



SPECIAL PERMIT	
Petition Received	APR 11 1978
Maps	
Action Span	4/11/78 - 5/26/78
Action Date	
Recordation	5/25/78 omv

SP78-297 - HAWAII ISLAND HUMANE SOCIETY, SPCA

July 5, 1978

Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: SP78-297 - Hawaii Island Humane
Society, SPCA

In reference to our letter to you dated May 17,
1978, enclosed is a copy of the Decision and Order
on SP78-297 for your information and records.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Hawaii Island Humane Society, SPCA

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:

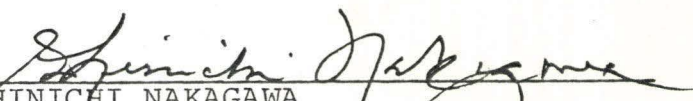
That Special Permit Number 78-297 to allow the addition of kennels and a garage, and to legitimize the already existing Hawaii County Humane Society use on 2.8 acres of land situate at the State Land Use Agricultural District at Keaau, Puna, Hawaii, Tax Map Key 1-6-3:74, is approved subject to the following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

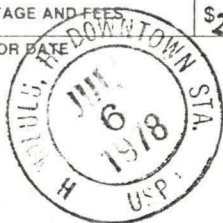
No. 179490

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Sidney Fuke			
STREET AND NO.		25 Aupuni Street			
P.O., STATE AND ZIP CODE		Hilo, Hawaii 96720			
POSTAGE		\$ 1.06			
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE		.80 ^c		
	OPTIONAL SERVICES	SPECIAL DELIVERY		¢	
		RESTRICTED DELIVERY		¢	
		RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		.45 ^c
			SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		¢
			SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY			¢		
TOTAL POSTAGE AND FEES		\$2.31			
POSTMARK OR DATE					



● SENDER: Complete items 1, 2, and 4.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- Show to whom and date delivered.....¢
 - Show to whom, date, and address of delivery.....¢
 - RESTRICTED DELIVERY
Show to whom and date delivered.....¢
 - RESTRICTED DELIVERY.
Show to whom, date, and address of delivery. \$_____
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Sidney Fuke

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	179490	

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE Addressee Authorized agent

DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

110
POSTMARK
JUL
7
1910

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

A75-404-Hondson; SP76-251 Cuelik;


SP78-297-Haw. Binne Soc; SP78-298-86c-8Ld5

No. 179493

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Amy Gamble Lennon			
STREET AND NO.		SR 16-870			
P.O., STATE AND ZIP CODE		Keaau, Hawaii 96749			
POSTAGE		\$.28			
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE		.80 ¢		
	OPTIONAL SERVICES	SPECIAL DELIVERY		¢	
		RESTRICTED DELIVERY		¢	
		RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		.45 ¢
			SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		¢
			SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		¢
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		¢		
TOTAL POSTAGE AND FEES		\$ 1.53			
POSTMARK OR DATE					
					

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

- SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- Show to whom and date delivered. ¢
 Show to whom, date, and address of delivery. ¢
 RESTRICTED DELIVERY
 Show to whom and date delivered. ¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mrs. Amy Gamble Lennon, Pres.
Hawaii Island Humane Society

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	179493	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

[Handwritten Signature]

4.

DATE OF DELIVERY

JUL 10 1978

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

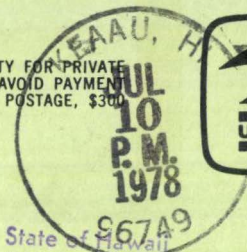
Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



State of Hawaii
LAND USE COMMISSION
Suite 1795, Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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

May 17, 1978

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

Dear Mrs. Lannon:

The original of the attached letter is on file in the office of the Hawaii County Planning Department, 25 Aupuni Street, Hilo, Hawaii.

Please be advised that failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP78-297 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encls.

May 17, 1978

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

At its meeting on May 11, 1978, the Land Use Commission voted to approve a Special Permit request by Hawaii Island Humane Society, SPCA, Hawaii (SP78-297) to allow the addition of kennels and a garage, and to legitimize the existing 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.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission. Please be advised that the petitioner's failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP78-297 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.

cc: Hawaii Island Humane Society, SPCA

May 17, 1978

Department of Planning and
Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

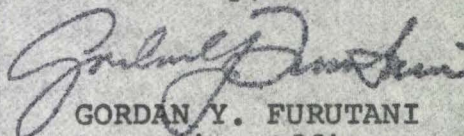
Attention: Mr. Hideto Kono, Director

Gentlemen:

At its meeting on May 11, 1978, the Land Use Commission voted to approve a Special Permit request by Hawaii Island Humane Society, SPCA, Hawaii (SP78-297) to allow the addition of kennels and a garage, and to legitimize the existing 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. Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission.

Please note that a copy of the Land Use Commission's Decision and Order on this matter is on file at the Commission's office.

Sincerely,



GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.

cc: Department of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Office of Environmental Quality Control
Division of Land Management, DLNR

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Senate Conference Room 5
State Capitol
Honolulu, Hawaii

May 11, 1978 - 10:00 a.m.

Approved

JUL 18 1978

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
James Carras
Colette Machado
Shinsei Miyasato
Edward Yanai
George Pascua
Carol Whitesell

COMMISSIONER ABSENT: Mitsuo Oura

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

ELECTION OF OFFICERS

Upon motion by Commissioner Pascua, seconded by Commissioner Miyasato, it was unanimously agreed to rearrange the order of the agenda to consider the election of officers as the first item.

Acting Chairman Duke relinquished the Chair to the Executive Officer, who called for nominations for the office of Chairman.

Commissioner Machado nominated Vice Chairman Duke for the office of Chairman of the Land Use Commission. Since there were no other nominations, Vice Chairman Duke was elected Chairman.

Chairman Duke opened the floor for nominations for the office of Vice Chairman.

Commissioner Whitesell nominated Commissioner Nakagawa for the office. Commissioner Nakagawa nominated Commissioner Carras; however, Commissioner Carras declined the nomination. Commissioner Pascua moved to close the nominations, which was seconded by Commissioner Machado and carried.

Chairman Duke declared that Commissioner Nakagawa was unanimously elected as Vice Chairman of the Commission.

At the Chairman's request, Mr. Bush, representing the petitioner, offered a detailed account of the reasons for the motion. It was brought out that the request to develop the mauka area first was really an operational matter to eliminate the nuisance and hazards which could be created by the trafficking of cane haul trucks through the makai area.

For the record, it was stated by the Executive Officer that both the Hawaii County Planning Department and DPED had not voiced any objections to the request by Honokaa Sugar Company.

Commissioner Carras moved to grant the motion to amend the conditions in the Decision and Order, requested by Honokaa Sugar Company, which was seconded by Commissioner Pascua and carried unanimously.

SP76-251 - MANFRED B. CIESLIK
EXTENSION OF TIME REQUEST

Mr. Yasui noted a correction in the staff report; i.e. "billiard use" described as a facility within the bowling center on page 1, paragraph 3, in the staff report should be deleted. A resume of the report was also presented.

Chairman Duke noted for the record that the Commission had been advised by the Deputy Attorney General that when a time condition on a Special Permit expires--legally, the permit becomes null and void. However, since the legal opinion had only been rendered today, Chairman Duke did not feel the Commission should make an example of the subject Special Permit. Instead, he directed staff to notify all county planning commissions and planning departments that the Land Use Commission, in the future, will strictly enforce the time conditions stipulated in approving Special Permits, and in case of non-compliance with the time conditions, the Special Permit will automatically become null and void. Moreover, Chairman Duke stated that the responsibility for monitoring compliance of conditions imposed in Special Permits should lie with the county.

Commissioner Carras moved that the time extension request be approved. The motion was seconded by Commissioner Pascua and unanimously carried.

SP78-297 - HAWAII ISLAND HUMANE SOCIETY
SPECIAL PERMIT TO ALLOW THE ADDITION OF KENNELS AND A GARAGE,
AND TO LEGITIMIZE THE EXISTING HUMANE SOCIETY USE AT KEAAU, PUNA,
HAWAII

Mr. Yasui presented a resume of the subject request and pointed out the location of the property.

Commissioner Carras moved to approve the Special Permit, which was seconded by Commissioner Pascua and carried.

SP78-298 - SUISAN COMPANY, LIMITED

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A FRUIT PROCESSING PLANT WITH RETAIL SALES FACILITIES AT PANAEWA FARM LOTS, WAIAKEA, SOUTH HILO, HAWAII

Mr. Yasui reported on the significant aspects of the proposed use being requested under this Special Permit.

Discussion centered around the time period for the effective date of the Special Permit and the completion of the structures.

Commissioner Carras moved that the Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission. It was seconded by Commissioner Whitesell and the motion was carried.

2:00 p.m.

ADOPTION OF MINUTES

The minutes of January 17, 1978, January 18, 1978 and January 19, 1978 were approved as circulated.

MEETING SCHEDULE

The tentative meeting schedule was discussed. It was agreed that the next meeting of the Commission will be held on Kauai on May 25, 1978.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP78-297 - Hawaii Island
Humane Society, SPCA

DATE May 11, 1978

PLACE Senate Conf. Rm. 5
State Capitol

TIME 10:00 a.m.

M
5

NAME	YES	NO	ABSTAIN	ABSENT
YANAI, EDWARD	X			
CARRAS, JAMES	X			
PASCUA, GEORGE R.	X			
WHITESELL, CAROL	X			
NAKAGAWA, SHINICHI	X			
OURA, MITSUO				
MIYASATO, SHINSEI	X			
MACHADO, COLETTE	X			
DUKE, CHARLES	X			

Comments:

I move that we approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission.

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

April 28, 1978

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

Dear Mr. Fuke:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

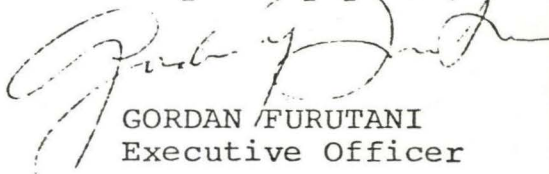
Please note that petitions

- ✓ SP78-297 - Hawaii Island Humane Society, SPCA
 - SP78-298 - Suisan Company, Limited
-

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

April 28, 1978

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

Dear Mrs. Lannon:

Enclosed is a Notice of Land Use Commission meeting and the
Agenda for the Meeting.

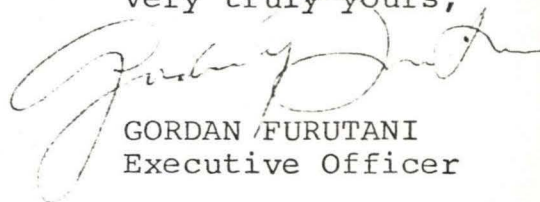
Please note that petition

SP78-297 - Hawaii Island Humane Society, SPCA

will be acted on at that time.

Should you have any questions on this matter, please contact
this office.

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME, & PLACE

May 11, 1978 - 10:00 a.m.
Senate Conference Room 5
Second Floor
State Capitol
Honolulu, Hawaii

A G E N D A

I. ACTION

1. A76-418 - Moana Corporation

Motion to Amend Conditions in Decision and Order

2. A75-404 - Honokaa Sugar Company

Motion to Amend Conditions in Decision and Order

3. SP76-251 - Manfred B. Cieslik - Extension of Time Request

To allow a one year time extension to commence construction of a bowling center facility on approximately three (3) acres of land situated within the State Land Use Agricultural District at Keahuolu, North Kona, Hawaii.

✓ 4. SP78-297 - Hawaii Island Humane Society, SPCA

To allow the addition of kennels and a garage, and to legitimize the existing Humane Society use on 2.8 acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii.

5. SP78-298 - Suisan Company, Limited

To allow the establishment of a fruit processing plant with retail sales facilities on approximately 2.8 acres of land situated within the State Land Use Agricultural District at Panaewa Farm Lots, 2nd Series, Waiakea, South Hilo, Hawaii.

II. MISCELLANEOUS

1. Adoption of Minutes

4/28/78 - A COPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATIONS ON THE ATTACHED MAILING LISTS:

1. STATEWIDE 2. KAUAI 3. HAWAII

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission DATE: May 11, 1978
FROM: Staff
SUBJECT: SP78-297 - Hawaii Island Humane Society, SPCA

The petitioner, Hawaii Island Humane Society, is requesting a Special Permit to allow the addition of kennels and a garage, and to legitimize the existing 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. 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.

The subject property presently contains an office, parking area, eleven (11) dogs kennels and a cattery. The petitioner proposes to add six (6) more kennels and a thirty (30)-foot wide garage to the facility.

The existing dog kennel and office use of the subject property was originally approved by the County of Hawaii in 1973 and subsequently established by the Hawaii Island Humane Society during that same year. At that time, the Humane Society's kennels and office were deemed a permitted use within the Agricultural District under the definition of "animal husbandry".

Subsequently, the Hawaii Island Humane Society submitted plans for additional kennels and a garage at the existing facility. However, the County Planning Director, in a letter dated December 6, 1977, stated that the kennel was not a permissible use within the Agricultural District and that a Special Permit would be required. To remove all doubt as to the legitimacy of the kennel use of the subject property, a Special Permit is being required.

In support of the request, the petitioner has in part stated the following:

"The Hawaii Island Humane Society would like to request permission to expand their present facilities. The expansion would include four additional kennels, two large kennels and an open-sided garage area. This will be built with funds raised by the Humane Society

through donations, contributions and fund-raising activities.

"The Hawaii Island Humane Society is a non-profit organization dedicated to the prevention of cruelty to animals. Our Keaau shelter was constructed in 1973 on 2.8 acres of land given to the Humane Society by the late Herbert Shipman with the expressed wish that it be used for kennels. At the shelter we provide temporary and/or permanent homes for unwanted, abandoned, stray, sick or injured animals. We are under contract to the County to perform pound duties for East Hawaii, including the districts of Hilo, Hamakua, Puna and Volcano. In addition the Humane Society works toward the education of children and adults in the proper care and treatment of animals. Our spay and Neuter incentive program encourages pet owners to have their animals surgically sterilized. These programs are made possible through donations and Humane Society fund-raising. We are on call 24 hours each day to rescue injured or sick animals. Our intentions are to work through the community toward more humane treatment of animals.

"The present facilities include 11 kennels, a cattery and office building. During the 12 months of 1977, 6,376 animals passed through the shelter. It is due to these numbers of animals handled that we find the need for additional kennel space.

"We would like to show in the following paragraphs that the use we are making of this land is, and will not be, contrary to the objectives of the Land Use Law and Regulations.

"a) The Hawaii Island Humane Society has operated its Keaau Shelter since its construction in 1973 and has, during that time, provided a much needed service to the community.

"b) We are located in a rather remote area about one and one-half miles from Keaau town and approximately six miles from Pahoa on the Pahoa Highway (H-13). On our left is the Keaau dump which is a twenty acre parcel with refuse containers and which is operated by the County. On our right are some buildings which are used infrequently for bee-keeping and honey processing. Across the highway and down is the newly built Girl Scout Center. We have never had any complaints from our neighbors. These operations would not be adversely affected by any additions we would make to our kennels.

- "c) The additions would place no burden on public agencies to provide any further services such as roads, streets, sewage, or police protection.
- "d) To our knowledge no unusual conditions, trends, or needs have arisen since the district boundaries and regulations were established.
- "e) The land upon which the proposed use is sought is zoned agricultural. The parcel on which we are located is rocky and has no soil to speak of except what we have hauled in. In its natural state it would be considered largely unacceptable for agricultural use.
- "f) The proposed use will not alter the character of the land. The area is presently used for keeping dogs and has been used in this way for the past four years with no adverse effects whatsoever.
- "g) The fact that the Keaau shelter needs additional kennels can be readily observed by a visit to the facility on any day of the week. As previously mentioned, over six thousand dogs and cats were handled at the shelter during 1977. Our present kennels are always run at capacity in an effort to find homes for as many dogs as possible. The problem of overcrowding would be alleviated by additional kennels. We strongly believe this use will make the highest and best use of the land involved for the public welfare."

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).

Surrounding land uses include the Keaau Solid Waste Transfer Station, a Girl Scout facility presently under construction and vacant lands.

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.

Pertinent comments from governmental agencies:

1. Department of Water Supply

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

2. U.S.D.A. Soil Conservation Service

The Soil Conservation Service noted the following with regard to the subject request:

"The Soil Survey of County of Hawaii shows this site is located on rLW Lava flow, pahoehoe. In regards to foundations for low buildings, the applicant should be aware of the fact that there is little or no soil covering the lava. Also, the degree of limitations for septic tank or filter field is severe even though they do have an existing cesspool on the property.

"Apparently, no flooding problem exists at this property."

All other cooperating agencies including 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.

At the public hearing held by the Hawaii Planning Commission on February 23, 1978, two representatives of the petitioner were present to provide additional information concerning the request. No other persons provided testimony for or against the Special Permit. For the Commission's information, the February 23, 1978 hearing transcript has been attached.

On March 22, 1978, the Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based on the following findings:

"That the proposed use will not adversely affect surrounding properties. Surrounding land uses include the Keaau Solid Waste Transfer Station and vacant lands. Given the nature of these uses, it is not expected that the kennel and animal shelter use of the subject property would adversely affect them. In addition, there is a Girl Scout facility being constructed on the opposite side of the Keaau-Pahoehoe Road. The proposed use is not expected to adversely affect the Girl Scout facility as the two (2) uses will be buffered from each other by the intervening highway.

"That the requested use will not unreasonably burden public agencies to provide roads, sewers, water and drainage improvements, and police and fire protection. The subject property currently is serviced with adequate access off the Keaau-Pahoehoe Road and a 6" waterline along the road. Fire and police protection are available from the Keaau stations. None

of the cooperating agencies charged with the responsibility of providing these services had any objections to the subject request.

"That the kennel use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations, which are to preserve, protect and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of public health and welfare of the people of the State of Hawaii. The State Land Use Agricultural district includes land surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The land involved in this particular case consists of Pahoehoe lava with no soil covering. While this land type may be suited for particular kinds of agricultural activities, none have been established in the vicinity on this soil type. Further, in the event that such agricultural use is introduced, it is anticipated that the proposed use will not interfere with those agricultural operations. In addition, use of the subject area for non-agricultural activities is not expected to have adverse effects on the overall agricultural productivity of the district or region. The Humane Society use of the subject property provides the general public with a needed service as is evidenced by the 6,000+ dogs and cats that were handled at the facility during 1977. The use was established on the subject property in 1973, based on the interpretation that the permitted use of animal husbandry in the State Land Use Agricultural District included Humane Society's kennels and offices. Thus, the continued use of the subject property by the Humane Society will promote the objectives sought to be accomplished by the State Land Use Law and Regulations as it will not reduce the agricultural utility of the area while providing a public benefit.

"Further, the Humane Society use of the subject property will promote the General Plan Public Facility goals which states, 'It is the goal of the County to provide public facilities that effectively service community needs and to continue to seek ways of improving public service through better and more functional facilities which are in keeping with environmental and aesthetic concerns of the community.'"

For the Commission's information, the minutes of the March 22, 1978 meeting have been attached.

The favorable recommendation was subject to the following conditions:

- "1. That construction of the kennels shall commence within one (1) year from the date of receipt of final plan approval and shall be completed within two (2) years thereafter.

- "2. That the applicant comply with the State Department of Health requirements.
- "3. That all other applicable rules and regulations shall be complied with."

It was further stated by the Planning Commission that:
"Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."

Lue

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
February 23, 1978

A regularly advertised public hearing, on the application of Hawaii Island Humane Society, SPCA, was called to order at 4:40 p.m. in the Councilroom, County Building, South Hilo, Hawaii, by Chairman William F. Mielcke.

<p>PRESENT: William F. Mielcke Lorraine R. Jitchaku Haruo Murakami Bert H. Nakano Alfredo Orita William J. Paris, Jr. Charles Sakamoto</p> <p>Duane Kanuha, Deputy Planning Director Norman Hayashi, Planner Ilima Piianaia, Planner Keith Kato, Planner</p>	<p>ABSENT: Shigeru Fujimoto J. Walsh Hanley</p> <p>Quirino Antonio, representing Ex-officio Member Akira Fujimoto David Murakami, representing Ex-officio Member Edward Harada Corporation Counsel</p>
--	--

and about 2 people in attendance

CHAIRMAN: Item Number 5 on the agenda. Public hearing on the application of the Hawaii Island Humane Society, SPCA for a Special Permit to allow the addition of kennels and a garage and to legitimize the existing Humane Society use on 2.8 acres of land situated within the State Land Use Agricultural District. The property involved is the site of the Kea'au Animal Shelter located along the east side of the Kea'au-Pahoia Road, approximately 1.5 miles from Kea'au, Kea'au, Puna, TMK: 1-6-03:74.

KATO: (Presented background information on file.)

CHAIRMAN: Thank you, Keith. Commissioners, any questions of the staff's background report on the application of the Hawaii Island Humane Society? If there are no questions on the background report, we'll ask the applicant or a representative of the applicant to come forward.

Yes, thank you. I'll swear both of you in if you'll raise your right hands. Do you swear to tell the truth and nothing but the truth on this matter now before the Hawaii County Planning Commission?

LANNON: I do.

HARTE: I do.

CHAIRMAN: Please sit down and if you would each identify yourself by speaking your name directly into the microphone.

LANNON: I'm Mrs. Amy Lannon, and I'm president of the Hawaii Island Humane Society.

CHAIRMAN: Thank you, Ms. Lannon.

HART: I'm Maile Hart and I'm manager of the Keaau Shelter.

CHAIRMAN: Thank you, Ms. Hart. Do you have anything that you would like to add to the staff's background report, Mrs. Lannon, Ms. Hart?

LANNON: No, I really don't.

CHAIRMAN: Commissioners, do you have any questions of the applicant or the representative of the applicant? Well, staff has done an excellent job on the background and you've waited very patiently here from 3 o'clock until now. All right, thank you.

Members of the Commission, this is an application for a Special Permit. Our action today would be to receive the background report and conduct a public hearing. The voting will be for a motion to continue the public hearing or a motion to close the public hearing. In the event the public hearing is closed we will have a 15-day waiting period before we can take any action on the application. What is your pleasure?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: I move that the public hearing be closed.

CHAIRMAN: Thank you, Commissioner Murakami. Did I hear a second?

NAKANO: Second.

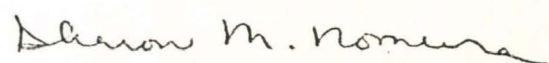
CHAIRMAN: It has been moved by Commissioner Murakami and seconded by Commissioner Nakano that the public hearing be closed. All those in favor so signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Oppose by the same sign? Okay, ladies, the public hearing on your application has been closed. There is a 15-day waiting period before the Commission can act on the application, and we will advise you accordingly at which time it's going to come up.

Public hearing adjourned at 4:55 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T :



William F. Mielcke
Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
March 22, 1978

The Planning Commission met in regular session at 2:00 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Haruo Murakami
Bert H. Nakano
Alfredo Orita
William J. Paris, Jr. (Left at 4:47 p.m.)
Charles H. Sakamoto

ABSENT: Shigeru Fujimoto
Ex-officio Member
Akira Fujimoto

Sidney M. Fuke, Director
Norman Hayashi, Planner (From 4:25 p.m.)
Ilima Piianaia, Planner
William Moore, Planner

David Murakami, representing Ex-officio Member Edward Harada
Roxanna Garcia, Assistant Corporation Counsel

and about 7 people in attendance

MINUTES: It was moved by Commissioner Paris and seconded by Commissioner Jitchaku that the minutes of March 8, 1978, with corrections on Page 5, eighth paragraph, sentences 4 and 5 to read, "Mr. Larry Kurozawa said he was in favor of the proposed subdivision although he did have concerns for the traffic situation.", and Page 6, Amendment No. 1, add, "concurrently with the development of the first zoning increment.", and the minutes of March 9, with correction on page 6, sixth paragraph, change committee to "Commission" be approved as circulated. Motion was carried.

The Planning Director at this time gave a status report on the General Plan, Bikeway Plan, Sign Ordinance, Zoning and Subdivision Code, Community Development Plan and legislative bills.

All those testifying were duly sworn in.

SPECIAL PERMIT
HAWAII ISLAND
HUMANE SOCIETY,
SPCA
KEA'AU, PUNA

Application of the Hawaii Island Humane Society, SPCA for a Special Permit to allow the addition of kennels and a garage and to legitimize the existing Humane Society use on 2.8 acres of land situated within the State Land Use Agricultural District. The property involved is

EXHIBIT X



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

APR 11 1 26 PM '78

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

April 10, 1978

Mr. Gordan Furutani
Executive Officer
Land Use Commission
190 South King Street
Suite 1795
Honolulu, HI 96813

SP78-297

Dear Mr. Furutani:

Special Permit Application
Petitioner: Hawaii Island Humane
Society, SPCA

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and findings of the County Planning Commission on the above application.

The special permit request was to allow the addition of kennels and a garage and to legitimize the existing Humane Society use on 2.8 acres of land situated within the State Land Use Agricultural District in Kea'au, Puna, Hawaii, Tax Map Key 1-6-03:74.

The Planning Commission at a duly advertised public hearing held on February 23, 1978 in the Council Room, County Building, South Hilo, Hawaii, discussed the subject request. The Commission on March 22, 1978, voted to recommend the approval of the special permit to the Land Use Commission based on the following findings:

That the proposed use will not adversely affect surrounding properties. Surrounding land uses include the Keaau Solid Waste Transfer Station and vacant lands. Given the nature of these uses, it is not expected that the kennel and animal shelter use of the subject property would adversely affect them. In addition, there is a Girl Scout facility being constructed on the opposite side of the Keaau-Pahoa Road. The proposed use is not expected to adversely affect the Girl Scout facility as the two (2) uses will be buffered from each other by the intervening highway.

That the requested use will not unreasonably burden public agencies to provide roads, sewers, water and drainage improvements, and police and fire protection. The subject property currently is serviced with adequate access off the Keaau-Pahoa Road and a 6" waterline along the road. Fire and police protection are available from the Keaau stations. None of the cooperating agencies charged with the responsibility of providing these services had any objections to the subject request.

That the kennel use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations, which are to preserve, protect and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of public health and welfare of the people of the State of Hawaii. The State Land Use Agricultural district includes land surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The land involved in this particular case consists of Pahoehoe lava with no soil covering. While this land type may be suited for particular kinds of agricultural activities, none have been established in the vicinity on this soil type. Further, in the event that such agricultural use is introduced, it is anticipated that the proposed use will not interfere with those agricultural operations. In addition, use of the subject area for non-agricultural activities is not expected to have adverse effects on the overall agricultural productivity of the district or region. The Humane Society use of the subject property provides the general public with a needed service as is evidenced by the 6,000+ dogs and cats that were handled at the facility during 1977. The use was established on the subject property in 1973, based on the interpretation that the permitted use of animal husbandry in the State Land Use Agricultural District included Humane Society's kennels and offices. Thus, the continued use of the subject property by the Humane Society will promote the objectives sought to be accomplished by the State Land Use Law and Regulations as it will not reduce the agricultural utility of the area while providing a public benefit.

Further, the Humane Society use of the subject property will promote the General Plan Public Facility goals which states, "It is the goal of the County to provide public facilities that effectively service community needs and to continue to seek ways of improving public service through better and more functional facilities which are in keeping with environmental and aesthetic concerns of the community."

Mr. Gordan Furutani
Page 3

The favorable recommendation was also subject to the following conditions:

1. That construction of the kennels shall commence within one (1) year from the date of receipt of final plan approval and shall be completed within two (2) years thereafter.
2. That the applicant comply with the State Department of Health requirements.
3. That all other applicable rules and regulations shall be complied with.

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

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,



William F. Mielcke
Chairman, Planning Commission

lgv
Enclosures
cc Mrs. Amy Gamble Lannon
Land Use Division, DPED

LIST OF EXHIBITS - HAWAII ISLAND HUMANE SOCIETY, SPCA

- A. Application form
- A-1. Applicant's reasons
- A-2. Applicant's plot plan
- B. Departmental acknowledgement letter (1/17/78)
- C. Memo to Agencies (1/17/78)
- D. DOT, Highways (1/20/78)
- E. Helco (1/20/78)
- F. R & D (1/23/78)
- G. Fire (1/23/78)
- H. Public Works (1/23/78)
- I. Agriculture (1/25/78)
- J. Water Supply (1/26/78)
- K. Police (1/30/78)
- L. Health (1/30/78)
- L.L. SCS (2-3-78)
- M. Letter to surrounding property owners (2/7/78)
- M-1. List of surrounding property owners
- N. Letter to the applicant (2/7/78)
- N-1. Public Hearing Notice
- O. Minutes 2/23/78
- P. Transcript 2/23/78
- Q. Letter to the applicant (2/24/78)
- R. Letter to the applicant (3/10/78)
- S. Staff Background
- T. Staff Recommendation
- U. Location map (return)
- V. Plot Plan (Return)
- W. Voting Sheet

X. Minutes 3/22/78

Y. Letter to the Applicant (3/23/78)

Mr. Noun

APPLICANT: KAHALI'I ISLAND WYAND SOCIETY, INC.

APPLICANT'S SIGNATURE: *Guy Sankle Lannon*

ADDRESS: SR 16-870 KAHALI'I, HAWAII 96749

TELEPHONE: 866-2161 (Maile, Dist)

TAX MAP KEY: 1-6-03 : 74 AREA: 2.8 acres
(Size of Parcel)

OWNER: KAHALI'I ISLAND WYAND SOCIETY

OWNER'S SIGNATURE: *Guy Sankle Lannon*

APPLICANT'S INTEREST, IF NOT OWNER: Interest

REQUESTED USE: Expansion of parcels - four average parcels
two large parcels, addition of garage for trucks
Legitimize entire Wyand Society Use

APPLICANT'S REASON(S) FOR REQUESTING SPECIAL PERMIT: *(Please attach)*

NOTE: The applicant must show that:

- (a) such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- (b) the desired use shall not adversely affect surrounding properties;
- (c) such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
- (d) unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
- (e) the land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- (f) the proposed use will not substantially alter or change the essential character of the land and the present use; and
- (g) the proposed use will make the highest and best use of the land involved for the public welfare.

THIS APPLICATION MUST BE ACCOMPANIED BY:

- (a) 16 copies of the completed application form with attachments.
- (b) 16 copies of a location map.
- (c) 16 copies of a site plan with existing and proposed uses.
- (d) any additional information.
- (e) \$100.00 processing fee.

For Official Use:

Date received _____
 120th day _____
 Public Hearing date _____
 Action date _____
 To Land Use Commission _____

EXHIBIT A

APPLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT'S REASONS FOR REQUESTING SPECIAL PERMIT

The Hawaii Island Humane Society would like to request permission to expand their present facilities. The expansion would include four additional kennels, two large kennels and an open-sided garage area. This will be built with funds raised by the Humane Society through donations, contributions and fund-raising activities.

The Hawaii Island Humane Society is a non-profit organization dedicated to the prevention of cruelty to animals. Our Keauu shelter was constructed in 1973 on 2.3 acres of land given to the Humane Society by the late Herbert Shipman with the expressed wish that it be used for kennels. At the shelter we provide temporary and/or permanent homes for unwanted, abandoned, stray, sick or injured animals. We are under contract to the County to perform pound duties for East Hawaii, including the districts of Hilo, Hamakua, Puna and Volcano. In addition the Humane Society works toward the education of children and adults in the proper care and treatment of animals. Our Spay and Neuter incentive program encourages pet owners to have their animals surgically sterilized. These programs are made possible through donations and Humane Society fund-raising. We are on call 24 hours each day to rescue injured or sick animals. Our intentions are to work through the community toward more humane treatment of animals.

The present facilities include 11 kennels, a cattery and office building. During the 12 months of 1977, 6,376 animals passed through the shelter. It is due to these large numbers of animals handled that we find the need for additional kennel space.

We would like to show in the following paragraphs that the use we are making of this land is, and will not be, contrary to the objectives of the Land Use Law and Regulations.

- a) The Hawaii Island Humane Society has operated its Keauu Shelter since its construction in 1973 and has, during that time, provided a much needed service to the community.
- b) We are located in a rather remote area about one and one-half miles from Keauu town and approximately six miles from Pahoa on the Pahoa Highway (H-13). On our left is the Keauu dump which is a twenty acre parcel with refuse containers and which is operated by the County. On our right are some buildings which are used infrequently for bee-keeping and honey processing. Across the highway and down is the newly built Girl Scout Center. We have never had any complaints from our neighbors. These operations would not be adversely affected by any additions we would make to our kennels.
- c) The additions would place no burden on public agencies to provide any further services such as roads, streets, sewage, or police protection.
- d) To our knowledge no unusual conditions, trends, or needs have arisen since the district boundaries and regulations were established.

EXHIBIT A-1

e) The land upon which the proposed use is sought is zoned agricultural. The parcel on which we are located is rocky and has no soil to speak of except what we have hauled in. In its natural state it would be considered largely unacceptable for agricultural use.

f) The proposed use will not alter the character of the land. The area is presently used for keeping dogs and has been used in this way for the past four years with no adverse effects whatsoever.

g) The fact that the Heaou shelter needs additional kennels can be readily observed by a visit to the facility on any day of the week. As previously mentioned, over six thousand dogs and cats were handled at the shelter during 1977. Our present kennels are always run at capacity in an effort to find homes for as many dogs as possible. The problem of overcrowding would be alleviated by additional kennels. We strongly believe this use will make the best and best use of the land involved for the public welfare.

Respectfully Submitted,

Amy Gamble Lannan

Amy Lannan, President
Hawaii Island Humane Society, INC

EXHIBIT

LOT BOUNDARY

LOT BOUNDARY

LOT BOUNDARY

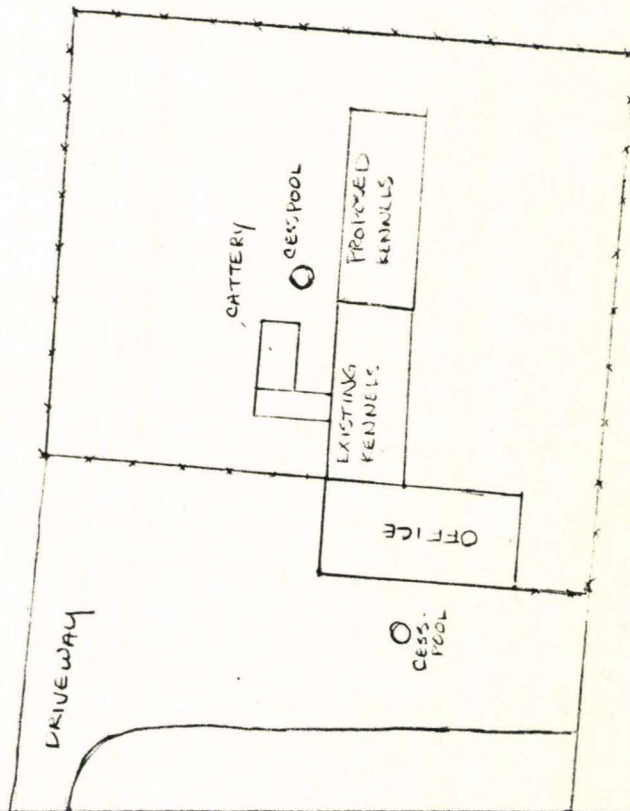


EXHIBIT
A-2

KANU 1.5 MILE

PAHOA ROAD

PAHOA 6 MILES

January 17, 1978

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

Dear Mrs. Lannon:

Special Permit
Humane Society Use; Expansion of Kennels
TMK: 1-6-03:74

This is to acknowledge receipt on January 13, 1978 of the above-described special permit application.

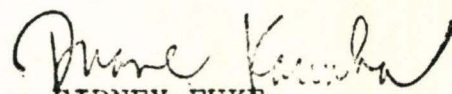
The County Planning Commission shall conduct a public hearing on the request within a period of not less than thirty (30) nor more than one hundred twenty (120) days from the receipt of the application. The Planning Commission shall then act on the application not earlier than fifteen (15) days after the public hearing but within a reasonable time thereafter. Should the Planning Commission recommend favorably on the request, it will then be forwarded to the State Land Use Commission for final action.

However, the Planning Commission may deny the request if it is found that the proposed use does not meet the special permit guidelines. In this case, their decision is final. In accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a denial by the Planning Commission may be appealable to the Circuit Court of the circuit in which the land is situated, in this case, the Third Circuit Court.

Notice of the time and place of the public hearing shall be forwarded when the application is scheduled for Commission action.

Should any questions arise, please contact Ilima Piianaia of this department at 961-8288.

Sincerely,


SIDNEY FUCE
Director

IP:mmk

cc: SLUC
DPED - Land Use Division

EXHIBIT B

JAN 18 1978

COUNTY OF HAWAII
PLANNING DEPARTMENT
Honolulu, Hawaii

RECEIPT

Date Jan - 18 1978 2688

Received From Hawaii Island Humane Society

Address S.R. B+ 16870, Keaau 96749

One hundred and 20/100 - Dollars \$ 100⁰⁰

For Special Permit filing fee
T4K 1-6-03:74

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK	100 ⁰⁰	
BALANCE DUE			MONEY ORDER		

By M Kawasaki

MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R&D,
Police, Fire, Soil Conserv.,
Dept. of Ag., Helco

Date: January 17, 1978

From: *for* *D. Anderson*
Director

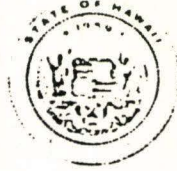
Subject: Special Permit Application
Hawaii Humane Society, SPCA
TMK: 1-6-03:74

The attached application for a special permit is forwarded for your review. May we have written comments within two weeks. Thank you.

mmk
Enclosure

EXHIBIT C

JAN 18 1978



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
HAWAII DISTRICT
50 MAKAALA STREET
P. O. BOX 4277
HILO, HAWAII 96720

IN REPLY REFER TO

HWY-H 78-2.74

January 20, 1978

MEMORANDUM:

TO: Director, Planning Department
County of Hawaii

FROM: District Engineer, Hawaii

SUBJECT: () Change of Zone Application
() Variance Application
() Subdivision Application No.
(X) Special Permit Application
Hawaii Humane Society, SPCA
TMK 1-6-03:74

We have no objections on the proposed action for the subject application.

A handwritten signature in cursive script, appearing to read "Chas L. Schuster".

CHAS L. SCHUSTER

EXHIBIT D



DEPARTMENT OF RESEARCH AND DEVELOPMENT

COUNTY OF HAWAII • 25 AUPUNI STREET • HILO, HAWAII 96720 • TELEPHONE (808) 961-8366

January 23, 1978

MEMORANDUM

TO: PLANNING DEPARTMENT

FROM: RESEARCH AND DEVELOPMENT

SUBJECT: SPECIAL PERMIT APPLICATION
HAWAII HUMANE SOCIETY, SPCA
TMK: 1-6-03:74

With reference to the abovementioned subject, we have no adverse comments.

Clarence W. Garcia
CLARENCE W. GARCIA
DIRECTOR

EXHIBIT F

DATE January 23, 1978

Memorandum

TO : Planning Department

FROM : Hiroshi Shishido, Deputy Fire Chief

SUBJECT: SPECIAL PERMIT APPLICATION
HAWAII HUMANE SOCIETY, SPCA
TMK: 1-6-03:74

We have no objections to the granting of the above application.

Hiroshi Shishido

HIROSHI SHISHIDO
DEPUTY FIRE CHIEF

HS/mo

EXHIBIT G

DEPARTMENT OF PUBLIC WOR.

COUNTY OF HAWAII

HILO, HAWAII

DATE January 23, 1978

Memorandum

TO : Planning Department

FROM : Chief Engineer

SUBJECT: Application for Special Permit
Applicant: Hawaii Humane Society, SPCA
Location: Keaau, Puna, HI
TMK: 1-6-03:74

We have reviewed the subject application and we have no comments to offer.

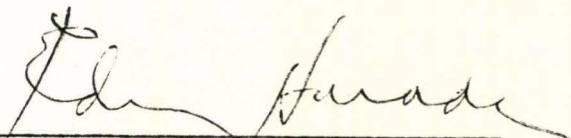

EDWARD HARADA, Chief Engineer

EXHIBIT #1

GEORGE R. ARIYOSHI
GOVERNOR



JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE
YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

BOARD MEMBERS:

ERNEST F. MORGADO
MEMBER - AT - LARGE

MEMBER - AT - LARGE

SHIZUTO KADOTA
HAWAII MEMBER

STEPHEN Q. L. AU
KAUAI MEMBER

FRED M. OGASAWARA
MAUI MEMBER

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 SO. KING STREET
HONOLULU, HAWAII 96814

January 25, 1978

MEMORANDUM

TO: Mr. Sidney Fuke, Director
Planning Department, Hawaii County

SUBJECT: Special Permit Application
HAWAII HUMANE SOCIETY, SPCA
TMK: 1-6-03:74 - Keaau, Hawaii

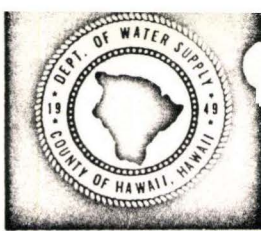
The Department of Agriculture has reviewed the above application. This agency has no objections or comments on the request.

Thank you for the opportunity to comment.

A handwritten signature in cursive script that reads "John Farias, Jr.".

JOHN FARIAS, JR.
Chairman, Board of Agriculture

EXHIBIT I



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

HILO, HAWAII 96720

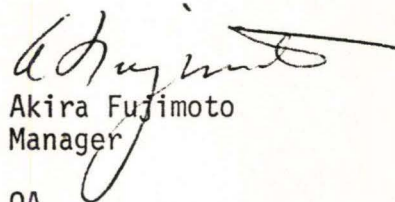
25 AUPUNI STREET

January 26, 1978

TO: Planning Department
FROM: Manager
SUBJECT: SPECIAL PERMIT APPLICATION
APPLICANT - HAWAII ISLAND HUMANE SOCIETY, SPCA
TAX MAP KEY 1-6-03:74

We have no adverse comments or objections to the subject request.

For your information, water is available from the 8-inch waterline along the Keaau-Pahoa Road.


Akira Fujimoto
Manager

QA

... *Water brings progress...*

EXHIBIT J



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE

GUY A. PAUL

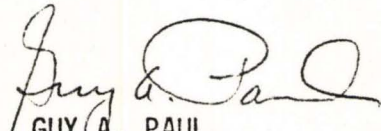
YOUR REFERENCE

CHIEF OF POLICE

January 30, 1978

TO : SIDNEY FUKU, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: SPECIAL PERMIT APPLICATION - HAWAII HUMANE SOCIETY, SPCA
TMK: 1-6-03:75

The special permit application submitted by the Hawaii Humane Society has been reviewed and from the police standpoint, we can foresee no adverse effects from the requested land use.


GUY A. PAUL
CHIEF OF POLICE

AH/RLP/k

EXHIBIT K

MEMORANDUM:

PLANNING DEPARTMENT

County of Hawaii,

Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R&D,
Police, Fire, Soil Conserv.,
Dept. of Ag., Helco

Date: January 17, 1978

From:

D. C. Anderson
Director

Subject: Special Permit Application
Hawaii Humane Society, SPCA
TMK: 1-6-03:74

The attached application for a special permit is forwarded for your review. May we have written comments within two weeks. Thank you.

Department of Health
Hilo, Hawaii
January 30, 1978

COMMENTS

mmk

Enclosure

Found no environmental health concern in the submittals. The facility is located in a remote area.

Harold
HAROLD MATSUURA
Chief Sanitarian, Hawaii

EXHIBIT L

PUNA SOIL AND WATER CONSERVATION DISTRICT

P. O. Box 612
Hilo, Hawaii 96720

February 3, 1978

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

Dear Mr. Fuke:

The Puna Soil and Water Conservation District Board has completed its review of the Special Permit application submitted by Hawaiian Humane Society, SPCA for land parcel TMK 1-6-03:74.

We have attached the resource evaluation prepared by the USDA Soil Conservation Service containing pertinent soils information.

Other Factors Affecting Development:

Upon completion of our field investigation with SCS technicians, it has been determined

See attached SCS report.

We hope that we have been of some assistance. Please do not hesitate to call on us for further clarification should the need arise.

Sincerely,



Charles K. Hoopai
Chairman

Attachment

Exh. Lh

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

P. O. Box 1361, Hilo, Hawaii 96720

February 2, 1978

Mr. Charles Hoopai
Chairman, Puna SWCD
P. O. Box 142
Pahoa, Hawaii 96778

Dear Mr. Hoopai:

The Special Permit Application of the Hawaiian Humane Society, SPCA, TMK 1-6-03:74, has been reviewed at the request of the Puna Soil and Water Conservation District.

The Soil Survey of County of Hawaii shows this site is located on rLW Lava flow, pahoehoe. In regards to foundations for low buildings, the applicant should be aware of the fact that there is little or no soil covering the lava. Also, the degree of limitations for septic tank or filter field is severe even though they do have an existing cesspool on the property.

Apparently, no flooding problem exists at this property.

Sincerely,

Roy Cammack

Roy Cammack
District Conservationist





COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

February 7, 1978

Dear Property Owner: TMK:

Special Permit Application
Kea'au, Puna, Hawaii
Tax Map Key 1-6-03:74

You are hereby notified that a request for a special permit to allow the addition of kennels and a garage and to legitimize the existing Humane Society Use on 2.8 acres of land situated within the State Land Use Agricultural District has been submitted by the petitioner, Hawaii Island Humane Society, SPCA.

The property involved is the site of the Keaau Animal Shelter along the east side of the Kea'au-Paho Road, approximately 1.5 miles from Kea'au, Kea'au, Puna, Hawaii.

A public hearing on the subject among others will be held beginning at 3:00 p.m. on Thursday, February 23, 1978, in the Council Room, County Building, South Hilo, Hawaii.

You are invited to comment on the application at the hearing or submit written comments prior to the hearing.

Sincerely,

Sidney M. Fuku
Director

smn

EXHIBIT m

#3 T.O.
2 #11
Shipman
or
company

SPECIAL PERMIT
HAWAII ISLAND HUMANE SOCIETY, SPC
- HUMANE SOCIETY USE, EXPANSION OF
KENNELS & GARAGE ADDITION
1-6-03:74 (2.8 ACRES)

W.H. Shipman Ltd
1-6-03:2 P.O. Box 950
1-6-04:11 Keolu HI 96749

65 County of Hawaii - Public Works

1-6-04: 11 same as 1-6-03:2
2

February 7, 1978

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

Dear Mrs. Gamble:

Notice of a Public Hearing
Special Permit Application
Tax Map Key 1-6-03:74

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 3:00 p.m. on Thursday, February 23, 1978, in the Council Room, County Building, South Hilo, Hawaii.

The presence of a representative will be appreciated in order that all questions relative to the request may be clarified.

A copy of the hearing notice is enclosed for your information.

Sincerely,

Sidney M. Euke

Sidney M. Euke
Director

smn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT *N*
FEB 9 1978

PUBLIC HEARINGS
PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Council Room, County Building, South Hilo, Hawaii
DATE: Thursday, February 23, 1978
TIME: Item Nos. 1 to 5: 3:00 p.m.
Item Nos. 6 to 7: 7:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. PETITIONER: HARVEY CARMACK

LOCATION: Approximately 4,500 feet northwest of the Volcano Highway in the Pacific Paradise Mountain View Manor Subdivision, Increment 3, 'Ola'a Reservation Lots, 'Ola'a, Puna.

TMK: 1-8-82:77

PURPOSE: Variance to allow the retention of a single family dwelling with a 5'-8½" side yard setback and a 2'-8½" clear space in lieu of the minimum requirements of 8 and 4 feet respectively for an 8,346-square foot lot.

EXHIBIT N-1

2. PETITIONER: STATE OF HAWAII DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
- LOCATION: At the University of Hawaii Hilo College campus, approximately 800 feet makai of the existing Adult Student Housing facilities, Waiakea Cane Lots, Waiakea, South Hilo.
- TMK: 2-4-01:portion of 7
- PURPOSE: Variance to allow the construction of a gymnasium with a height of 48 feet in lieu of the maximum limit of 35 feet as stipulated in the Single Family Residential - 10,000-square foot zoned district.
3. PETITIONER: COUNTY OF HAWAII DEPARTMENT OF PARKS AND RECREATION
- LOCATION: Adjacent to and mauka of the Hilo Boys' Club Complex, Ponahawai, South Hilo.
- TMK: 2-3-20:portions of 2 and 7
- PURPOSE: Change of zone for 7.2 acres of land from a Single Family Residential - 7,500 square foot (RS-7.5) to an Open (O) zoned district.
4. PETITIONER: SUISAN COMPANY, LTD.
- LOCATION: Northeastern side of Kealakai Street, approximately 3,200 feet from Stainback Highway in the Puna direction, Panaewa Farm Lots, 2nd Series, Waiakea, South Hilo.
- TMK: 2-4-49:21 and 22

PURPOSE: Special Permit to allow the establishment of a fruit processing plant with retail sales facilities on 20.483 acres of land situated within the State Land Use Agricultural District.

5. PETITIONER: HAWAII ISLAND HUMANE SOCIETY, SPCA

LOCATION: Site of the Keaau Animal Shelter along the east side of the Kea'au-Pahoa Road, approximately 1.5 miles from Kea'au, Kea'au, Puna.

TMK: 1-6-03:74

PURPOSE: Special Permit to allow the addition of kennels and a garage and to legitimize the existing Humane Society Use on 2.8 acres of land situated within the State Land Use Agricultural District.

6. PETITIONER: SUISAN COMPANY, LTD.

LOCATION: On the Hilo side of Kumau Street and approximately 170 feet makai of Kalaniana'ole Street, Waiakea Warehouse Lots, Waiakea, South Hilo

TMK: 2-1-07:3

PURPOSE: (a) Variance to allow the construction of a cold storage warehouse with a 1'-0" rear yard setback in lieu of the minimum requirement of 20'-0" as stipulated within the General Industrial - 20,000 square foot (MG-20) zone.

(b) Special Management Area (SMA) Use Permit to allow the establishment of a cold-storage warehouse facility and related improvements on 22,387 square feet of land.

7. PETITIONER: STATE OF HAWAII DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT
- LOCATION: About one mile makai of Lava Tree State Park on the east side of Pohoiki Road, Kapoho, Puna.
- TMK: 1-4-01:portion of 2
- PURPOSE: Special Permit to allow the establishment of a geothermal research facility and to conduct flow tests on approximately 4 acres of land situated within the State Land Use Agricultural District.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION
William F. Mielcke, Chairman
By Sidney M. Fuke
Planning Director

(Hawaii Tribune-Herald: February 13 and 21, 1978)

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
February 23, 1978

The Planning Commission met in regular session at 10:00 a.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
Shigeru Fujimoto (Left at 3:00 p.m.)
Lorraine R. Jitchaku
Haruo Murakami
Bert H. Nakano
Alfredo Orita
William J. Paris, Jr.
Charles Sakamoto

ABSENT: J. Walsh Hanley

Duane Kanuha, Deputy Planning Director
Norman Hayashi, Planner
Ilima Piianaia, Planner
Keith Kato, Planner (Left at 5:00 p.m.)

David Murakami, representing Ex-officio Member, Edward Harada (Left at 3:00 p.m.)
Quirino Antonio, representing Ex-officio Member, Akira Fujimoto (Left at 11:30 p.m.)
Lionel Meyer, Deputy Corporation Counsel (From 7:00 p.m.)

and about 10 people at 10:00 a.m., 13 people at 3:00 p.m., and 7 people at 7 p.m.

EXHIBIT 0

✓ SPECIAL PERMIT
HAWAII ISLAND
HUMANE SOCIETY,
SPCA
KEA'AU, PUNA

Public hearing on the application of the Hawaii Island Humane Society, SPCA for a Special Permit to allow the addition of kennels and a garage and to legitimize the existing Humane Society use on 2.8 acres of land situated within the State Land Use

Agricultural District. The property involved is the site of the Kea'au Animal Shelter located along the east side of the Kea'au-Paho Road, approximately 1.5 miles from Kea'au, Kea'au, Puna, TMK: 1-6-03:74.

Staff presented background information on file.

The petitioner's representatives, Mrs. Amy Lannon and Ms. Maile Hart had nothing to add to the staff's background report for the Commissioners' information.

It was moved by Commissioner Murakami and seconded by Commissioner Nakano that the public hearing be closed; motion was carried.

RECESS: The meeting recessed at 4:55 p.m., until the scheduled public hearings at 7:00 p.m.

RECONVENED: The meeting reconvened at 7:00 p.m.

MINUTES: It was moved by Commissioner Murakami and seconded Commissioner Jitchaku that the minutes of February 23, 1978, be approved as circulated.

Staff presented background information and recommendation for approval with conditions on file.

Staff informed the Commissioners that there is approximately 20 feet on the makai side of the subject property so that there is sufficient room for landscaping.

The petitioner's representative, Charles Umamoto, said that they are able to comply with the conditions outlined. Mr. Umamoto stressed that they feel it is very important that they have this cold-storage facility built by summer to be able to handle the summer crops.

Commissioners Sakamoto and Jitchaku expressed their concern on flooding on the makai portion of the parking area and Mr. Umamoto responded by saying he did not have an accurate estimate at present on how much fill would be required. Staff informed that when the petitioner applies for a grading permit, this concern will be reviewed at that time. It was also pointed out that the low area may be within the State-owned parcel.

It was moved by Commissioner Sakamoto and seconded by Commissioner Nakano that the public hearing be closed for both the SMA and Variance applications; motion was carried.

It was moved by Commissioner Sakamoto and seconded by Commissioner Jitchaku that the SMA application be approved with the conditions outlined by the staff. A roll call vote was taken and motion carried with seven ayes.

It was moved by Commissioner Murakami and seconded by Commissioner Jitchaku that the Variance application be approved with the conditions outlined by the staff. A roll call vote was taken and motion carried with seven ayes.

Lue

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
February 23, 1978

A regularly advertised public hearing, on the application of Hawaii Island Humane Society, SPCA, was called to order at 4:40 p.m. in the Councilroom, County Building, South Hilo, Hawaii, by Chairman William F. Mielcke.

<p>PRESENT: William F. Mielcke Lorraine R. Jitchaku Haruo Murakami Bert H. Nakano Alfredo Orita William J. Paris, Jr. Charles Sakamoto</p> <p>Duane Kanuha, Deputy Planning Director Norman Hayashi, Planner Ilima Piianaia, Planner Keith Kato, Planner</p>	<p>ABSENT: Shigeru Fujimoto J. Walsh Hanley</p> <p>Quirino Antonio, representing Ex-officio Member Akira Fujimoto David Murakami, representing Ex-officio Member Edward Harada Corporation Counsel</p>
--	--

and about 2 people in attendance

CHAIRMAN: Item Number 5 on the agenda. Public hearing on the application of the Hawaii Island Humane Society, SPCA for a Special Permit to allow the addition of kennels and a garage and to legitimize the existing Humane Society use on 2.8 acres of land situated within the State Land Use Agricultural District. The property involved is the site of the Kea'au Animal Shelter located along the east side of the Kea'au-Paho Road, approximately 1.5 miles from Kea'au, Kea'au, Puna, TMK: 1-6-03:74.

KATO: (Presented background information on file.)

CHAIRMAN: Thank you, Keith. Commissioners, any questions of the staff's background report on the application of the Hawaii Island Humane Society? If there are no questions on the background report, we'll ask the applicant or a representative of the applicant to come forward.

Yes, thank you. I'll swear both of you in if you'll raise your right hands. Do you swear to tell the truth and nothing but the truth on this matter now before the Hawaii County Planning Commission?

LANNON: I do.

HARTE: I do.

CHAIRMAN: Please sit down and if you would each identify yourself by speaking your name directly into the microphone.

LANNON: I'm Mrs. Amy Lannon, and I'm president of the Hawaii Island Humane Society.

EXHIBIT P

CHAIRMAN: Thank you, Ms. Lannon.

HART: I'm Maile Hart and I'm manager of the Keauu Shelter.

CHAIRMAN: Thank you, Ms. Hart. Do you have anything that you would like to add to the staff's background report, Mrs. Lannon, Ms. Hart?

LANNON: No, I really don't.

CHAIRMAN: Commissioners, do you have any questions of the applicant or the representative of the applicant? Well, staff has done an excellent job on the background and you've waited very patiently here from 3 o'clock until now. All right, thank you.

Members of the Commission, this is an application for a Special Permit. Our action today would be to receive the background report and conduct a public hearing. The voting will be for a motion to continue the public hearing or a motion to close the public hearing. In the event the public hearing is closed we will have a 15-day waiting period before we can take any action on the application. What is your pleasure?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: I move that the public hearing be closed.

CHAIRMAN: Thank you, Commissioner Murakami. Did I hear a second?

NAKANO: Second.

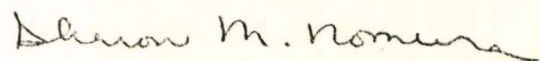
CHAIRMAN: It has been moved by Commissioner Murakami and seconded by Commissioner Nakano that the public hearing be closed. All those in favor so signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Oppose by the same sign? Okay, ladies, the public hearing on your application has been closed. There is a 15-day waiting period before the Commission can act on the application, and we will advise you accordingly at which time it's going to come up.

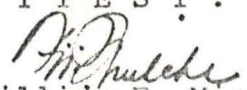
Public hearing adjourned at 4:55 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T :



William F. Mielcke
Chairman, Planning Commission

February 24, 1978

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

Dear Mrs. Lannon:

Special Permit Application
Tax Map Key 1-6-03:74

The Planning Commission at its meeting of February 23, 1978 held a duly advertised public hearing on your application for a special permit to allow the addition of kennels and a garage and to legitimize the existing Humane Society use on 2.8 acres of land situated within the State Land Use Agricultural District at Kea'au, Puna, Hawaii.

In accordance with the provisions of Section 205-6, Hawaii Revised Statutes, the Commission shall act on such petition not earlier than fifteen (15) days after the said public hearing.

We shall notify you when the Commission is ready to take action on your request.

Sincerely,



William F. Mielcke
Chairman, Planning Commission

lgv

cc State Land Use Commission
Land Use Division, DPED

EXHIBIT Q

FEB 24 1978

March 10, 1978

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

Dear Mrs. Lannon:

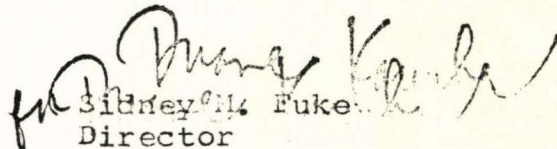
Special Permit Application
Tax Map Key 1-6-03:74

Your application will again be discussed on Wednesday, March 22, 1978, by the Planning Commission. The meeting will be held in the Councilroom, Hawaii County Building, South Hilo, Hawaii and is scheduled to begin at 2:00 p.m.

You will be notified of the Commission's decision.

A copy of the agenda is enclosed for your information.

Sincerely,


Sidney M. Fuke
Director

smn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT R

MAR 10 1978

SPECIAL PERMIT: HAWAII ISLAND HUMANE SOCIETY, SPCA

The petitioner, the Hawaii Island Humane Society, SPCA, is requesting a Special Permit to allow the addition of kennels and a garage, and to legitimize the existing Humane Society use on 2.8 acres of land situated within the State Land Use Agricultural District. The property involved is the site of the Kea'au Animal Shelter located along the east side of the Kea'au-Pahoa Road, approximately 1.5 miles from Kea'au, Kea'au, Puna (TMK: 1-6-3:74).

The existing dog kennel and office use of the subject property was approved by the County of Hawaii in 1973 and subsequently established by Hawaii Island Humane Society during the same year. At the time of approval the interpretation of the permitted use "animal husbandry" included the Humane Society's kennels and offices.

Subsequently, the Hawaii Island Humane Society submitted plans for additional kennels and a garage. In a December 6, 1977, letter the Planning Director stated that the kennel use was not allowed under the State Land Use permitted uses within the Agricultural district and that a Special Permit must be secured. The revised interpretation of "animal husbandry" and the attendant requirement for a Special Permit has been made to remove all doubt as to the legitimacy of the existing use of the property.

Presently on the subject property there is an office and a parking area together with eleven (11) dog kennels and a cattery. The petitioner proposes to add six (6) more kennels and a thirty (30)-foot wide garage.

Surrounding land uses include the Kea'au Solid Waste Transfer Station, and vacant lands. There is also a Girl Scout facility currently under construction. The subject property takes access off the Kea'au-Pahoa Road which has a 80-foot right-of-way. The subject property is within the General Plan Land Use Allocation Map Orchard designation and is within the Agricultural 10-acre (A-10a) zoned district.

According to the U. S. Department of Agriculture Soil Conservation Service Soil Survey dated December 1973, the land involved consists of pahoehoe lava with no soil covering. Slopes range from 0 to 10 percent and the area receives from 100 to 175 inches of rainfall annually. The Land Study Bureau Master Productivity rating of the soil on the subject property is "E" or very poor. The property in question is not designated as Unique, Important, or other Important Agricultural Land, *by the State Dept. of Agriculture.*

In support of the Special Permit request the petitioner has stated the following:

(READ PETITIONER'S REASONS)

Upon review of the subject request, the Department of Water Supply stated:

"We have no adverse comments or objections to the subject request.

"For your information, water is available from the 8-inch waterline along the Keaau-Pahoa Road."

All other cooperating agencies had no comments on or objections to the subject request.

RECOMMENDATION: HAWAII ISLAND HUMANE SOCIETY, SPCA

Upon careful review of the subject request, staff recommends that it be given a favorable recommendation based on the following considerations:

That the proposed use will not adversely affect surrounding properties. Surrounding land uses include the Keaau Solid Waste Transfer Station and vacant lands. Given the nature of these uses, it is not expected that the kennel and animal shelter use of the subject property would adversely affect them. In addition, there is a Girl Scout facility being constructed on the opposite side of the Keaau-Pahoa Road. The proposed use is not expected to adversely affect the Girl Scout facility as the two (2) uses will be buffered from each other by the intervening highway.

That the requested use will not unreasonably burden public agencies to provide roads, sewers, water and drainage improvements, and police and fire protection. The subject property currently is serviced with adequate access off the Keaau-Pahoa Road and a 6" waterline along the road. Fire and police protection are available from the Keaau stations. None of the cooperating agencies charged with the responsibility of providing these services had any objections to the subject request.

EXHIBIT T

That the kennel use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations, which are to preserve, protect and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of public health and welfare of the people of the State of Hawaii. The State Land Use Agricultural district includes land surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The land involved in this particular case consists of Pahoehoe lava with no soil covering. While this land type may be suited for particular kinds of agricultural activities, none have been established in the vicinity on this soil type. Further, in the event that such agricultural use is introduced, it is anticipated that the proposed use will not interfere with those agricultural operations. In addition, use of the subject area for non-agricultural activities is not expected to have adverse effects on the overall agricultural productivity of the district or region. The Humane Society use of the subject property provides the general public with a needed service as is evidenced by the 6,000+ dogs and cats that were handled at the facility during 1977. The use was established on the subject property in 1973, based on the interpretation that the permitted use of animal husbandry in the State Land Use Agricultural District included the Humane Society's kennels and offices. Thus, the continued use of the subject property by the Humane Society will promote the objectives sought

to be accomplished by the State Land Use Law and Regulations as it will not reduce the agricultural utility of the area while providing a public benefit.

Further, the Humane Society use of the subject property will promote the General Plan Public Facility goals which states, "It is the goal of the County to provide public facilities that effectively service community needs and to continue to seek ways of improving public service through better and more functional facilities which are in keeping with environmental and aesthetic concerns of the community."

It is further recommended that the request be given a favorable recommendation subject to the following conditions:

1. That construction of the kennels shall commence within one (1) year from the date of receipt of final plan approval and shall be completed within two (2) years thereafter.
2. That the applicant comply with the State Department of Health requirements.
3. That all other applicable rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null & void. by ~~the Planning Comm.~~

SP78-297

Hawaiian Island Humane Society, SPCA

Exhibits U & V

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date March 22, 1978

Petitioner HAWAII ISLAND HUMANE SOCIETY, SPCA - Special Permit

Preliminary hearing Public hearing Request Action

ACTION: Approve

Deny

Defer

Continue

Schedule for public hearing

Other: _____

Commissioners	Aye	No	Excused	Abstain
FUJIMOTO, Shigeru			✓	
HANLEY, J. Walsh	✓			
JITCHAKU, Lorraine R. <i>Moved</i>	✓			
MURAKAMI, Haruo	✓			
NAKANO, Bert H. <i>2nd</i>	✓			
ORITA, Alfredo	✓			
PARIS, William Jr.	✓			
SAKAMOTO, Charles	✓			
MIELCKE, William F.	✓			

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
March 22, 1978

The Planning Commission met in regular session at 2:00 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Haruo Murakami
Bert H. Nakano
Alfredo Orita
William J. Paris, Jr. (Left at 4:47 p.m.)
Charles H. Sakamoto

ABSENT: Shigeru Fujimoto
Ex-officio Member
Akira Fujimoto

Sidney M. Fuke, Director
Norman Hayashi, Planner (From 4:25 p.m.)
Ilima Piianaia, Planner
William Moore, Planner

David Murakami, representing Ex-officio Member Edward Harada
Roxanna Garcia, Assistant Corporation Counsel

and about 7 people in attendance

MINUTES: It was moved by Commissioner Paris and seconded by Commissioner Jitchaku that the minutes of March 8, 1978, with corrections on Page 5, eighth paragraph, sentences 4 and 5 to read, "Mr. Larry Kurozawa said he was in favor of the proposed subdivision although he did have concerns for the traffic situation.", and Page 6, Amendment No. 1, add, "concurrently with the development of the first zoning increment.", and the minutes of March 9, with correction on page 6, sixth paragraph, change committee to "Commission" be approved as circulated. Motion was carried.

The Planning Director at this time gave a status report on the General Plan, Bikeway Plan, Sign Ordinance, Zoning and Subdivision Code, Community Development Plan and legislative bills.

All those testifying were duly sworn in.

SPECIAL PERMIT
HAWAII ISLAND
HUMANE SOCIETY,
SPCA
KEA'AU, PUNA

Application of the Hawaii Island Humane Society, SPCA for a Special Permit to allow the addition of kennels and a garage and to legitimize the existing Humane Society use on 2.8 acres of land situated within the State Land Use Agricultural District. The property involved is

EXHIBIT X

the site of the Kea'au Animal Shelter located along the east side of the Kea'au-Pahoa Road, approximately 1.5 miles from Kea'au, Kea'au, Puna, TMK: 1-6-03:74.

Staff presented background information and recommendation for approval with conditions on file.

The applicant's representative, Ms. Maile Hart, said that they will be able to comply with the conditions as outlined by the staff.

It was moved by Commissioner Jitchaku and seconded by Commissioner Nakano to send a favorable recommendation to the State Land Use Commission with the conditions outlined by the staff. A roll call vote was taken and motion carried with eight ayes.

VARIANCE Application of Mitsuo Enomoto for a variance to
MITSUO ENOMOTO allow the construction of a second dwelling on
WAIAKEA, SOUTH a 19,326-square foot lot situated within the
HILO Single Family Residential - 10,000 square foot
(RS-10) zoned district. The property involved
is located along the Puna side of Mohouli Street, approximately
600 feet makai of Komohana Street, Waiakea, South Hilo, TMK: 2-4-
24:44.

Staff stated that they were still recommending denial.

Commissioner Paris clarified that the intent of his March 8, 1978, motion was to defer this application until there was a full nine-member commission appointed.

Commissioner Murakami recommended approval of the variance request as the granting of the variance will not be inconsistent with the general purpose of the single family residential zoned district nor the intent and purpose of the Zoning Code, the absence of only 674 square feet is quite negligible, the amount of deviation will not violate the spirit and general purpose of the density requirement of the affected zone district, a precedent has already been set, there are smaller sized lots in the area, it will not be detrimental to the public welfare or injurious to improvements or property rights since the area is adequately provided with all essential infrastructures, and that the subject property has adequate land area to accommodate two houses and still meet other requirements such as setback and distance between buildings.

It was moved by Commissioner Murakami and seconded by Commissioner Hanley that the application be approved with the following conditions: (1) that the proposed dwelling be constructed within three years from the effective date of the Variance Permit, (2) the driveway shall be located on the mauka side of the property, (3) the dwelling shall meet the minimum setback and distance between building requirements, and (4) all other applicable rules and regulations shall be complied with. A roll call vote was taken and motion did not carry with three ayes (Commissioners Murakami, Hanley and Jitchaku) and five noes (Commissioners Nakano, Orita, Paris, Sakamoto and Chairman Mielcke). Commissioner Jitchaku stated her reasons for voting for approval were (1) feels there is enough buildable area, (2) voted for other variances, and (3) feels there will be no additional burden on public facilities in the area.

March 23, 1978

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

Dear Mrs. Lannon:

Special Permit Application
Tax Map Key 1-6-03:74

The Planning Commission at its regular meeting of March 22, 1978 considered your application for a special permit to allow the addition of Kennels and a garage and to legitimize the existing Humane Society use on 2.8 acres of land situated within the State Land Use Agricultural District in Koa'au, Puna, Hawaii.

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

1. That construction of the kennels shall commence within one (1) year from the date of receipt of final plan approval and shall be completed within two (2) years thereafter.
2. That the applicant comply with the State Department of Health requirements.
3. That all other applicable rules and regulations shall be complied with.

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

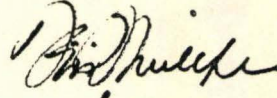
EXHIBIT

Y
MAR 23 1978

Mrs. Amy Gamble Lannon,
Page 2
March 23, 1978

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

lgr

cc State Land Use Commission
Land Use Division, DPED
Building Division, Public Works

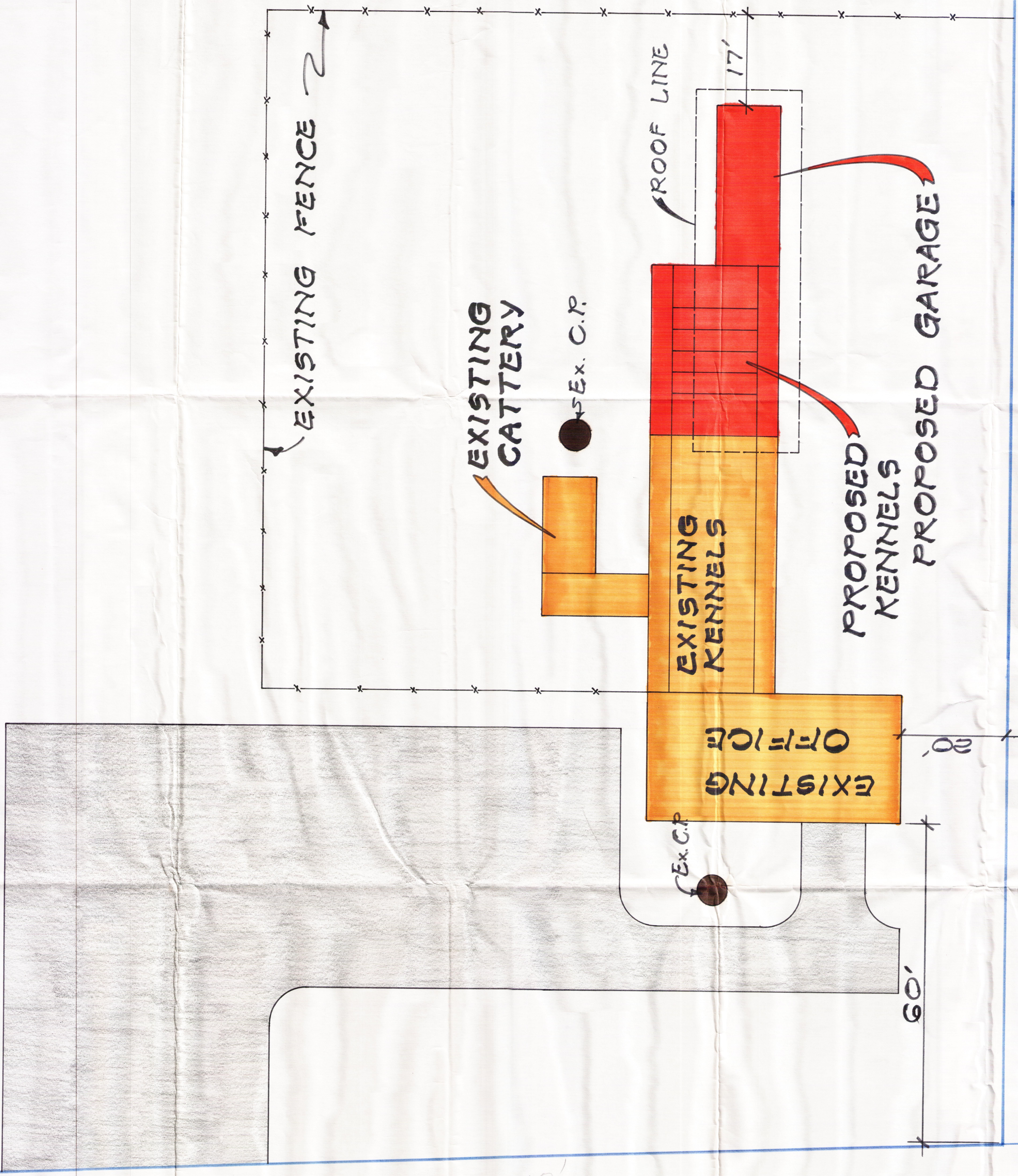
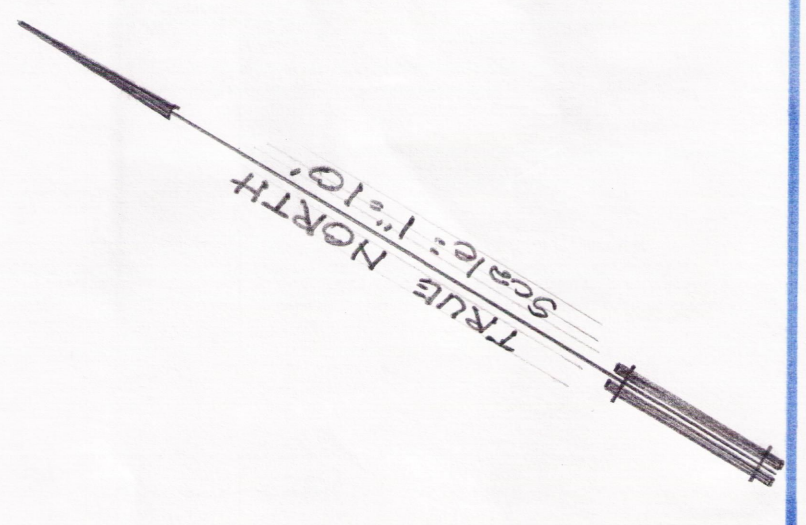


EXHIBIT V

PLOT PLAN

210' x 210' 1/4 Acre

To Keaau ←

KEAAU ~ PAHOA ROAD

To Pahoa →

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

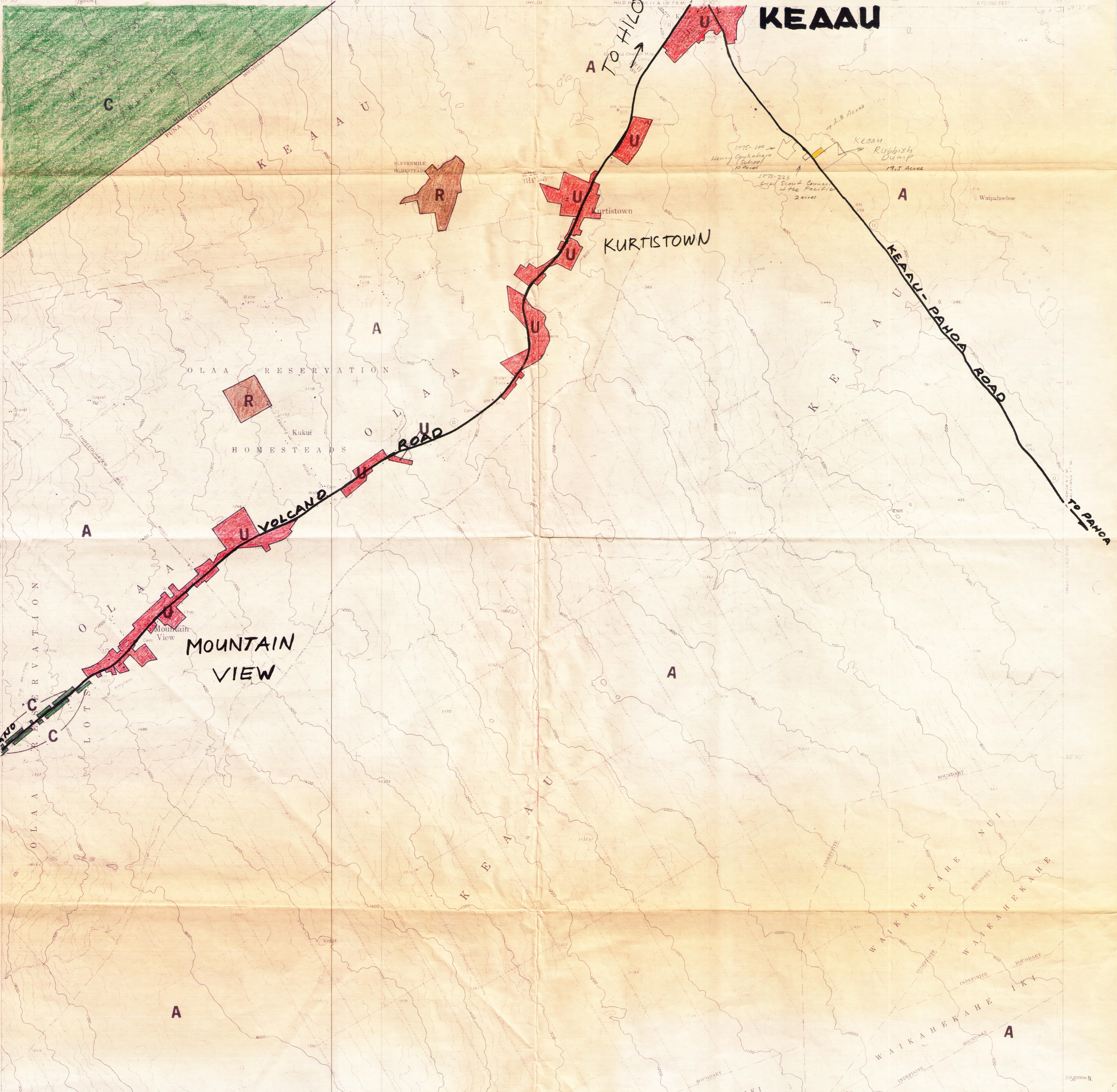
Sheet
District Map
Subject To
H-67

LAND USE DISTRICT BOUNDARIES

STATE OF HAWAII
LAND USE COMMISSION
DEPT. OF PLANNING & ECONOMIC DEVELOPMENT
EFFECTIVE DATE: DEC 20 1974

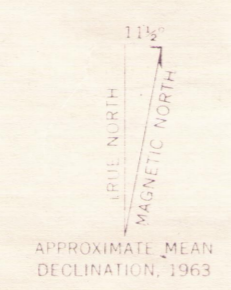
DISTRICTS	
U	URBAN
R	RURAL
A	AGRICULTURAL
C	CONSERVATION

MOUNTAIN VIEW QUADRANGLE
HAWAII-ISLAND AND COUNTY OF HAWAII
7.5 MINUTE SERIES (TOPOGRAPHIC)
SEA HIL0 15' QUADRANGLE
670 000 FEET



SP78-297 HAWAII ISLAND HUMANE SOCIETY, SPCA

Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography by photogrammetric methods from aerial
photographs taken 1954 and 1962. Field checked 1963
Polyconic projection. Old Hawaiian datum
10,000-foot grid based on Hawaiian coordinate system, zone 1
1000 meter Universal Transverse Mercator grid ticks,
zone 5, shown in blue
Fine red dashed lines indicate selected fence lines



CONTOUR INTERVAL 20 FEET
DATUM IS MEAN SEA LEVEL

ROAD CLASSIFICATION

- Medium-duty
- Light-duty
- Unimproved dirt
- State Route

KEAAU

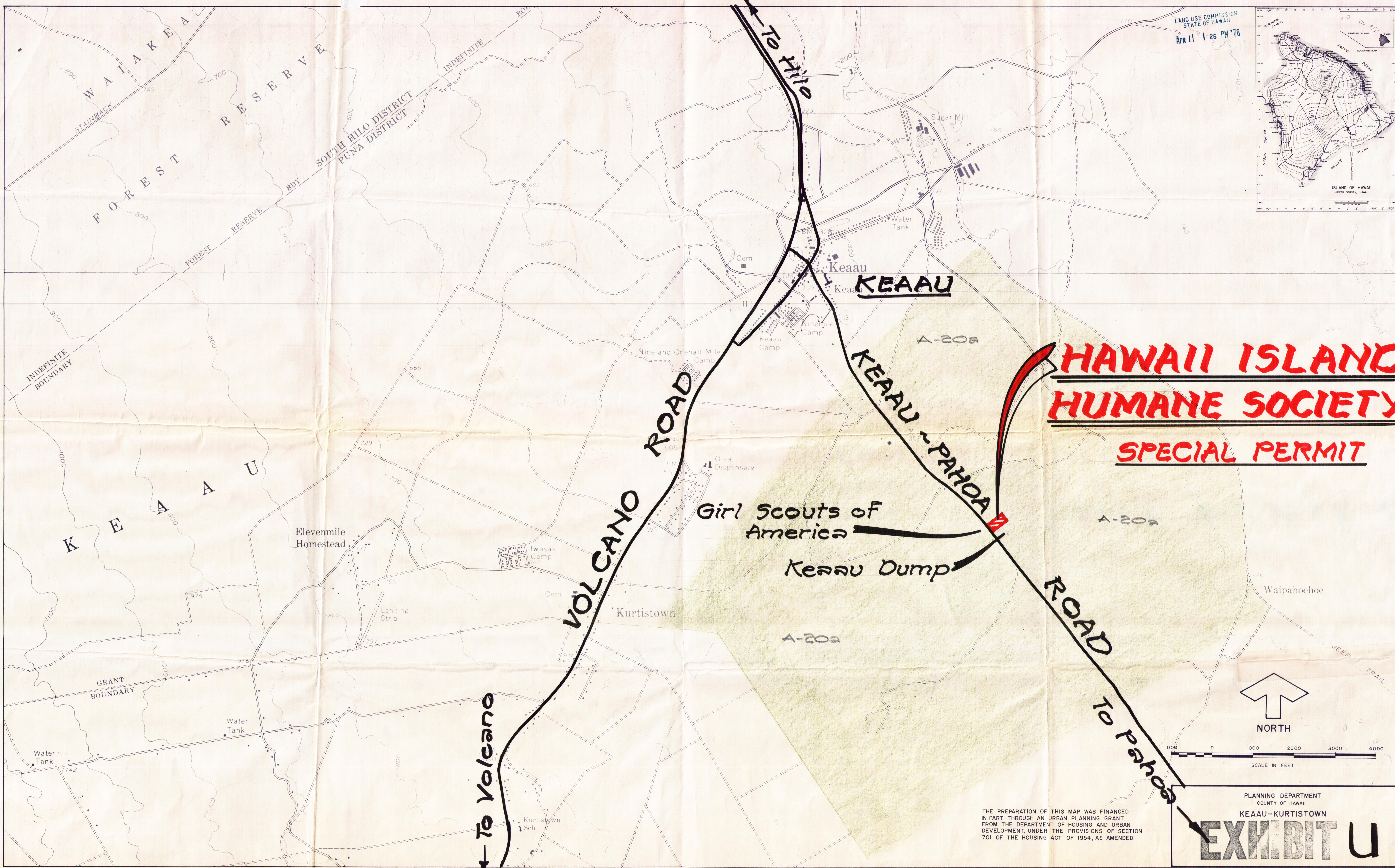
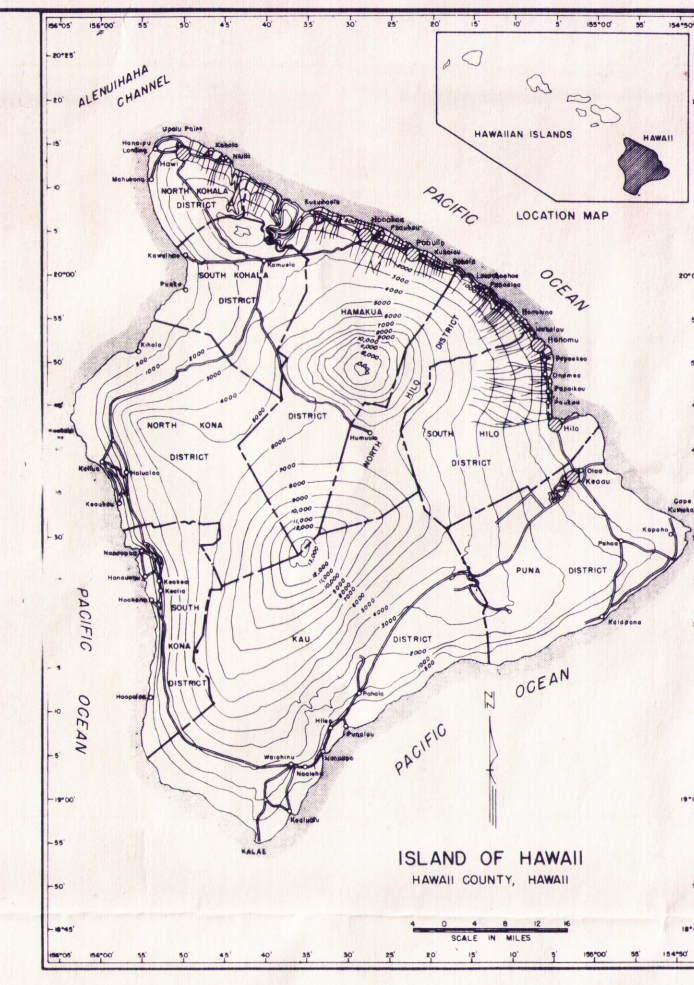
HAWAIIAN ISLANDS

QUADRANGLE LOCATION

H-67 MOUNTAIN VIEW, HAWAII
SEA HIL0 15' QUADRANGLE
N1030-W11500775
1963

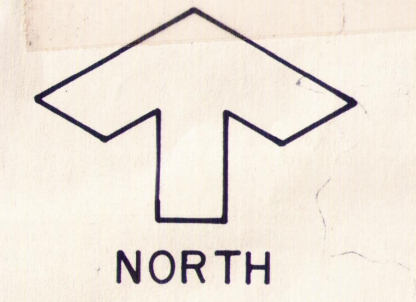
THIS MAP COMPLETS WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DEWATER 25, COLORADO OR WASHINGTON, 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

LAND USE COMMISSION
STATE OF HAWAII
APR 11 1 26 PM '78



HAWAII ISLAND HUMANE SOCIETY

SPECIAL PERMIT



SCALE IN FEET
0 1000 2000 3000 4000

THE PREPARATION OF THIS MAP WAS FINANCED
IN PART THROUGH AN URBAN PLANNING GRANT
FROM THE DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT, UNDER THE PROVISIONS OF SECTION
701 OF THE HOUSING ACT OF 1954, AS AMENDED.

PLANNING DEPARTMENT
COUNTY OF HAWAII
KEAAU-KURTISTOWN
EXHIBIT U

