

PLANNING COMMISSION OF THE PLANNING DEPARTMENT
COUNTY OF HAWAII

In the Matter of the Appeal of)
the Board of Land and Natural)
Resources, State of Hawaii)
Tax Map Key: 2-4-13:1)
_____)

Use Permit Application
No. 4

FINDINGS OF FACT

CONCLUSIONS OF LAW

and

DECISION AND ORDER

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The above-entitled matter was brought on for hearing before the Planning Commission of the Planning Department, County of Hawaii, on the 19th day of November, 1970 in the County Council Room, County Building, Hilo, Hawaii at which hearing JAMES CLARKE, appeared on behalf of the Applicant, Board of Land and Natural Resources, and the Planning Commission having heard the testimony and having examined the exhibits does hereby declare its Findings of Fact, Conclusions of Law, and Decision and Order.

FINDINGS OF FACT

1. A 'use permit' to utilize a twenty (20) acre parcel, described as Tax Map Key 2-4-13:1, for the grazing of cattle was received on October 9, 1970.

2. A preliminary hearing was held on November 5, 1970 and the matter was scheduled for a public hearing.

3. A public hearing was held on November 19, 1970.

4. The undeveloped twenty (20) acre parcel, owned by the State of Hawaii, fronts Puainako Street, mauka of Pohakulani Street, in the Waiakea Homesteads 1st series area, Waiakea, South Hilo, Hawaii.

5. The subject area is zoned as a 'Single Family Residential' District.

6. Abutting the subject parcel is a twenty (20) acre undeveloped parcel on the mauka side and an eighteen and eight-tenths (18.8) acre undeveloped parcel in the Puna direction. Makai of the area under consideration are residential lots which front on Pohakulani Street. These lots range in size from ten thousand eight hundred (10,800) square feet to two and one-half (2-1/2) acres and have fourteen (14) residential dwellings constructed on them. Across Puainako Street is located the Puainako Houselots Subdivision which contain no dwellings at the present.

7. The State Board of Land and Natural Resources requested the temporary use permit due to the withdrawal of property from a lease that had five (5) more years to run. The withdrawal of the property from the existing lease was to make house lots available.

8. The Board of Land and Natural Resources agreed to issue a temporary grazing permit on a month-to-month basis on the subject parcel if the County agree to it.

9. Individual public hearing notices were sent to surrounding land owners within a five hundred (500) foot radius.

CONCLUSIONS OF LAW

1. The Planning Commission has jurisdiction to hear and decide special exceptions from the permitted uses of each district of the Zoning Ordinance upon which the Commission is required to pass under such ordinance.

2. All procedural requirements as prescribed by law have been complied with.

3. The requirements for the granting of a use permit have not been met.

DECISION AND ORDER

Based on the testimony and exhibits introduced at the hearing and the foregoing Findings of Fact and Conclusions of Law, it is the decision of the Planning Commission and it is hereby ordered that the application of the Board of Land and Natural Resources for a use permit from Section 9-B of Zoning Ordinance No. 63, pertaining to utilizing a residential zoned parcel, Tax Map Key 2-4-13:1, located in Waiakea, South Hilo, Hawaii, be and is hereby denied on its merits.

Dated at Hilo, Hawaii, this 29th day of April,
1971.

PLANNING COMMISSION

By O. W. [Signature]
Chairman