


MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720 Ed

To: Chief Engineer

Date:
July 25, 1990

From:  Planning Director

Subject: Roadway Access Requirements - Subdivisions

In light of the recent decision by DLNR to cease the issuance of roadway easements or right-of-entry for access purposes over and across State roads and streets, we find that several pending subdivisions may be adversely impacted until this dispute can be resolved.

These subdivision applications include a requirement, that the subdivider secure approval from DLNR for the use and improvement of "old government roads" which are under the jurisdiction of the State, and are not maintained by the County as a condition of tentative subdivision approval. With the position currently being taken by DLNR, it would be impossible to meet with this requirement.

Section 23-34 of the Subdivision Code states that "Each subdivided lot shall abut upon a public street or approved private street." It would seem that if there is no dispute on whether or not the street is public, then the jurisdictional differences - State or County ownership - should not be a compelling issue for subdivision purposes; or at least not an issue that the applicant should be held in abeyance for if there are jurisdiction problems between our governments.

I would appreciate your comments and consideration on this point at the earliest opportunity. In the meantime, please feel free to call me if further discussion is necessary.

DK:mra

cc: Mayors Office
Subdivision Section