

August 21, 1978

Mr. Guy A. Paul, Police Chief
County of Hawaii Police Department
349 Kapiolani Street
Hilo, HI 96720

Dear Chief Paul:

Special Permit Application
County of Hawaii Police Department
Tax Map Key 3-4-04:portion of 4

The Planning Commission at its regular meeting of August 16, 1978, considered your application for a Special Permit to allow the establishment of an outdoor pistol range on approximately 1.5 acres of land situated within the State Land Use Agricultural District at Kai'aakea, North Hilo, Hawaii.

The Commission voted to forward a favorable recommendation to the Land Use Commission subject to the following conditions:

1. That the site upon which the pistol range is to be established shall be defined by metes and bounds and shall not exceed 15 $\frac{1}{2}$ acres. The metes and bounds description shall be submitted to the Planning Director and shall be filed with the State Land Use Commission.
2. That the petitioner shall establish the pistol range use within one (1) year from the filing of the metes and bounds description with the State Land Use Commission.
3. That should Laupahoehoe Sugar Company terminate its memorandum of agreement with the petitioner, the petitioner shall immediately notify the Planning Director in writing and action to nullify the Special Permit shall be initiated.

4. That upon receipt of complaints about the pistol range the Planning Director shall investigate such complaints and prepare a report to the Planning Commission, including a recommendation for corrective action.
5. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void by the Planning Commission.

In the meantime, should you have any questions please feel free to contact the Planning Department at 961-8288.

Sincerely,



William F. Mielcke
Chairman, Planning Commission

smn

cc: State Land Use Commission
Land Use Division, DPED

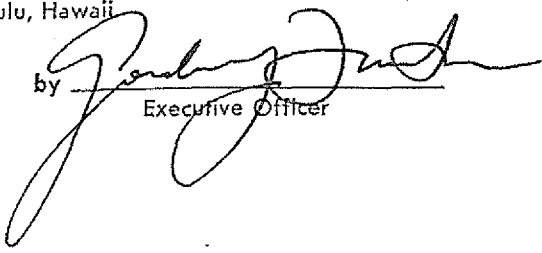
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)
Petition for Special Permit)
of HAWAII COUNTY POLICE)
DEPARTMENT)

SP78-318
HAWAII COUNTY POLICE
DEPARTMENT

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

APR 20 1979
Date

by 
Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)	SP78-318
Petition for Special Permit)	
of HAWAII COUNTY POLICE)	FINDINGS OF FACT,
DEPARTMENT)	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 and conclusions of law.

FINDINGS OF FACT

1. The Petition for Special Permit was filed by the HAWAII COUNTY POLICE DEPARTMENT to allow the establishment of an outdoor pistol range on approximately 1.5 acres of land situated within the State Land Use Agricultural District at Kai'aakea, North Hilo, Hawaii, Tax Map Key 3-4-04: portion of 4.

2. The subject property is situated approximately 0.7 mile west of the Hawaii Belt Highway at Kai'aakea, North Hilo.

3. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject area as Intensive and Extensive Agriculture. The property is presently zoned Agricultural 20-acres (A-20a).

4. The Land Study Bureau's overall master productivity soil ratings for agricultural use are Class "E" and Class "C" for the subject site.

5. The proposed site is a narrow strip approximately 150 feet wide and 450 feet long that is bounded by a 50-foot high quarried rock wall on the north and a deep stream gulch on the south.

6. The lands surrounding the subject site are under sugar cultivation. The Kai'aakea Plantation Camp is located 0.5 mile southwest of the subject site.

7. The State Department of Agriculture, Department of Health, Department of Education, County Department of Water Supply, Department of Public Works, Fire Department, Department of Parks and Recreation, and Hawaii Electric Light Company, Inc., had no objections to the proposed use.

8. The County Planning Department has recommended approval of the Special Permit request.

9. The Hawaii County Planning Commission held a public hearing for the Special Permit application on July 20, 1978.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in an agricultural district may be permitted by Special Permit pursuant to HRS Chapter 205-6, and the State Land Use Commission District Regulation, Part V.

2. The approval of the subject request will be consistent with the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The area under consideration is classified Agricultural by the

State Land Use Commission. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands but which are not suited to agricultural and ancillary uses by reasons of topography, soils and other related characteristics may be included in the Agricultural District.

3. The subject property is the site of a former quarrying operation and is limited in size and level ground area. Immediate access to the site is also limited. These characteristics curtail the suitability and the feasibility of the site for commercial cultivation. The use of the subject site as a police firing range will not be contrary to the overall intent and purpose of the Land Use Law and Regulations. The use of the subject area for the proposed firing range will be in the public interest since it will provide a firearms training site for police personnel.

4. The granting of the Special Permit will not militate against the County General Plan provision of protecting and maintaining prime agricultural land from urban encroachment. The proposed use of the site will neither remove present agricultural land from production nor preempt continued agricultural use of the surrounding properties. The site itself is unsuited to cultivation. As a result, the establishment of the proposed use will not detract from the overall agricultural productivity or potential of the region, County or State.

5. The use will not adversely affect surrounding properties. The surrounding area is used for sugar cane cultivation. The purpose of the subject request is to provide a firing range for the training of police personnel within an abandoned quarry. The proposed use will be within a depressed

area which is buffered from surrounding lands by a fifty to sixty foot high quarried wall to the north and by a deep stream gulch to the south. The proposed activity will be conducted on an infrequent basis. This action is not expected to interfere with the cultivation of sugar cane on surrounding lands.

6. The use will not substantially alter or change the essential character of the land and its present use. The rock quarrying operation at the site ceased many years ago and the site has been unused since that time. The establishment of the proposed firing range will not require structural improvements nor will it generate infrastructural requirements.

7. 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 78-318 for the establishment of an outdoor pistol range on approximately 1.5 acres of land situated with the State Land Use Agricultural District at Kai'aakea, North Hilo, Hawaii, Tax Map Key 3-4-04: portion of 4, be approved subject to the following conditions:

1. That the site upon which the pistol range is to be established shall be defined by metes and bounds and shall not exceed 1.5[±] acres. The metes and bounds description shall be submitted to the Planning Director and shall be filed with the State Land Use Commission.

2. That the Petitioner shall establish the pistol range use within one (1) year from the filing of the metes and bounds description with the State Land Use Commission.

3. That should Laupahoehoe Sugar Company terminate its memorandum of agreement with the Petitioner, the Petitioner shall immediately notify the Planning Director in writing and action to nullify the Special Permit shall be initiated.

4. That upon receipt of complaints about the pistol range, the Planning Director shall investigate such complaints and prepare a report to the Planning Commission, including a recommendation for corrective action.

5. That all other applicable rules, regulations and requirements shall be complied with.

6. That should any of the foregoing conditions not be met, the Special Permit may be deemed null and void by the Planning Commission.

DATED: Honolulu, Hawaii, April 18, 1979.

LAND USE COMMISSION

By C. W. Duke
C. W. DUKE
Chairman and Commissioner

By Shinichi Nakagawa
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By James R. Carras
JAMES R. CARRAS
Commissioner

By _____
COLETTE Y. MACHADO
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By *Mitsuo Oura*
MITSUO OURA
Commissioner

By *George R. Pascua*
GEORGE R. PASCUA
Commissioner

By *Carol B. Whitesell*
CAROL B. WHITESELL
Commissioner

By *E. Yanai*
EDWARD R. YANAI
Commissioner

BEFORE THE LAND USE COMMISSION
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HAWAII COUNTY POLICE DEPARTMENT) HAWAII COUNTY POLICE
DEPARTMENT)
_____)

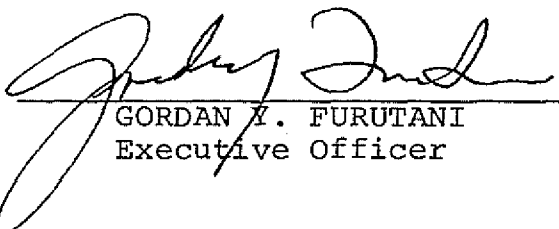
CERTIFICATE OF SERVICE

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

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

GUY A. PAUL, Police Chief
County of Hawaii Police Department
349 Kapiolani Street
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 20th day of April, 1979.



GORDAN Y. FURUTANI
Executive Officer