the Land Use Commission from imposing
2 exactions from a residential development for
3 educational purposes. It repeals school impact fees
4 and abolishes school impact fee subaccounts within
5 the School Facilities Special Fund and transfers
6 unencumbered balances to the School Facilities
7 Special Fund.

8 It abolishes the fair share contribution
9 and impact fee accounts within the Department of
10 Education Donations and Facilities Trust and
11 transfers unencumbered balances to the School
12 Facilities Special Fund. Provides that any existing
13 educational contribution agreements executed with
14 the Department of Education or School Facilities
15 Authority before the repeal of school impact fees
16 shall remain in effect.

17 Transfers existing educational
18 contribution agreements from the DOE to the School
19 Facilities Authority, and repeals a requirement for
20 the School Facilities Authority to report to the
21 Legislature. It also appropriates funds from the
22 School Facilities Special Fund. The SD1 version is
23 effective 7/1/3000.

24 Ms. Kwan, is there any written public
25 testimony submitted on this matter?

1 ARIANA KWAN: No, Mr. Chair.

2 CHAIR LEE: Ms. Kwan, is there any member
3 of the public that wishes to provide verbal
4 testimony at this time?

5 ARIANA KWAN: Seeing none in the Q&A
6 feature, Chair.

7 CHAIR LEE: Oh, thank you, Ms. Kwan.
8 Mr. Orodenker?

9 DANIEL ORODENKER: Thank you, Mr. Chair.
10 This is kind of interesting because we were not
11 involved when the -- with this bill. It didn't even
12 reference us up until the last draft and where it
13 now added new language that affects HRS 205-4 and it
14 would prohibit us from creating exactions for
15 residential development to the benefit of DOE.

16 In the past, what we've usually done with
17 regard to district boundary amendments is either --
18 based on DOE's requests -- either required the
19 developer to give a grant to land as in this Haseko
20 motion that was in front of us today or provide
21 funds. This bill would eliminate our ability to do
22 that in its current form.

23 CHAIR LEE: Okay. Thank you, Mr.
24 Orodenker.

25 Commissioners, any questions or discussion

1 on this bill?

2 COMMISSIONER KAHELE: I got a -- I got a
3 question, Chair --

4 CHAIR LEE: Yes, Commissioner Kahele.

5 COMMISSIONER KAHELE: -- for Director
6 (sic) Orodenger, where -- what position did SFA
7 take, the School Facilities Authority --

8 DANIEL ORODENER: I'm not sure. The --
9 we -- we were totally, you know, divorced from any
10 activity on this bill until all of a sudden we
11 popped up in the last draft. I'm not sure what
12 position they took.

13 CHAIR LEE: Commissioner Kahele, I -- I
14 did watch the hearing, and the School Facilities
15 Authority's position is that since the DOE has
16 collected roughly 20 million in school impact fees,
17 but haven't spent any of it -- and it -- it's
18 difficult for them to spend it because it has to be
19 spent in that district, and there's other
20 requirements -- that they felt that that money
21 should be transferred to the School Facilities
22 Authority to let them be the ones to build the
23 schools. And they could build it in any district
24 and, you know, they have more latitude.

25 COMMISSIONER KAHELE: Thank you. I was

1 just curious. Thanks.

2 CHAIR LEE: Oh, good question.

3 Any other questions on this agenda item?

4 Commissioner -- oh, Vice Chair Carr Smith and then
5 Commissioner Miyasato.

6 COMMISSIONER CARR SMITH: I was just
7 wondering if staff is planning on testifying on this
8 tomorrow. And if so, how?

9 DANIEL ORODENKER: We have no plans to
10 testify on it. Measures like this we believe are
11 the purview of the legislature. If they want to
12 remove our ability to provide exactions, that's a
13 DOE issue, not a -- a Land Use Commission issue.
14 And so we have no plans to testify.

15 CHAIR LEE: Okay. Commissioner Miyasato?

16 COMMISSIONER MIYASATO: So if I understand
17 this correctly, there would be no impact fee or land
18 contribution required at all?

19 DANIEL ORODENKER: In its current form,
20 yes.

21 CHAIR LEE: That -- that -- if I may
22 clarify, that was asked by the senators, and the
23 School Facilities Authority answered that in that
24 situation then the senators themselves or the
25 legislature themselves would have to appropriate

1 money out of general funds to fund any schools,
2 including buying any land.

3 DANIEL ORODENKER: Yeah. Yeah. I -- I
4 mean, I -- I -- the legislature and its infinite
5 wisdom as they say.

6 CHAIR LEE: Okay. Any other questions?
7 Discussion? Okay. We'll now have a second round of
8 public testimony for any new or additional comments
9 only. For anyone participating via Zoom, please
10 notify the chief clerk using the Q&A feature.

11 Ms. Kwan, are there any requests to
12 testify?

13 ARIANA KWAN: No, Mr. Chair.

14 CHAIR LEE: Thank you, Ms. Kwan.

15 We'll now move to agenda item 4, the
16 adoption of the minutes. This next order of
17 business is the approval of the March 11th, 2026
18 meeting minutes. Ms. Kwan, is there any written
19 testimony received on those minutes?

20 ARIANA KWAN: No, Mr. Chair.

21 CHAIR LEE: Thank you. Are there any
22 members of the public that wish to testify on this
23 agenda item, Ms. Kwan?

24 ARIANA KWAN: Seeing none in the Q&A
25 feature, Chair.

1 CHAIR LEE: Okay. Commissioners, are
2 there any corrections or comments to the March 11th
3 minutes?

4 COMMISSIONER YAMANE: Mr. Chair?

5 CHAIR LEE: Yes, Commissioner Yamane.

6 COMMISSIONER YAMANE: I'll be not voting
7 because I was not present at this meeting.

8 CHAIR LEE: Okay. Thank you, Mr. Yamane.

9 All right. If there's no further
10 comments, corrections, or discussion then is there a
11 motion now to approve the March 11th minutes?

12 COMMISSIONER KAHELE: Chair, I -- I'll
13 make a motion that we approve.

14 CHAIR LEE: Commissioner Kahele move to
15 adopt the minutes. Is there a second?

16 COMMISSIONER MIYASATO: Second.

17 CHAIR LEE: Commissioner Miyasato seconds.

18 If there are no objections, by acclamation the

19 minutes are approved. Thank you. All right.

20 Agenda item 5 is the tentative meeting schedule.

21 This next agenda item is to be discussed by Mr.

22 Orodanker.

23 DANIEL ORODENKER: Thank you, Mr. Chair.

24 On the 22nd of April, we will be at the -- in Kona

25 at the King Kamehameha Hotel for the remand to the

1 LUC on DR 21-73, which is Honoipu Hideaway. On May
2 13th, we'll be on Kaua'i at the Hilton Garden Inn
3 for SP 26-416, which is AES solar -- this is pending
4 their filing.

5 They have to file their -- well, the
6 County has to provide us with the record and a full
7 record by May 4th, I believe it is. On Thursday,
8 May 14th, we will be again at the -- on Kaua'i at
9 the Hilton Garden Inn for A89-636, which is Grove
10 Farm's motion to amend. On June 3rd, we will be on
11 Maui at the MAC, Maui Arts & Cultural Center for SP
12 92-380, Pu'unene Quarry.

13 This is also pending filings by the County
14 to complete the record on that matter. On Thursday,
15 the 4th, we will be at the -- again be at the Maui
16 Arts & Cultural Center for DR 26-79. That's the
17 Komar Maui Properties I, LLC declaratory ruling. On
18 June 24th, we will be on O'ahu for the annual
19 evaluation of the executive officer and the
20 reelection of officers. And that's as far as we go
21 on the calendar.

22 UNIDENTIFIED SPEAKER: When was that?

23 DANIEL ORODENKER: It was June 24th.

24 UNIDENTIFIED SPEAKER: What -- what was
25 the 4th -- June 4th after Pu'unene?

1 DANIEL ORODENKER: That's Komar Maui
2 Properties, LLC. Komar, C -- K-o-m-a-r.

3 CHAIR LEE: Commissioners, do you have any
4 other questions? Commissioners, any further
5 questions? Okay. Seeing none, thank you very much.
6 The next Land Use Commission meeting is scheduled
7 for April 22nd and will be held in Kona. And due to
8 the demanding schedule required to complete LUC
9 business, I would like to request that meals be
10 provided as a working lunch as part of an integral
11 part of the meeting.

12 Mr. Orodenger, will you have LUC staff
13 please make the necessary arrangements for the
14 working lunch?

15 DANIEL ORODENKER: We will do so, Mr.
16 Chair.

17 CHAIR LEE: Thank you. All right. Well,
18 this concludes our meeting. Vice Chair Carr Smith
19 and Commissioners, thank you very much.
20 Commissioner U'u, thank you very much. This meeting
21 is now adjourned.

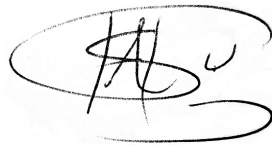
22 (WHEREUPON, the meeting of HAWAII STATE
23 LAND USE COMMISSION was adjourned at 11:30 a.m.)

24
25

CERTIFICATE

I, Lorraine Adoyo 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 23rd day of April, 2026.



Lorraine Adoyo