

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the )	SP75-212
Petition for Special Permit )	
of DEPARTMENT OF PARKS AND )	DEPARTMENT OF PARKS AND
RECREATION, COUNTY OF HAWAII )	RECREATION, COUNTY OF
)	HAWAII
)	

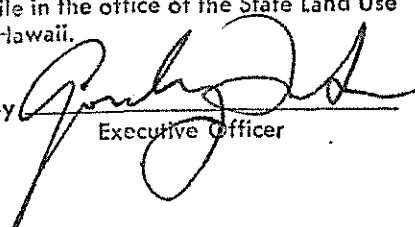
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This is to certify that this is a true and correct copy of the  
Decision and Order on file in the office of the State Land Use  
Commission, Honolulu, Hawaii.

JUL 15 1980

Date

by

  
Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the	)	SP75-212
Petition for Special Permit	)	
of DEPARTMENT OF PARKS AND	)	DEPARTMENT OF PARKS AND
RECREATION, COUNTY OF HAWAII	)	RECREATION, COUNTY OF
	)	HAWAII
	)	

The Land Use Commission of the State of Hawaii, having duly considered the entire record in the above entitled matter, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Special Permit was granted by the Land Use Commission on September 22, 1975, to allow the development of a public drag racing facility on approximately 135 acres of land situated within the State Land Use Agricultural District at Panaewa, South Hilo, Hawaii, Tax Map Key 2-1-13: portion of 2.

2. The Petitioner has requested an amendment to the Special Permit to allow the continued use of a temporary access roadway to the drag racing site beyond the time span stipulated in the permit.

3. Condition No. 5 of the Special Permit required that the temporary access road to the drag racing facility be improved to an 18-foot wide oil-treated surface with 3-foot shoulders. This access was to be used for no longer than two (2) years from the commencement of operation of the drag racing facility.

4. Since the drag strip facility was opened on May 28, 1978, the temporary access roadway may not be used beyond May 28, 1980.

5. The temporary access road begins at Leilani Street, utilizing the South Hilo Landfill access road and then on to a gravel road which leads to the skeet firing range and the County quarry. Beyond the quarry, the temporary road crosses the Waiakea-Uka Flood Control ponding basin to the drag strip site.

6. The alignment of the permanent access to the drag strip, as approved by the Planning Department on January 26, 1976, will extend easterly from Kanoelehua Avenue via the proposed Puainako Street extension.

7. The Petitioner has stated that circumstances beyond its control have prevented it from meeting the time condition on the temporary access road. At present, there are no funds for construction of the Puainako Street Extension. Permanent access to the drag strip via the Puainako Street extension cannot be provided until construction funds become available.

8. The Hawaii County Planning Commission conducted a public hearing on the amendment request on April 24, 1980. At that time, a representative of the Petitioner was the only person to testify concerning the request.

9. The Hawaii County Planning Commission has determined that the reasons cited by the Petitioner warrant the granting of a time extension for the continued use of the temporary access roadway.

CONCLUSIONS OF LAW

1. The Petitioner has shown "unusual circumstances" pursuant to Rule 9-3 of the Rules of Practice and Procedure of the Land Use Commission for granting of a time extension.

2. The granting of a time extension is not violative of HRS, 205-6 and State Land Use Commission District Regulations, Part V.


DECISION AND ORDER

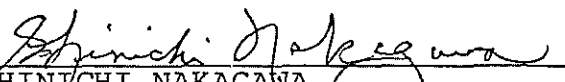
IT IS HEREBY ORDERED that Condition No. 5 of Special Permit No. 75-212 - DEPARTMENT OF PARKS AND RECREATION, COUNTY OF HAWAII, be amended to read:

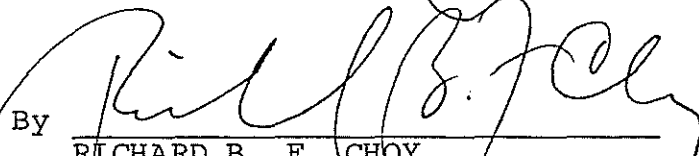
"That the permanent access be constructed within one (1) year from the date of completion of the Puainako Street Extension."

DATED: Honolulu, Hawaii, July 9, 1980.

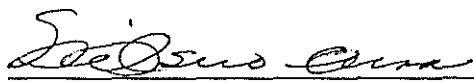
LAND USE COMMISSION

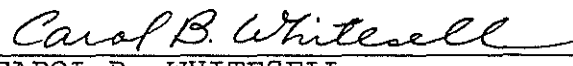
By   
C. W. DUKE  
Chairman and Commissioner


By   
SHINICHI NAKAGAWA  
Vice Chairman and Commissioner

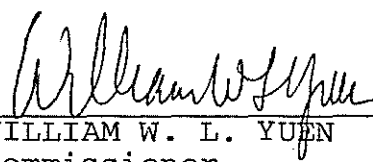
By   
RICHARD B. F. CHOY  
Commissioner

By   
SHINSEI MIYASATO  
Commissioner

By   
MITSUO OURA  
Commissioner

By   
CAROL B. WHITESELL  
Commissioner

By   
EDWARD K. YANAI  
Commissioner

By   
WILLIAM W. L. YUEN  
Commissioner

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition )  
for Special Permit of DEPARTMENT )  
OF PARKS AND RECREATION, COUNTY )  
OF HAWAII )

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SP75-212

DEPARTMENT OF PARKS AND  
RECREATION, COUNTY OF  
HAWAII


CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's  
Decision and Order was served upon the following by certified mail:

SIDNEY FUKU, Planning Director  
Planning Department  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

MILTON HAKODA, Director  
Department of Parks and Recreation  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 15th day of July, 1980.

  
GORDAN Y. FURUTANI  
Executive Officer