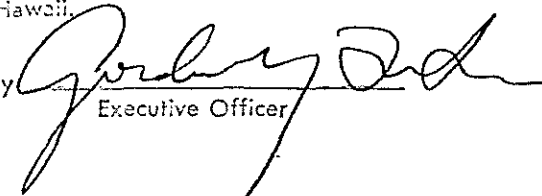


BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
for Special Permit of the)
Hawaii Humane Society, SPCA)
_____)

SP78-297
HAWAII HUMANE SOCIETY, SPCA

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.

July 5, 1978 by 
Date Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of) SP 78-297
the Petition for Special)
Permit of the Hawaii) FINDINGS OF FACT, CONCLUSIONS
Humane Society, SPCA) OF LAW, AND DECISION AND ORDER
_____)

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DECISION AND ORDER

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, conclusions of law, decision and order.

FINDINGS OF FACT

1. The Petitioner is requesting a special permit to allow the addition of animal kennels and a garage to the existing Humane Society facility, and to also legitimize the present Humane Society use on 2.8 acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii, Tax Map Key 1-6-3:74.

2. The subject property is the site of the Keaau Animal Shelter located along the east side of the Keaau-Pahoa Road, approximately 1.5 miles from Keaau town. On the left of the shelter is the Keaau Solid Waste Transfer Station, and on the right is a building used for bee-keeping and honey processing.

3. The subject property presently contains an office, parking area, eleven (11) dog kennels and a cattery. The Petitioner intends to add six (6) more kennels and a thirty (30) foot wide garage facility.

4. The existing dog kennels and office on the subject property were originally established by the Hawaii Island Humane Society during 1973.

5. The Hawaii Island Humane Society is a non-profit organization dedicated to the prevention of cruelty to animals. The Humane Society is under contract to the County of Hawaii to perform "pound duties" for East Hawaii, including the districts of Hilo, Hamakua, Puna, and Volcano.

6. In 1977, 6,376 animals were sheltered at the Hawaii Island Humane Society facility accounting for the need for additional kennel space.

7. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the area as orchard. The property is presently zoned Agricultural 10-acre (A-10a).

8. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class E or very poor for the subject property. The subject property is not classified as Agricultural Lands of Importance to the State of Hawaii by the Department of Agriculture.

9. The County Department of Water Supply noted that water is available to the subject site from the 8-inch waterline along Keaau-Pahoa Road.

10. Fire and police protection are available from the Keaau Town Station.

11. The subject property contains lands which consist of Pahoehoe lava with no soil covering and no agricultural uses have as yet been established.

12. The State Department of Transportation, Hawaii Electric Light Company, Inc., Department of Research and Development, Fire Department, Department of Public Works, State Department of Agriculture, Police Department, and Department of Health had no objections to the permit request.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in a rural district may be permitted by special permit pursuant to HRS Chapter 205-6, and State Land Use Commission District Regulation, Part V.

2. The use described in the special permit is not contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

3. The desired use will not adversely affect surrounding property.

4. The petitioned use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protections.

5. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

6. The use described in the petition is an unusual and reasonable use pursuant to HRS Chapter 205-6 and State Land Use Commission District Regulation, Part V.


DECISION AND ORDER

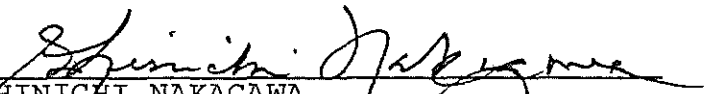
IT IS HEREBY ORDERED:


That Special Permit Number 78-297 to allow the addition of kennels and a garage, and to legitimize the already existing Hawaii County Humane Society use on 2.8 acres of land situate at the State Land Use Agricultural District at Keaau, Puna, Hawaii, Tax Map Key 1-6-3:74, is approved subject to the following conditions:

1. That construction of the kennels shall commence within one (1) year from the date of receipt of the final plan approval and shall be completed within two (2) years thereafter.
2. That the Petitioner comply with State Department of Health requirements.
3. That all other applicable rules and regulations shall be complied with.
4. That should any of the foregoing conditions not be complied with, the special permit may be deemed null and void.

DATED: Honolulu, Hawaii, July 3, 1978.


C.W. DUKE
Chairman and Commissioner


SHINICHI NAKAGAWA
Vice Chairman and Commissioner


JAMES CARRAS
Commissioner

Colette Y. Machado

COLETTE MACHADO
Commissioner and Member

Shinsei Miyasato

SHINSEI MIYASATO
Commissioner and Member

George Pascua

GEORGE PASCUA
Commissioner and Member

Carol B. Whitesell

CAROL WHITESELL
Commissioner and Member

Edward Yanai

EDWARD YANAI
Commissioner and Member

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
for Special Permit of Hawaii Island) SP78-297 - HAWAII
Humane Society, SPCA) ISLAND HUMANE SOCIETY, SPCA


CERTIFICATE OF SERVICE

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

Sidney Fuke, Planning Director
Hawaii Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Mrs. Amy Gamble Lennon, President
Hawaii Island Humane Society, SPCA
SR 16-870
Keaau, Hawaii 96749

Dated: Honolulu, Hawaii, this 5th day of July, 1978.


GORDAN Y. FURUTANI
Executive Officer
Land Use Commission