

LAND USE COMMISSION  
MINUTES OF MEETING

December 2, 2004

Conference Room 405  
Leiopapa A Kamehameha  
235 So. Beretania Street  
Honolulu, Hawaii

COMMISSIONERS PRESENT: P. Roy Catalani  
Pravin Desai  
Michael Formby  
Lisa Judge  
Kyong-su Im  
Steven Montgomery  
Randall Sakumoto  
Peter Yukimura

COMMISSIONERS ABSENT: Isaac Fiesta

STAFF PRESENT: Diane Erickson, Deputy Attorney General  
Anthony Ching, Executive Officer  
Bert Saruwatari, Staff Planner  
Maxwell Rogers, Staff Planner  
Sandra Matsushima, Chief Clerk  
Holly Hackett, Court Reporter

Chair Catalani called the meeting to order at 10:05 a.m.

TENTATIVE MEETING SCHEDULE

Executive Officer Anthony Ching reported that there will be a presentation by Les Kondo of the Office of Information Practices. The state's housing agency (HCDCH) was asked to participate in this workshop but, unfortunately, their Chief Planner was not available to conduct an affordable housing presentation.

Mr. Ching added that the Governor's Office is currently developing a comprehensive study that addresses issues such as affordable housing and transportation. Mr. Ching noted that he would keep the Commission apprised.

Mr. Ching announced that the next meetings would be two full days held in Kona on December 9 and 10, 2004. Commissioners and staff are scheduled to return to Honolulu on Saturday morning, December 11, 2004. Mr. Ching also reminded the Commission that they would only have a single set of meetings for January, February and March of 2005.

Vice Chair Montgomery had a few questions on the HCDCH's affordable housing policy and noted that it was unfortunate that their schedules would not allow them to conduct a presentation before the Commission.

After a brief discussion, there were no further questions.

#### LAND USE COMMISSION WORKSHOP - Office of Information Practices Presentation

Mr. Les Kondo, Director of the Office of Information Practices, distributed a handbook/guide to open meetings and the Sunshine Law, and made his presentation shortly thereafter.

A recess break was taken at 11:25 a.m. The meeting reconvened at 11:45 a.m.

Commissioner Judge left the meeting at this time.

#### DR04-30 KULEANA KU'IKAHU, LLC (Maui)

Chair Catalani stated that on December 1, 2004, the Commission received telephone communications from James Geiger and Paul Horikawa indicating that they will not be able to attend this meeting.

Chair Catalani also noted that Commissioner Judge has recused herself from the proceedings.

#### APPEARANCES

Richard McCarty, Esq., represented Petitioner

Blaine Kobayashi, Esq., represented R. Charles Bergson, et al.

Jane Lovell, Esq., represented the County of Maui Department of Planning

John Chang, Esq., represented State Office of Planning

Abe Mitsuda, State Office of Planning

#### EXECUTIVE SESSION

Vice Chair Sakumoto moved that the Commission enter into executive session to discuss personnel matters with its legal counsel. The motion was seconded by Commissioner Formby. Said motion was unanimously approved by voice votes.

The Commission entered into executive session at 11:55 a.m.

The open meeting reconvened at 12:25 p.m.

DR04-30 KULEANA KU`IKAHI, LLC (Maui) - continued

Chair Catalani stated that this was an action meeting for the selection of a hearings officer for Docket No. DR04-30 Kuleana Ku`ikahi, LLC (Maui).

Chair Catalani noted that there were no public witnesses.

Vice Chair Montgomery moved that the commission select Casey Jarman as the hearings officer. Commissioner Im seconded the motion.

Vice Chair Sakumoto commented that the Commission took into consideration the function of the hearings officer. For this docket, the hearings officer will be tasked with taking testimony and creating a record that the Commission can rely upon. The Commission will have a chance to review and accept or deny the recommendation. Vice Chair Sakumoto supported Vice Chair Montgomery's motion and believed that Professor Jarman was the best choice for the Commission.

Commissioner Yukimura stated that although he was aware that Professor Jarman was an excellent candidate, he believed that Judge Yamashita would be the best choice.

Commissioner Im agreed with Vice Chair Sakumoto and added that Professor Jarman was well qualified and willing to take on this position. Having been a member of this commission, she is knowledgeable of the process and rules of the Commission.

Commissioner Desai agreed with the comments of Commissioner Im and Vice Chair Sakumoto and added that he has served with Casey Jarman on the Land Use Commission and found her to possess high abilities as a commissioner, as well as her sense of fairness.

Chair Catalani concurred with Commissioners Sakumoto, Im and Desai and added that although each candidate possessed unique qualifications, Casey Jarman had the superior qualification for this case with the importance of proceeding efficiently.

The Commission was polled as follows:

Ayes: Commissioners Montgomery, Im, Sakumoto, Formby, Desai, and Catalani.

Nays: Yukimura.

The motion passed with 6 ayes, 1 nay, 1 abstain, and 1 absent.

The meeting adjourned at 12:35 p.m.