

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Resolution Room
Kona Hilton Hotel
Kailua-Kona, Hawaii

Approved OCT 15 1980

July 1, 1980 - 10:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Richard Choy
Shinsei Miyasato
Mitsuo Oura
George Pascua

COMMISSIONERS ABSENT: Carol Whitesell
Edward Yanai
William Yuen

STAFF PRESENT: Gordan Furutani, Executive Officer
Joseph Chu, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk

James Filibeck, Court Reporter

HEARING

A80-473 - DONALD E. KRAEMER, INC.

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Donald E. Kraemer to reclassify approximately 16.07 acres of land presently in the Agricultural District into the Urban District at Holualoa 1st and 2nd, North Kona, Hawaii, for residential use, Docket A80-473.

Appearances

Diane Kishimoto, Attorney, representing petitioner
Galen Leong, Co-counsel for petitioner

Sidney Fuke, Planning Director, Hawaii Planning Department

Annette Chock, Deputy Attorney General, representing the
Department of Planning & Economic Development

Exhibits

Petitioner's Exhibits A through H were admitted into evidence.

County's Exhibits 1 through 5 were admitted into evidence.

DPED's Exhibits A & B were admitted into evidence.

Mr. Furutani, Executive Officer, presented a description of the property under petition and oriented its location with various surrounding landmarks.

Chairman Duke noted that the Commission did receive a timely request from Mr. Hensley Towill to appear as a public witness; however, Mr. Towill was not present.

All of the witnesses appearing today, having been duly sworn in, testified and were examined as set forth in the transcript.

PETITIONER

Donald E. Kraemer - President, Donald E. Kraemer, Inc.

Direct examination by Miss Kishimoto-----17 to 23

Direct examination by Mr. Leong-----23 to 24

Cross examination by Mr. Fuke-----24 to 33

Cross examination by Miss Chock-----33 to 37

Cross examination by Mr. Abe Mistuda (Planner)----37 to 38

Cross examination by Miss Chock-----39 to 40

Redirect examination by Miss Kishimoto-----40 to 42

Recross examination by Mr. Fuke-----42 to 43

Examination by Commissioner Pascua-----43 to 44

Examination by Chairman Duke-----45 to 46

Frank Corkran - Engineer

Direct examination by Miss Kishimoto-----47 to 50

Cross examination by Mr. Fuke-----50 to 51

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Lloyd J. Soehren - Archeologist

Direct examination by Miss Kishimoto-----52 to 54
Voir Dire by Miss Chock-----54
Direct examination by Miss Kishimoto (cont.)-----55 to 56
Examination by Vice Chairman Nakagawa-----57 to 58

COUNTY OF HAWAII

Norman Hayashi - Planner, Hawaii Planning Department

Direct examination by Mr. Fuke-----59 to 64
Cross examination by Miss Chock-----64 to 69
Cross examination by Mr. Mitsuda-----69 to 72
Redirect examination by Mr. Fuke-----73 to 77

The Commission was in recess from 12:30 p.m. to 1:50 p.m.

1:50 p.m.

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Abe Mitsuda - Planner, Land Use Division

Direct examination by Miss Chock-----78 to 88
Cross examination by Miss Kishimoto-----88 to 89
Cross examination by Mr. Fuke-----90 to 99
Redirect examination by Miss Chock-----99

CLOSING ARGUMENTS

By Miss Kishimoto-----103 to 105

Chairman Duke instructed all parties of the post-hearing procedures with respect to the filing of proposed findings of fact, conclusions of law, etc. It was also announced that action on subject petition will be conducted via the proposed decision route.

Mr. Fuke was granted permission to waive the filing of the proposed findings, etc.

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2:55 p.m.

HEARING

A80-478 - DONALD E. KRAEMER, INC. & JOHN P. ELLBOGEN

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Doanld E. Kraemer, Inc. and John P. Ellbogen to reclassify approximately 15.4 acres of land presently in the Agricultural District into the Urban District at Puaa 1st, North Kona, Hawaii, for residential use, Docket A80-478.

Appearances

Diane Kishimoto, Attorney, representing petitioner
Galen Leong, Co-counsel for petitioner

Sidney Fuke, Planning Director, Hawaii Planning Department

Annette Chock, Deputy Attorney General, representing the
Department of Planning & Economic Development

Exhibits

Petitioner's Exhibits A through N were identified and admitted into evidence.

County of Hawaii's written testimony was admitted into evidence.

DPED's written testimony was admitted into evidence.

PETITIONER

Donald E. Kraemer - President, Donald E. Kraemer, Inc.

Direct examination by Miss Kishimoto-----10 to 15

Cross examination by Mr. Fuke-----16 to 18

Cross examination by Miss Chock-----19 to 22

Examination by Commissioner Choy-----22 to 23

Robert Smelker - Architect

Direct examination by Miss Kishimoto-----23 to 25

Examination by Commissioner Pascua-----26

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Lloyd J. Soehren - Archeologist

Direct examination by Miss Kishimoto-----27 to 28

Cross examination by Miss Chock-----28 to 29

William Stayton - Land Manager for Kamehameha Schools, Bishop Estate

Direct examination by Miss Kishimoto-----30 to 31

COUNTY OF HAWAII

Norman Hayashi - Planner, Hawaii Planning Department

Direct examination by Mr. Fuke-----33 to 35

Cross examination by Miss Chock-----36

Redirect examination by Mr. Fuke-----37

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Abe Mitsuda - Planner, Land Use Division

Direct examination by Miss Chock-----38 to 40

Cross examination by Mr. Fuke-----41 to 42

All of the parties waived their closing arguments inasmuch as action on this petition would be conducted through the proposed decision route.

Chairman Duke instructed all parties of the post-hearing procedures. Since the County's and State's positions were consistent with the petitioner's position, permission was granted by the Chairman to waive the filing of the proposed findings.

At 4:07 p.m., the hearing on A80-478 was closed.

MISCELLANEOUS

The minutes of March 11, 1980, March 28, 1980, April 1, 1980 and April 2, 1980 were adopted as circulated.