

STATE OF HAWAII
LAND USE COMMISSION
Meeting held on May 14, 2026
Commencing at 9:00 a.m.

Held at
Hilton Garden Inn Kauai Wailua Bay, Kuhio Ballroom
3-5920 Kuhio Hwy, Kapa'a, HI 96746

- I. CALL TO ORDER

- II. A89-636 Grove Farm Properties, Inc. (Kaua'i)

This meeting will be held using interactive conference technology under Hawaii Revised Statutes ("HRS"), Section §92-3.7. Commission members, staff, testifiers, and the public can choose to participate in person, online via Zoom, or by telephcne.

To Consider Successor Petitioner
(To a Portion of Parcel 8) Regency Puakea Properties, LLC's Amended Motion for Order Releasing Condition No. 2 as Set Forth in the Land Use Commission's Findings of Fact, Conclusions of Law, and Decision and Order Dated June 30, 1989 and December 20, 1995.

Files pertaining to this docket are available at:
<https://luc.hawaii.gov/vla89-636>

Parcel information: TMK: (4) 3-3-003-045.
Approximately 103.570 Acres of Land Situate at
LThu'e, County of Kaua'i, State of Hawai'i.

- III. Adjournment

BEFORE:

PARTICIPANTS

LUC COMMISSIONERS:

Brian Lee, Chair

Nancy Carr Smith, Vice Chair

Mel Kahele

Ken Hayashida

Bruce U'u

Mike Yamane

LUC STAFF:

Daniel Orodener, Executive Officer

Scott Derrickson, Chief Planner

Martina Segura, Staff Planner

Ariana Kwan, Chief Clerk

John Dubiel, Esquire, Deputy Attorney General

REGENCY PUAKEA PROPERTIES, LLC, ("SUCCESSOR
PETITIONER"):

Nathan Natori, Esquire, Attorney

COUNTY OF KAUA'I, DEPARTMENT OF PLANNING ("COUNTY"):

Jodi Higuchi Sayegusa, Deputy Planning Director

PARTICIPANTS CONTINUED

STATE OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT

("STATE" OR "OPSD"):

Leo Asuncion, LUD Program Administrator

Aaron Setogawa, Planner

1 TRANSCRIPT OF HAWAII LUC COMMISSION

2 HYBRID MEETING

3 THURSDAY, MAY 14, 2026

4 9:00 A.M.

5
6 CHAIR LEE: Okay. Good morning,
7 everybody. Aloha mai kakou. It is now 9:00 a.m.,
8 and I call to order the May 14th, 2026, Land Use
9 Commission meeting. This is a hybrid meeting being
10 held in person at the Hilton Garden Inn Kauai Wailua
11 Bay, Kuhio Ballroom, at 3-5920 Kuhio Highway, in
12 Kapa'a, Hawai'i 96746, and with virtual
13 participation via Zoom.

14 This meeting is open to the public.
15 Please be advised that this meeting is being
16 recorded via Zoom, and this recording will be posted
17 on YouTube and used for court reporting purposes.
18 Your continued participation is your implied consent
19 to be part of the public record of this event. If
20 you do not wish to be part of the public record, you
21 should exit this meeting now.

22 For those attending via Zoom, please note
23 that the question-and-answer feature will only be
24 used for signing up for public testimony, and all
25 other communications through Zoom will not be

1 monitored nor made part of the meeting record.
2 Written communications can be emailed to the Land
3 Use Commission office at dbedt.luc.web@hawaii.gov.

4 And now for all meeting participants,
5 please speak slowly, clearly, and directly into your
6 microphone. And before speaking, please state your
7 name to identify yourself for the record. We'll
8 also share that all participants and we'll be -- we
9 will be taking breaks from time to time,
10 approximately every 60 minutes.

11 For commissioners participating remotely,
12 please state your location and whether anyone over
13 the age of 18 is present with you. All right. So
14 my name is Brian Lee, and I will be serving as the
15 Chair today. There are eight seated commissioners,
16 and we're going to try something different today and
17 let everyone introduce themselves.

18 And please state your last -- your first
19 and last name, your island that you're representing,
20 and anything else you may want to share. And I'll
21 start with Commissioner Kahele.

22 COMMISSIONER KAHELE: My name is Mel
23 Kahele. I'm from the island of O'ahu, representing
24 the State Land Use Commission.

25 CHAIR LEE: Thank you, Commissioner

1 Kahele.

2 Commissioner Hayashida?

3 COMMISSIONER HAYASHIDA: Commissioner

4 Hayashida -- Ken Hayashida, representing O'ahu.

5 CHAIR LEE: Thank you, Commissioner

6 Hayashida.

7 Commissioner U'u?

8 COMMISSIONER U'U: Aloha. Bruce U'u,

9 representing the island of Maui.

10 CHAIR LEE: Thank you, Commissioner U'u.

11 Commissioner Yamane?

12 COMMISSIONER YAMANE: Good morning, Mike

13 Yamane, representing island of Kaua'i. And then,

14 Mr. Chair, if I may, for the record -- clarifying

15 record -- for yesterday's meeting, I recused myself

16 as being a director on KIUC. So just want to state

17 that for the record. I was not absent. I did

18 recuse myself. Thank you.

19 CHAIR LEE: Thank you, Commissioner

20 Yamane. We don't want to tarnish your attendance

21 record, and so thank you very much.

22 Commissioner and Vice Chair Nancy Carr

23 Smith?

24 COMMISSIONER CARR SMITH: Good morning.

25 Nancy Carr Smith, Hawai'i Island.

1 CHAIR LEE: Thank you, Commissioner Carr
2 Smith.

3 Also in attendance with us today is the
4 Land Use Commission Executive Officer, Mr. Daniel
5 Orodener; the LUC Chief Planner, Mr. Scott
6 Derrickson; the LUC Staff Planner, Martina Segura;
7 the LUC Chief Clerk, Ariana Kwan; and with us via
8 Zoom is the Land Use Commission Deputy Attorney
9 General, Mr. John Dubiel.

10 Now, again, court reporting transcriptions
11 are being done from this Zoom recording, so please,
12 speak into your microphone and state your name
13 clearly.

14 All right. Agenda Item 2 is the next
15 order of business: "To Consider the Successor
16 Petitioner (To a Portion of Parcel 8) for Regency
17 Puakea Properties, LLC's Amended Motion for Order
18 Releasing Condition No. 2 as Set Forth in the Land
19 Use Commission's Findings of Facts, Conclusions of
20 Law, and Decision and Order Dated June 30th, 1989
21 and December 20th, 1995."

22 I'm going to ask the parties to now
23 identify themselves for the record. Petitioner,
24 will you please identify yourself.

25 NATHAN NATORI: Good morning, Chair Lee

1 and Commissioners. My name is Nathan Natori, and
2 I'm an attorney representing Successor Petitioner
3 Regency Puakea Properties, LLC in today's hearing.

4 CHAIR LEE: Thank you, Mr. Natori.
5 County of Kaua'i Planning Department?

6 JODI HIGUCHI SAYEGUSA: Good morning.
7 Jodi Higuchi Sayegusa, with the County of Kaua'i
8 Planning Department.

9 CHAIR LEE: Thank you, Ms. Higuchi
10 Sayegusa.
11 State Office of Planning and Sustainable
12 Development?

13 LEO ASUNCION: Good morning, Chair,
14 Commissioners. Leo Asuncion, Planning Program
15 Administrator with the Office of Sustainable --
16 Office of Planning and Sustainable Development. And
17 with me is Aaron Setogawa, planner with our Land Use
18 Division.

19 CHAIR LEE: Thank you, Mr. Asuncion.
20 All right. So now, once again, Mr.
21 Natori, I'm going to ask if you have reviewed the
22 Hawai'i Administrative Rules, Section 15-15-45.1,
23 regarding the reimbursement of hearing expenses.

24 NATHAN NATORI: Yes, I have.

25 CHAIR LEE: Thank you, Mr. Natori.

1 In accordance with Hawai'i Revised
2 Statute, Section 84-14, commissioners are not
3 allowed to take any official action affecting a
4 business in which they or a member of their family
5 has a financial interest. They must, therefore,
6 recuse themselves from this matter if there's any
7 benefit, monetary or otherwise, to themselves or
8 members of their family.

9 Also, in accordance with legal ethical
10 standards, commissioners should disclose any
11 relationship -- business, social, or otherwise --
12 that they may have with the petitioner or its
13 representatives or any of the other parties to this
14 proceeding that may give rise to an allegation of
15 bias or impropriety.

16 Do any of the commissioners have any
17 conflicts of interest or disclosures to make?

18 COMMISSIONER HAYASHIDA: Commissioner
19 Hayashida. I am a personal acquaintance of Mr.
20 Natori, the attorney, and -- just through our high
21 school -- high school fraternity of brothers at
22 'Iolani. But other than that, I have no financial
23 or any other, so...

24 CHAIR LEE: All right. Thank you. I'm
25 going to ask the petitioner if there's any objection

1 to Commissioner Hayashida's continued participation.

2 NATHAN NATORI: No objection, Your Honor
3 (sic).

4 CHAIR LEE: County of Kaua'i, do you have
5 any objection to Commissioner Hayashida's continued
6 participation?

7 JODI HIGUCHI SAYEGUSA: No objection.

8 CHAIR LEE: Thank you.

9 OPSD, do you have any objection to
10 Commissioner Hayashida's continued participation?

11 LEO ASUNCION: No objection, Chair.

12 CHAIR LEE: Okay. Thank you very much,
13 everyone.

14 Let me now briefly explain the procedure
15 for today. First, we will recognize the written
16 public testimony that has been submitted on this
17 matter, if any. Second, we will call for members of
18 the public who wish to provide oral testimony.

19 Third, the staff planner will then give us a
20 briefing on the staff's report that has been posted
21 for this docket.

22 Fourth, the petitioner will then be called
23 upon to make their presentation. Fifth, the chair
24 will then call on the County Planning Department of
25 Kaua'i and then the State Office of Planning and

1 Sustainable Development for their presentation
2 and/or comments. Sixth, the commissioners will have
3 opportunities to ask questions of the parties at the
4 conclusion of each of their presentations.

5 Seventh, the parties will then be given an
6 opportunity for closing arguments. Eighth, we will
7 then reopen the floor to the public for any new and
8 additional oral testimony on this matter. And
9 finally, ninth, the Commission will deliberate on
10 the matter based on the testimony and evidence
11 presented.

12 All right. We will like to once again
13 remind all participants to speak slowly, clearly,
14 and directly into their microphones. And before
15 speaking, please state your name and identify
16 yourself for the record. And this will make it
17 easier for the transcriber to produce an accurate
18 transcript of the proceedings.

19 Are there any questions now about our
20 procedures for today? All right. As stated on
21 today's agenda, please be informed that the relevant
22 records and documents pertaining to this matter can
23 be accessed for review on the Land Use Commission
24 website at luc.hawaii.gov/a89-636.

25 Okay. We will now recognize any written

1 public testimony submitted on this matter.

2 Ms. Kwan, has there been any written
3 testimony submitted on this matter?

4 ARIANA KWAN: No, Mr. Chair.

5 CHAIR LEE: Thank you, Ms. Kwan. Are
6 there any members of the public that wish to provide
7 verbal testimony on this matter?

8 ARIANA KWAN: Seeing none in the room, and
9 no one used the Q&A feature on Zoom to indicate
10 they'd like to provide testimony today.

11 CHAIR LEE: Thank you, Ms. Kwan. We'll
12 now like to call on Staff Planner Scott Derrickson
13 to please summarize the staff report for us and for
14 any staff concerns.

15 SCOTT DERRICKSON: Aloha kakou. Scott
16 Derrickson, LUC Chief Planner. The staff report was
17 posted to the LUC website on May 8th and distributed
18 to the commissioners at that time. This is a motion
19 to release conditions. The Commission can modify or
20 delete any of the conditions imposed or modify a
21 Commission's order when good cause has been shown.

22 Determining good cause is at the
23 discretion of the Commission. The party who
24 initiates a proceeding has the burden of proof,
25 including the burden of producing evidence and the

1 burden of persuasion. The degree of proof is the
2 preponderance of evidence. These have been
3 identified and defined in the staff report on page
4 3.

5 The motion itself is actually asking for
6 three different things. One, that the Commission
7 recognize Regency Puakea as a successor petitioner
8 to a portion of the original petition area. Second,
9 they are asking specifically for a release of
10 Condition No. 2, which is an affordable housing
11 condition.

12 And the third thing they're asking for is
13 a authorization -- a written authorization by the
14 LUC executive officer on a HUD -- a U.S. HUD
15 document that they require for refinancing of their
16 project. I'm going to allow the -- the petitioner
17 can go ahead and explain in more detail what their
18 motion is.

19 The Office of Planning provided comments
20 on March 26th, and they were in support of the
21 motion. Before May 8th when we posted our staff
22 report, Kaua'i County had not commented at that
23 time, but we did receive comments from the County of
24 Kaua'i yesterday, and that has been posted up to our
25 website and is accessible to the public and to the

1 Commission.

2 The staff -- after review of all the
3 filings, we are recommending that the Commission
4 approve the motion to release Condition No. 2. And
5 I'm available to answer any questions you might
6 have.

7 CHAIR LEE: Thank you, Mr. Derrickson.

8 Commissioners, do you have any questions
9 for the staff planner? Okay. Seeing none,
10 Petitioner, will you please provide your
11 presentation.

12 NATHAN NATORI: Good morning, Chair Lee
13 and Commissioners. My name is, again, Nathan
14 Natori, and I'm an attorney representing Successor
15 Petitioner Regency Puakea, LLC in today's hearing.
16 Regency acquired Lot 1545-A back in 2003, as shown
17 in Exhibit 5. Regency is a -- is a successor
18 petitioner withstanding to bring the motion, an
19 amended motion, and to seek the requested relief.

20 Regency filed this motion, an amended
21 motion, in order to have the Land Use Commission
22 release the -- an affordable housing requirement
23 imposed by the LUC in 1989 and 1995 when the
24 petition area was owned by Grove Farm Properties,
25 Inc.

1 As shown in our amended motion,
2 specifically Exhibit 9, the affordable housing
3 requirement was satisfied by Grove Farm in -- in
4 2007, and acknowledged by the County of Kaua'i in a
5 November 30th, 2007, letter from the Kaua'i County
6 Housing Agency. And therefore, good cause exists to
7 delete the affordable housing requirement.

8 We, therefore, request that the LUC grant
9 our motions and order that Condition No. 2, the
10 affordable housing requirement in the 1989 order and
11 the 1995 order be released from the petition area,
12 which is Increment II, containing approximately
13 1003.57 acres (sic).

14 Finally, I wanted to note that the office
15 -- State Office of Planning and Sustainable
16 Development recommended support of our motions, and
17 the County of Kaua'i's Planning Department has no
18 objections to our motions. Thank you for hearing
19 our motions today, and I'm free to answer any
20 questions you may have.

21 CHAIR LEE: Thank you, Mr. Natori.

22 Commissioners, do you have any questions
23 for the petitioner? Okay. Seeing none, County of
24 Kaua'i, please make your presentation.

25 JODI HIGUCHI SAYEGUSA: Yeah. As -- as

1 stated in our comments that we submitted belatedly,
2 we -- we have no objections to the petition and all
3 the -- all of its asks iterated within the petition.

4 CHAIR LEE: Thank you, Ms. Higuchi
5 Sayegusa.

6 Commissioners, do you have any questions
7 for the County of Kaua'i?

8 Okay. Seeing none, State Office of
9 Planning and Sustainable Development, your comments,
10 please.

11 LEO ASUNCION: Thank you, Mr. Chair.

12 Again, Leo Asuncion for the Office of
13 Planning and Sustainable Development. You have in
14 the record our response to the Successor
15 Petitioner's amended motion for an order releasing
16 Condition No. 2. And in there, we go through our
17 analysis on the subject motion.

18 And the recommendation here is that we
19 find that there has been sufficient evidence that,
20 first of all, Successor Petitioner has the standing
21 to seek the relief sought in its motion. And that
22 Condition No. 2 of the 1989 decision and order, and
23 the 1995 decision and order of the Land Use
24 Commission has been satisfied. Therefore, we show
25 that Petitioner or Successor Petitioner has shown

1 good cause sufficient to allow the LUC to approve
2 the Petitioner's motion.

3 With that, there is no objections to said
4 motion, and we hope that the Commission can issue an
5 order releasing that condition.

6 CHAIR LEE: Thank you, OPSD.

7 Commissioners, do you have any questions
8 for Mr. Asuncion? All right. Seeing none, Mr.
9 Natori, do you have any final comments you would
10 like to make at this time?

11 NATHAN NATORI: No final comments.

12 CHAIR LEE: Thank you, Mr. Natori.

13 County of Kaua'i, do you have any closing
14 arguments you would like to make?

15 JODI HIGUCHI SAYEGUSA: No closing
16 arguments.

17 CHAIR LEE: Thank you, County of Kaua'i.

18 OPSD, do you have any closing arguments
19 that you would like to make?

20 LEO ASUNCION: No further comments, Mr.
21 Chair.

22 CHAIR LEE: Thank you, Mr. Asuncion.

23 Commissioners, do you have any final
24 questions or comments for the parties, before we
25 enter into deliberations? Okay.

1 Seeing none, we'll now open a second round
2 of public testimony for any new or additional
3 comments only. For those participating via Zoom,
4 please notify the chief clerk using the question-
5 and-answer feature.

6 Ms. Kwan, is there any request now to
7 testify?

8 ARIANA KWAN: Seeing none in the Q&A
9 feature, Chair.

10 CHAIR LEE: Thank you, Ms. Kwan.

11 The Commission will now conduct formal
12 deliberations on the Successor Petitioner Regency
13 Puakea Properties, LLC's amended motion for order
14 releasing Condition No. 2. We will note for the
15 parties and the public that during the Commission's
16 deliberations, we will not entertain any additional
17 input from the parties or the public unless those
18 individuals or entities are specifically requested
19 to do so by the Chair.

20 If called upon, we'll ask that any
21 comments be limited to the question at hand. So,
22 Commissioners, let me now confirm that each of you
23 has reviewed the record and is prepared to
24 deliberate on this matter. After I call your name,
25 will you please signify with either an aye or a nay

1 that you are prepared to deliberate on this matter.

2 Vice Chair Carr Smith?

3 COMMISSIONER CARR SMITH: Aye.

4 CHAIR LEE: Commissioner Hayashida?

5 COMMISSIONER HAYASHIDA: Aye.

6 CHAIR LEE: Commissioner Kahele?

7 COMMISSIONER KAHELE: Aye.

8 CHAIR LEE: Commissioner Yamane?

9 COMMISSIONER YAMANE: Aye.

10 CHAIR LEE: Commissioner U'u?

11 COMMISSIONER U'U: Aye.

12 CHAIR LEE: And I, Brian Lee, am also
13 prepared to deliberate on this matter. All right.

14 So the Commissioners -- so, Commissioners, the Chair
15 will now entertain a motion, and the staff has a
16 recommendation, if you so desire, a suggested
17 wording that the motion is for the Successor
18 Petitioner having provided adequate or a
19 preponderance of evidence that the affordable
20 housing requirements have been satisfied and for the
21 release of Condition No. 2.

22 And that the Commission authorizes the
23 executive officer to affirm to the U.S. Department
24 of Housing and Urban Development that the affordable
25 housing requirement no longer applies to the Regency

1 Puakea Properties, and that the Commission
2 authorizes the Chair to sign the decision and order.

3 Is -- does anyone desire to make such a motion?

4 COMMISSIONER YAMANE: So moved.

5 CHAIR LEE: It's been moved by
6 Commissioner Yamane. Is there a second?

7 COMMISSIONER U'U: Second.

8 CHAIR LEE: It's been seconded by
9 Commissioner U'u. Is there any discussion? Okay.
10 Seeing no discussion on this matter, Executive
11 Officer Orodenger, will you please conduct the roll-
12 call vote.

13 DANIEL ORODENKER: Thank you, Mr. Chair.
14 The motion is to grant -- the motion is to
15 grant the Petitioner's motion as stated in the staff
16 report.

17 Commissioner Yamane?

18 COMMISSIONER YAMANE: Aye.

19 DANIEL ORODENKER: Commissioner U'u?

20 COMMISSIONER U'U: Aye.

21 DANIEL ORODENKER: Commissioner Miyasato
22 is absent. Commissioner Kamakea-'Ohelo is absent.

23 Commissioner Kahele?

24 COMMISSIONER KAHELE: Aye.

25 DANIEL ORODENKER: Commissioner Hayashida?

1 COMMISSIONER HAYASHIDA: Aye.

2 DANIEL ORODENKER: Commissioner Carr
3 Smith?

4 COMMISSIONER CARR SMITH: Aye.

5 DANIEL ORODENKER: Chair Lee?

6 CHAIR LEE: Aye.

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

9 CHAIR LEE: Okay. Thank you to all the
10 parties, to our Deputy Attorney General, and also
11 County of Kaua'i, and OPSD. Thank you very much to
12 the staff for all your work, setting up, coming all
13 the way out here, providing lunch -- all the good
14 stuff. And thank you, Commissioners, for your
15 volunteer service.

16 This concludes our meeting. If there is
17 no further business to discuss, this meeting is
18 adjourned.

19 (WHEREUPON, the meeting of HAWAII STATE
20 LAND USE COMMISSION was adjourned at 9:21 a.m.)

21

22

23

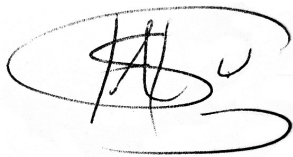
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CERTIFICATE

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 29th day of May, 2026.



Lorraine Adoyo