BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition for Special Permit of	)	SP82-352
COUNTY OF HAWAII DEPARTMENT OF PARKS AND RECREATION	)	COUNTY OF HAWAII DEPARTMENT OF PARKS AND RECREATION

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 8 1982 by _____
Date Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition for Special Permit of	)	SP82-352
COUNTY OF HAWAII DEPARTMENT OF PARKS AND RECREATION	)	FINDINGS OF FACT, CONCLUSIONS OF LAW DECISION AND ORDER

FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER

The Land Use Commission of the State of Hawaii, having duly considered the entire record in the above-entitled matter matter on February 2, 1982 at Kahului, Maui, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Petition for Special Permit was filed by the County of Hawaii Department of Parks and Recreation to allow the development and use of a motorcycle training and competition facility on 90 acres of land situated within the State Land Use Agricultural Distrct at Waiakea, South Hilo, Island of Hawaii, Tax Map Key 2-1-13: portion of 02.

2. The subject property abuts the South Hilo-Puna District boundary approximately two miles east of Kanoelehua Avenue, and adjoins the eastern boundary of the existing Panaewa Drag Strip complex.

3. The proposed improvements include the clearing, grubbing and contour grading of the site, extension of a water-line from the drag racing complex, grading an area for parking and construction of a pit area, motorcycle track and course, spectator and concession facilities and comfort station.

4. The subject property is zoned Agricultural-20 acres, and designated "Orchards" on the Land Use Pattern Allocation Guide (LUPAG) Map of the County of Hawaii General Plan.

5. The Land Study Bureau's overall master productivity soil rating for agricultural use is "E" or very poor for soils of the subject site. Rainfall in the vicinity averages about 144 inches per year.

6. Land uses surrounding the subject site include the drag strip, macadamia nut orchards and vacant lands. The nearest residential subdivision is situated approximately 6,000 feet west of the subject property.

7. Access to the subject area would be through the same temporary road that provides entry to the drag strip.

8. On October 13, 1978, the State Board of Land and Natural Resources voted to recommend that an executive order be issued setting aside the subject area for a motorcycle training and competition facility to the Governor. This recommendation was made subject to a condition that the County Department of Parks and Recreation obtain a special permit or district boundary amendment prior to the issuance of the executive order.

9. The application for subject special permit was filed with the County Planning Commission on November 4, 1981. On December 17, 1981, the Hawaii County Planning Commission held a public hearing on the special permit request. Based on the reasons presented by the Petitioner and the findings and recommendations of the County Planning Department, the Planning Commission voted unanimously to forward a recommendation for approval to the State Land Use Commission subject to conditions recommended by the planning department staff.

10. The findings of the County Planning Commission and the entire record of the proceedings was received by the Land Use Commission on December 13, 1981.

CONCLUSION 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 Chapter 205-6, Hawaii Revised Statutes, State Land Use Commission's District Regulations, Part V.

2. The determination of "unusual and reasonable" use$ is accomplished by applying the following five guidelines set forth in Section 5-2 of the State Land Use Commission's District Regulations.

(1) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

(2) That the desired use would not adversely affect surrounding property.

(3) Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.

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

(5) That the land upon which the proposed use is sought is unsuited for the uses permitted within the District.

The evidence and findings in the record forwarded by the Hawaii County Planning Commission do not clearly and adequately show that each of the five tests for granting a special permit have been met.

3. The record does not indicate the Hawaii County Planning Commission considered sufficient evidence to establish findings that the use is not contrary to the objectives of the land use law; that unusual conditions, trends and needs have arisen since the district boundaries and regulations were established and that the proposed use would not unreasonably burden public agencies to provide public services and facilities.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit Petition No. 82-352 for development of a motorcycle training and competition facility on ninety (90) acres of land situated within the State Land Use Agricultural District at Waiakea, South Hilo, Island of Hawaii, Tax Map Key 2-1-13: portion of 02, be and is hereby denied for the reasons stated in the foregoing conclusions of law.

DATED: Honolulu, Hawaii, April 8, 1982.

LAND USE COMMISSION
STATE OF HAWAII

By _____
WILLIAM W. L. YUEN, Chairman and Commissioner

By _____
RICHARD B. F. CHOY, Commissioner

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition for Special Permit of COUNTY OF HAWAII DEPARTMENT OF PARKS AND RECREATION	)	SP82-352

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 FUKE, Planning Director
County of Hawaii Planning Department
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 8th day of April, 1982.

GORDAN Y. FURUTANI
Executive Officer