

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Meeting Room, First Hawaiian Bank
Kailua, Kona, Hawaii

*Approved
December 13, 1978*

September 27, 1978 - 10:00 a.m.

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

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

Ray Russell, Court Reporter

ACTION

SP78-313 - CHARLES T. ONAKA
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A SMOKED BEEF
BUSINESS AT HONAUNAU MAUKA, SOUTH KONA, HAWAII

Mr. Daniel Yasui, Planner, pointed out the location of the property on the maps and oriented it with various surrounding landmarks. A resume of the staff memorandum relative to the subject request was also presented.

Commissioner Whitesell observed that the petitioner was in fact already operating a meat smoking business on the property and wondered why the County had permitted this to occur. Chairman Duke agreed that this subject Special Permit request appeared to be after the fact even though it was a request for a very small operation. However, he also felt that it would behoove the Commission to discuss this type of untimely requests with the Planning Commissions.

It was moved by Commissioner Oura to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was seconded by Commissioner Carras and unanimously carried.

At Commissioner Whitesell's suggestion, Chairman Duke instructed staff to set up a meeting of the Commission for the purpose of discussing problems relating to Special Permit applications, such as untimely requests and others which have confronted the Commission from time to time.

SP78-318 - HAWAII COUNTY POLICE DEPARTMENT
SPECIAL PERMIT TO ALLOW THE ESTABLISHEMNT OF AN OUTDOOR PISTOL
RANGE AT KAI'AAKEA, NORTH HILO, HAWAII

A resume of the staff memorandum was presented by the Planner. The location of the subject property was also pointed out on the maps.

In response to questions which were raised by the Commissioners, Miss Piianaia, Planner with the Hawaii Planning Department, provided the information that the Special Permit had been approved by the County for the use of the entire 15-acre parcel although the proposed use would be sited on an approximately 1.5-acre portion of the parcel.

Commissioner Carras moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission, subject further to clarification regarding the 1.5 acres required for the pistol range and the 15+ acres described in condition No. 1. The motion was seconded by Commissioner Oura and unanimously passed.

SP78-273 - OAHU CORPORATION
SPECIAL PERMIT TO ALLOW A ONE-YEAR TIME EXTENSION TO COMMENCE
CONSTRUCTION OF A RECREATIONAL THEME PARK AT KAHE POINT, EWA,
OAHU

Mr. Furutani, Executive Officer, pointed out the location of the subject property on the maps and oriented its location with various surrounding landmarks. A resume of the staff memorandum was presented. It was also reported that a letter had been received from the attorney for the Neighborhood Board No. 24, et al, requesting the "hearing on the building permit extension be held on Oahu and that the presently scheduled action be continued until the Land Use Commission's next meeting on Oahu", since a contested hearing procedure was indicated.

Mr. Allan Kawada, Deputy Attorney General, counselled that he did not believe a contested case hearing for a consideration of a time extension request on a Special Permit application was warranted or meritorious, inasmuch as today's request was merely a modification of a condition already imposed by the County at the original hearing. Therefore, it was his contention that the action taken by the County was not in violation of due process, as stated by the attorney for the



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

April 20, 1979

GEORGE R. ARIYOSHI
Governor
CHARLES W. DUKE
Chairman
SHINICHI NAKAGAWA
Vice Chairman

COMMISSION MEMBERS:

James Carras
Colette Machado
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai

GORDAN FURUTANI
Executive Officer

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

Dear Mr. Fuke:

Subject: SP78-318 - HAWAII COUNTY POLICE DEPARTMENT

In reference to our letter to you dated
October 2, 1978, enclosed is a copy of the
Decision and Order on SP78-318 for your information
and records.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

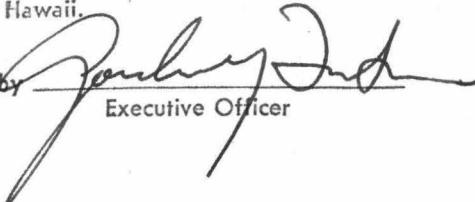
cc: Hawaii County Police Department

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) SP78-318
Petition for Special Permit)
of HAWAII COUNTY POLICE)
DEPARTMENT)
HAWAII COUNTY POLICE
DEPARTMENT

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

APR 20 1979
Date


Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) SP78-318
Petition for Special Permit)
of HAWAII COUNTY POLICE) FINDINGS OF FACT,
DEPARTMENT) CONCLUSIONS OF LAW AND
) DECISION AND ORDER

The Land Use Commission of the State of Hawaii
having duly considered the entire record in the above entitled
matter, makes the following findings of fact and conclusions
of law.

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

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

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

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

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

7. The use described in the petition is an unusual and reasonable use pursuant to HRS Chapter 205-6 and State Land Use Commission District Regulation, Part V.

DECISION AND ORDER

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

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

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

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

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

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

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

DATED: Honolulu, Hawaii, April 18, 1979.

LAND USE COMMISSION

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

By Shinichi Nakagawa
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By James R. Carras
JAMES R. CARRAS
Commissioner

By Colette Y. Machado
COLETTE Y. MACHADO
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Mitsuo Oura
MITSUO OURA
Commissioner

By George R. Pascua
GEORGE R. PASCUA
Commissioner

By Carol B. Whitesell
CAROL B. WHITESELL
Commissioner

By Edward K. Yanai
EDWARD K. YANAI
Commissioner

No.

974916

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

SIDNEY FUKE

STREET AND NO.

25 Aupuni St.

P.O., STATE AND ZIP CODE

Hilo, Hawaii 96720

POSTAGE

\$ 1.71

.89¢

CONSULT POSTMASTER FOR FEES

OPTIONAL SERVICES

RETURN RECEIPT SERVICE

SPECIAL DELIVERY

RESTRICTED DELIVERY

**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

\$ 1.96

POSTMARK OR DATE



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. -g

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. | CERT

974916

INSURED NO.

1 (Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY

4/23/79

5. ADDRESS (Complete only if requested)

POSTMARK
23
1979

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

PM

SENDER INSTRUCTIONS

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

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

RETURN
TO

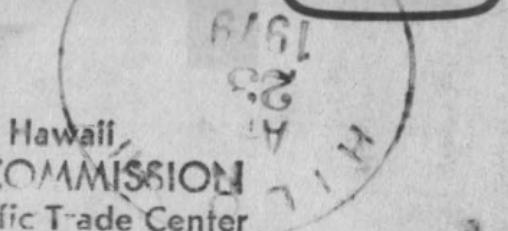
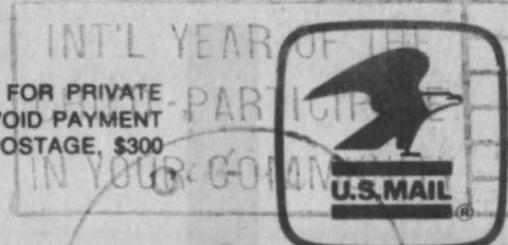


State of Hawaii
LAND USE COMMISSION
Suite 1795, Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813
(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

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



No. 974918

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO GUY A. PAUL	
STREET AND NO. 349 Kapiolani St.	
P.O., STATE AND ZIP CODE Hilo, Hawaii 96720	
POSTAGE \$.41	
OPTIONAL SERVICES	CERTIFIED FEE .80¢
	SPECIAL DELIVERY ¢
	RESTRICTED DELIVERY ¢
	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 \$ 16.6	
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, afix 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:

GUY A. PAUL, CHIEF

COUNTY OF HAWAII POLICE DEPT.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	974918	

(Always obtain signature of addressee or agent)

I have received the article described above.

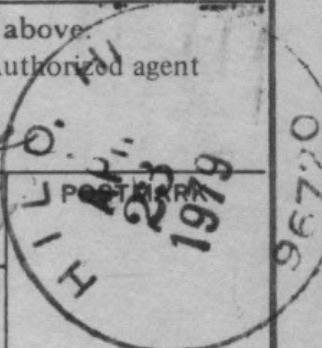
SIGNATURE Addressee Authorized agent

Dachee Jukuda, Supt.

4. DATE OF DELIVERY

4/23/79

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.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



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)

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

APR
23
1979



86720

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition) SP78-318
for Special Permit of)
) HAWAII COUNTY POLICE
HAWAII COUNTY POLICE DEPARTMENT) DEPARTMENT
)
)
)

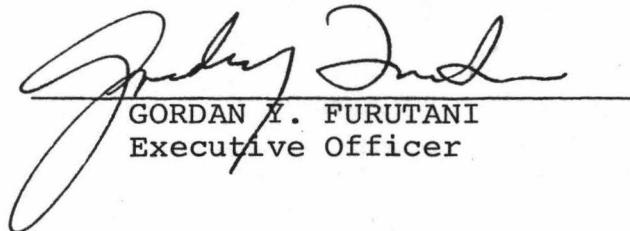
CERTIFICATE OF SERVICE

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

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

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

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



GORDAN Y. FURUTANI
Executive Officer

MEMORANDUM:

PLANNING DEPARTMENT LAND USE County of Hawaii, Hilo, Hawaii 96720
STATE OF HAWAII

To: Police Chief *DEC 27 3 12 PM '78*

Date: December 22, 1978

From: Director *S. H. K.*

Subject: Special Permit No. 78-318
North Hilo Pistol Range
TMK: 3-4-04:portion 4

This is to acknowledge receipt of the written metes and bounds description and map of the North Hilo Pistol Range, with the submission of the above, condition number 1 of Special Permit No. 78-318 has been met.

NH:jk

cc:State Land Use Commission (w/description)

LAND USE COMMISSION
STATE OF HAWAII

DEC 27 3 12 PM '78

D E S C R I P T I O N

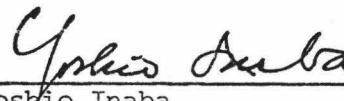
NORTH HILO POLICE PISTOL RANGE SITE

Being a portion of
Grant 1352 to Ikaika
Puuohai, North Hilo, Hawaii

Beginning at the east corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAI" being 1,406.76 feet North and 65.47 feet West, thence running by azimuths measured clockwise from True South:

1. $50^{\circ} 53'$ 334.40 feet along Homestead Road;
2. $172^{\circ} 40'$ 127.55 feet along same;
3. $232^{\circ} 30'$ 131.53 feet along remainder of Grant 1352 to Ikaika;
4. $247^{\circ} 30'$ 181.00 feet along same;
5. $356^{\circ} 20'$ 65.00 feet along Homestead Road to the point of beginning and containing an area of 30,328 Square Feet or 0.696 Acre.

DEPARTMENT OF PUBLIC WORKS
BUREAU OF PLANS AND SURVEYS
COUNTY OF HAWAII


Yoshio Inaba

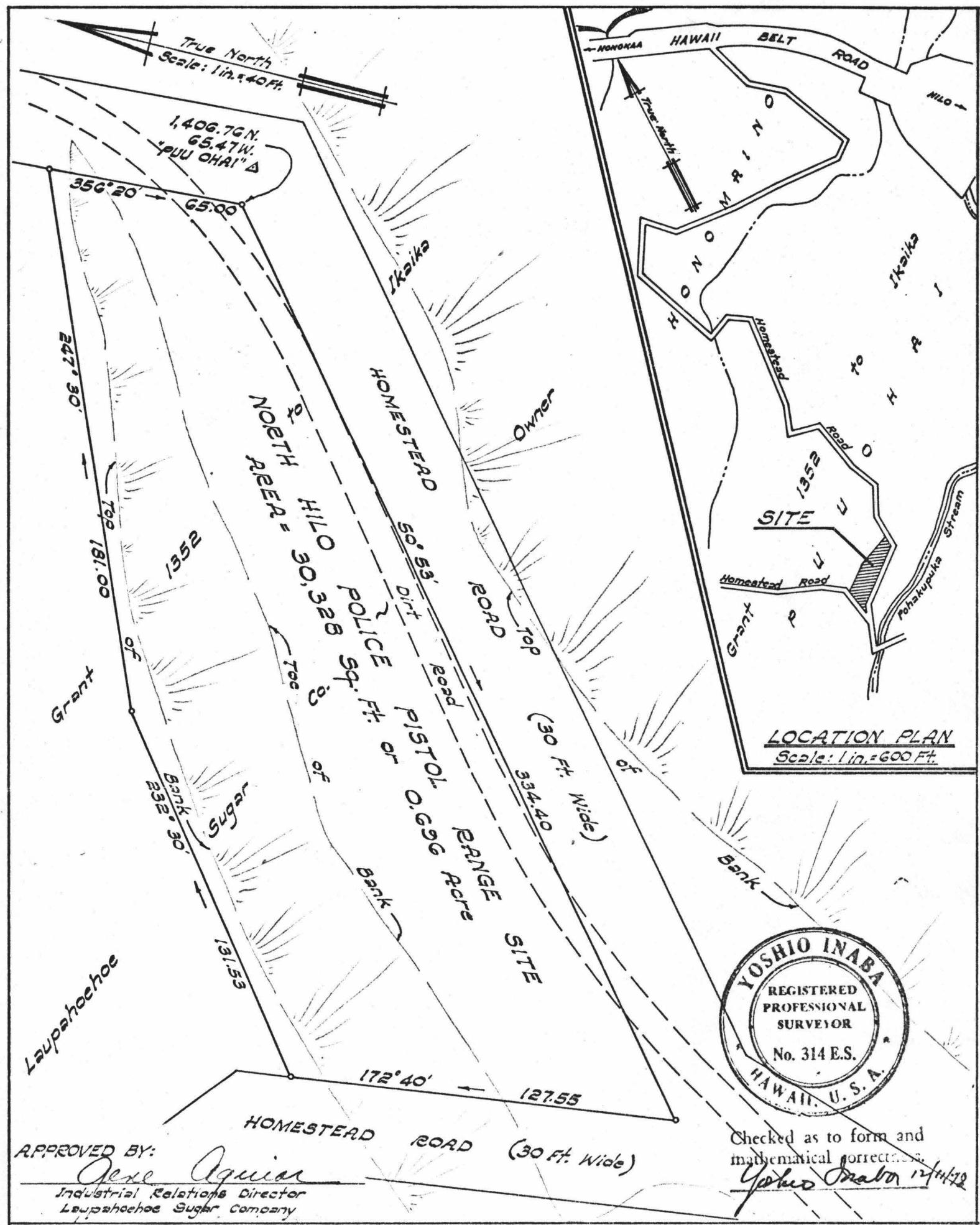
Registered Land Surveyor No. 314ES

Hilo, Hawaii

November 15, 1978

TMK: 3-4-04:por. 4

OWNER: Laupahoehoe Sugar Co.



BUREAU OF PLANS & SURVEYS - DEPT. OF PUBLIC WORKS - COUNTY OF HAWAII

SUBMITTED BY: Theodore T. Tanaka DATE 11/15/78
BUREAU HEAD

APPROVED BY: Edmund J. Brady DATE 11/10/78
CHIEF ENGINEER

**NORTH HILO POLICE
PISTOL RANGE SITE**

Being a portion of
Grant 1352 to Ikaika
Puuohai, North Hilo, Hawaii

Plan By: P.K. Drawn By: P.K. Date: Nov. 14, 1978

October 2, 1978

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on September 27, 1978, the Land Use Commission voted to approve a Special Permit request by the Hawaii County Police Department (SP78-318) to allow the establishment of an outdoor pistol range on approximately 1.5 acres of land situated within the State Land Use Agricultural District at Kai'aakea, North Hilo, Hawaii, Tax Map Key 3-4-04: portion of 4.

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.

The Land Use Commission further directed its staff to request that a clarification be made from the County regarding the 1.5 acres needed for the pistol range and the 15+ acres described in condition No. 1. Your kokua on this matter will be greatly appreciated.

A copy of the staff memorandum is enclosed herewith for your information, and the Land Use Commission's Decision and Order on SP78-318 will be forwarded to you at a later date.

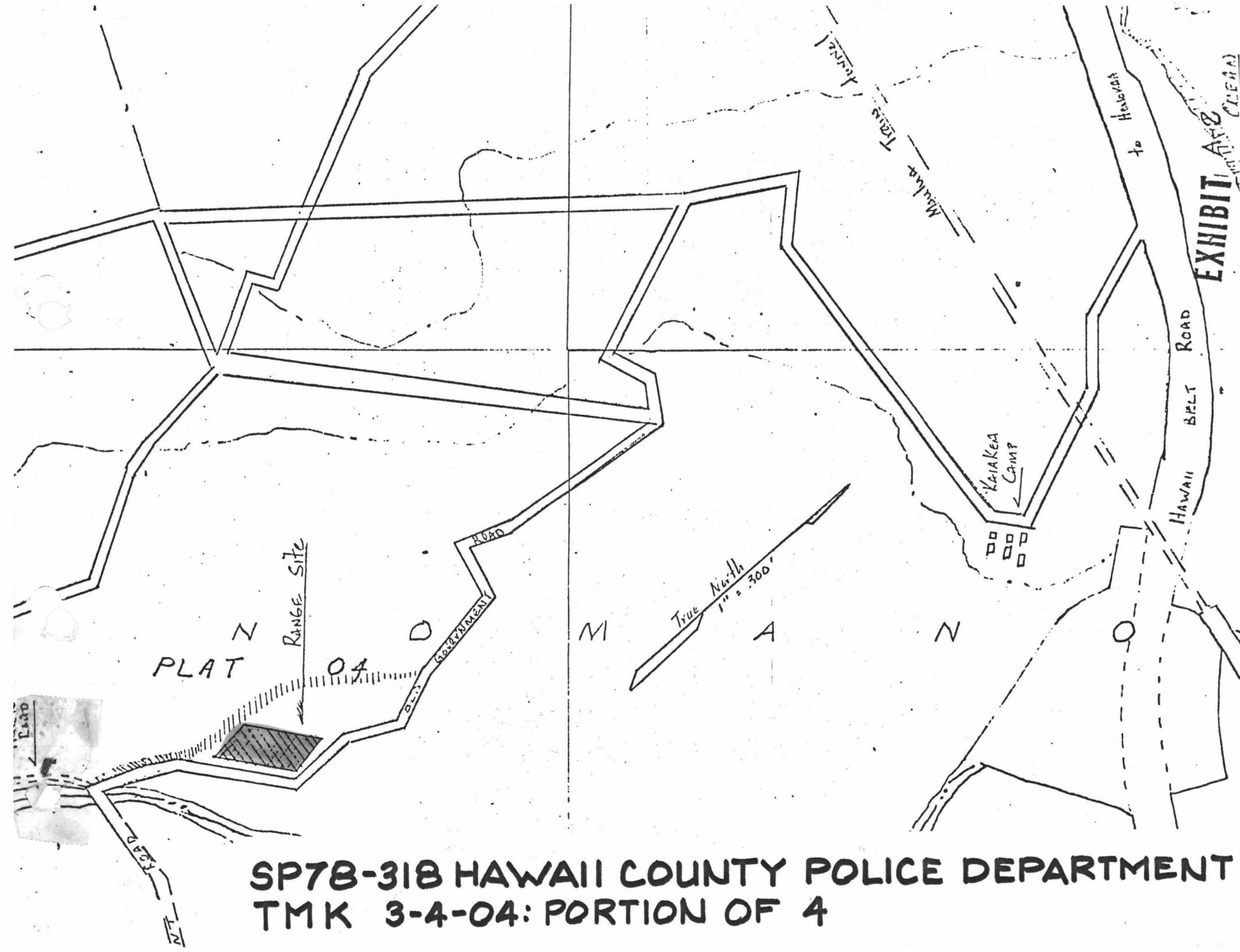
Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Hawaii County
Police Department

LUC - 10-24-78



SP78-318 HAWAII COUNTY POLICE DEPARTMENT
TMK 3-4-04: PORTION OF 4



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

OCT 23 3 36 PM '78

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

October 19, 1978

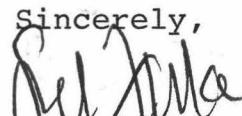
Mr. Gordon Furutani
Executive Officer
State Land Use Commission
P. O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Furutani:

Special Permit No. 78-318
Hawaii County Police Department
Outdoor Pistol Range
TMK: 3-4-04:portion of 4

This is to clarify the acreage involved in the above-described Special Permit. Due to a typographical error, Condition No. 1 was noted as 15- acres instead of 1.5- acres.

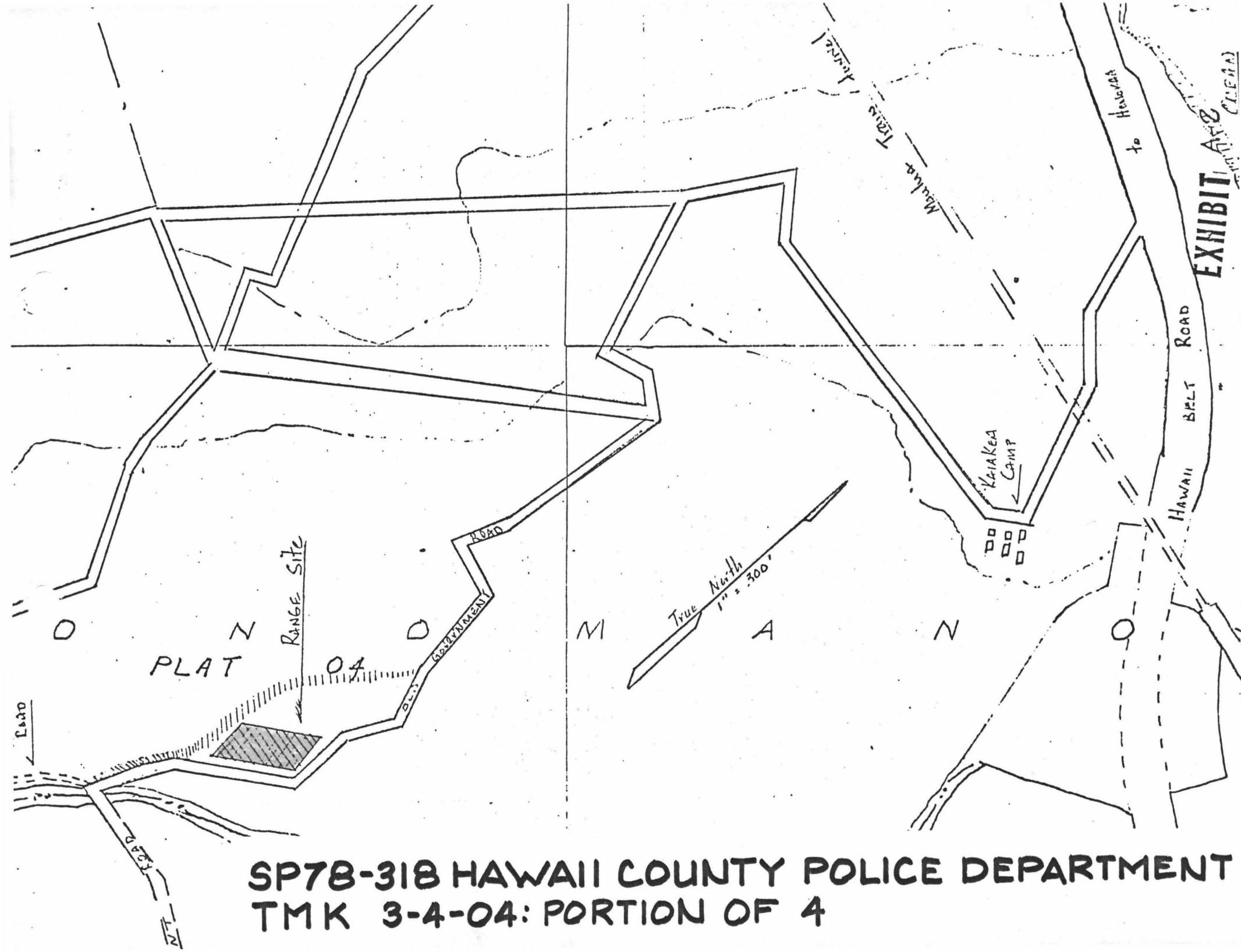
We thank you for bringing up this matter to our attention. Please accept our apology for any inconvenience this may have caused you.

Sincerely,

Sidney Fuke
Director

NKH:mh

cc Chief Engineer
Police Dept.

LUC-10-24-78



SP78-318 HAWAII COUNTY POLICE DEPARTMENT
TMK 3-4-04: PORTION OF 4

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

SP78-318
ITEM HAWAII COUNTY POLICE DEPARTMENT DATE September 27, 1978
PLACE First Hawaiian Bank, Kona Branch TIME 10:00 a.m.

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

Comments:

I move that we approve SP78-318, subject to the conditions imposed by the Hawaii Planning Commission; also subject to clarification of the 15-acre parcel versus the 1.5 acres.

SP18-310
Hawaii County Police Dept.

T01D

Advance Sheet
Subject To Correction

LAND USE DISTRICT BOUNDARIES		
DISTRICT MAP	STATE OF HAWAII LAND USE COMMISSION DPT. OF PLANNING & ECONOMIC DEVELOPMENT EFFECTIVE DATE: DEC 20 1974	DISTRICTS U = URBAN R = RURAL A = AGRICULTURAL C = CONSERVATION
H-59		

PAPAALOA QUADRANGLE
HAWAII—ISLAND AND COUNTY OF HAWAII
7.5 MINUTE SERIES (TOPOGRAPHIC)
NW/4 HONOMU 15' QUADRANGLE

155°07'30" 20'00"

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

155°15' 20'00" E

221300m N 265000m E

12'30"

10'

620 000 FEET

IPIUA AKALAI
Control by USGS and HSC&GS
Topography by photogrammetric methods from aerial
photographs taken 1954 and 1965. Field checked 1966Polyconic projection. Old Hawaiian datum
10,000-foot grid based on Hawaii coordinate system, zone 1
1000-meter Universal Transverse Mercator grid ticks.
zone 5, shown in blueAPPROXIMATE MEAN
DECLINATION, 1966
TRUE NORTH
MAGNETIC NORTHFOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUESTHAWAII
HONOMU 15' QUADRANGLE
N1952.5-W15507.5-7.5PAPAALOA, HAWAII
NW/4 HONOMU 15' QUADRANGLE
N1952.5-W15507.5-7.5

1966



5484

COUNTY OF HAWAII
POLICE DEPARTMENT
SPECIAL PERMIT

EXHIBIT T

Kaiakera Camp

A hand-drawn map of Oahu, Hawaii, showing the coastline and major roads. The word "HAWAII" is written in large, bold, black letters along the western coast. A thick black line represents the "BELT ROAD", which runs diagonally across the island from the northwest to the southeast. Another road, "Kapehu Road", is shown branching off the Belt Road in the northern part of the island. The map uses light blue washes to represent water and purple lines for roads and coastlines.

Laupahoehoe Point ตีนดิน

Maevius *redivivus* *n.*

A detailed map of a valley floor with contour lines, roads, and streambeds. The map is labeled with 'Road' and 'Gulch' along the top, and 'A' and 'E' in large letters. A streambed is labeled 'Ahoog Gulch'.

A hand-drawn map on a light-colored surface. It features a winding road line starting from the top left, labeled 'Ochitro' in blue ink. The road curves downwards and to the right, ending at a point labeled 'S' in large, bold, blue ink. The background contains some faint, illegible markings and a few small red dots.

RO
Papua 100

A close-up, vertical view of a map section showing a river network and labeled locations H, O, M, A, and E. The map is oriented vertically, with the river network branching downwards. The labels are positioned as follows: 'H' is at the top left, 'O' is in the center, 'M' is to the right of 'O', 'A' is at the top right, and 'E' is below 'M'. The map is drawn with black lines on a light-colored background.

A vertical strip of a map showing a river labeled "WEST" and "Gulch". A road is labeled "Road A". A bridge is labeled "A D S".

A map of the Kilauea area showing the 1960 lava flow path. The flow, labeled '1960', originates from a vent on the right and extends towards the left, reaching a distance of approximately 10 kilometers. The flow is depicted in a dark brown color, contrasting with the surrounding light brown and tan areas. The map also shows a network of roads and a river system. The word 'Kilauea' is written vertically along the top edge of the map.

A vertical strip of a map showing a river and a town labeled "Luppoli". The map is oriented vertically, with the river flowing from the bottom right towards the top left. The town is located on the right bank of the river. The word "Luppoli" is written vertically along the right bank of the river.

NORTH
Scale: 1", 1,000

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission

September 27, 1978

FROM: Staff

SUBJECT: SP78-318 - Hawaii County Police Department

The petitioner, Hawaii County Police Department, is requesting a Special Permit to allow the establishment of an outdoor pistol range on approximately 1.5 acres of land situated within the State Land Use Agricultural District at Kai'aakea, North Hilo, Hawaii, Tax Map Key 3-4-04: portion of 4. The subject property is located approximately 0.7 mile mauka or west of the Hawaii Belt Highway at Kai'aakea, North Hilo.

The firing range will be mainly utilized by the police personnel of the North Hilo Station, however, police personnel from other stations may also periodically use the range.

The proposed site is a portion of a 15.6 acre parcel owned by Laupahoehoe Sugar Company. A Memorandum of Agreement between the Laupahoehoe Sugar Company and the County of Hawaii was signed by the Mayor on April 3, 1978. This agreement sets the terms and conditions under which police personnel of the North Hilo District Station are granted authority to operate the range. The conditions imposed require that the Police Department comply with all governmental regulations and provide for safety improvements. This agreement will be renewed annually and may be terminated upon 30 days notice by either party (see attached County Exhibit A-1).

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

"Pistol firing will be directed into a dirt and stone embankment approximately 50 to 60 feet in height to prevent ricochetting. The topography of the quarry is such that it affords natural protection. During periods of live firing, barricades and warning signs will be erected to inform the general public. Firing will be limited to daylight hours between 7:00 a.m. and 7:00 p.m. or unless otherwise instructed by competent authority.

"Live firing will be conducted at least two calendar days per month, but should not exceed five calendar days per

month. Approximately once every three months, during the evening hours of darkness, on two evenings, night firing exercises may take place. These exercises would terminate by 9:30 p.m., and only one person would fire at a time.

"The total number of persons utilizing the range will vary, but will be restricted to police personnel control at all times. The most number of persons who will be conducting concurrent live firing will be limited to three.

"Access to the site will be via an old government road off the Hawaii Belt Highway, Route 19H. The old Government Road runs along the South edge of the proposed site. There is no driveway into the site. The road will be closed during periods of range use. This road is only used by the Laupahoehoe Sugar Company, and the closing of the roadway would not adversely affect anyone.

"The volume of traffic on the old Government Road is almost non-existent, excepting for plantation trucks, and that usage is minimal. The normal flow of plantation vehicles is as indicated on the map, utilizing plantation roads on the north and west side of the site, all well out of danger of activities at the proposed range site. The closing of that portion of the road indicated will not hamper plantation operations.

"No other public infrastructure or service will be required.

"No structures are planned for this pistol range.

"The people in Kai'aakea Camp were contacted regarding any reservations they might have regarding the proposed range. No objections were raised. Additionally, when conducting noise tests at the site, an attempt to take a decible reading at the camp site determined the sound of an explosive charge considerably greater than a pistol shot could not be heard at all from the camp.

"Prevalent wind flow is from the South, with average velocity about 5-10 knots. This wind condition affords maximum natural ventilation for the site, which will provide a consistently high air quality at the site at all times."

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

The subject site is presently vacant and situated within a depressed area which was formerly utilized as a quarry.

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

Surrounding lands are owned by Laupahoehoe Sugar Company and are zoned A-20a. These lands are under sugar cultivation. The Kai'aakea Plantation Camp is located 0.5 mile southwest of the subject site.

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

All cooperating agencies including the Department of Water Supply, Hawaii Electric Light Company, Inc., Department of Public Works, Department of Health, Fire Department, Department of Parks and Recreation, Department of Agriculture, and Department of Education had no objections to the Special Permit request.

At the public hearing held by the Hawaii Planning Commission on July 20, 1978, a representative of the Police Department spoke in support of the permit request. No other persons testified on the permit application. For the Commission's information, the July 20, 1978 hearing transcript has been attached (County Exhibit O).

On August 16, 1978, the Hawaii Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based on the following findings:

"That approval of the subject request will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The area under consideration is classified Agricultural by the State Land Use Commission. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands but which are not suited to agricultural and ancillary uses by reasons of topography, soils and other related characteristics may be included in the Agricultural District.

"The subject property is the site of a former quarrying operation and is limited in size and level ground area. Immediate access to the site is also limited. These characteristics curtail the suitability and the feasibility of the site for commercial cultivation. It is, therefore, determined that use of the subject site as a

police firing range would not be contrary to the overall intent and purpose of the Land Use Law and Regulations. Further, use of the subject area for the proposed firing range will be in the public interest since it will provide a firearms training site for police personnel.

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

"That the proposed use will not adversely affect surrounding properties. The surrounding area is used for sugar cane cultivation. The purpose of the subject request is to provide a firing range for the training of police personnel within an abandoned quarry. The proposed use will be within a depressed area which is buffered from surrounding lands by a fifty to sixty foot high quarried wall to the north and by a deep stream gulch to the south. The proposed activity will be conducted on an infrequent basis. This action is not expected to interfere with the cultivation of sugar cane on surrounding lands.

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

For the Commission's information, the meeting minutes of August 16, 1978 have been attached (County Exhibit V).

The favorable recommendation was subject to the following conditions:

- "1. That the site upon which the pistol range is to be established shall be defined by metes and bounds and shall not exceed 15+ acres. The metes and bounds description shall be submitted to the Planning Director and shall be filed with the State Land Use Commission.
- "2. That the petitioner shall establish the pistol range use within one (1) year from the filing of the metes and bounds description with the State Land Use Commission.

- "3. That should Laupahoehoe Sugar Company terminate its memorandum of agreement with the petitioner, the petitioner shall immediately notify the Planning Director in writing and action to nullify the Special Permit shall be initiated.
- "4. That upon receipt of complaints about the pistol range, the Planning Director shall investigate such complaints and prepare a report to the Planning Commission, including a recommendation for corrective action.
- "5. That all other applicable rules, regulations and requirements shall be complied with."

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 by the Planning Commission."

MEMORANDUM OF AGREEMENT

Pursuant to the request from the Hawaii County Police Department in the District of North Hilo for a permit to use an area of approximately one and one-half acres, hereinafter called "premises", being a portion of Tax Map Key parcel 3-4-04, located in Kaiaakea, North Hilo, Island of Hawaii, together with the route of access indicated, shown outlined in red on the attached map, for a shooting range.

This is to advise you that the Laupahoehoe Sugar Company, hereinafter called "Laupahoehoe" hereby authorizes and grants permission to the police personnel of the North Hilo District Station at Laupahoehoe, Hawaii, to operate and/or manage the old quarry site located at Pohakupuka Gulch, Kaiaakea, Hawaii, for the purpose of establishing and conducting a police firearms training range for the Hawaii County Police Department personnel subject to the following terms and conditions:

1. The Department will obtain all governmental permits which are necessary for the proposed shooting activity.
2. This agreement, subject to the conditions imposed hereon by said governmental permits, is for a period beginning from the date hereof and extending to December 31, 1978 and thereafter from year to year subject to earlier termination by either the Department or Laupahoehoe giving to the other notice of not less than 30 days prior to the effective date of termination.

3. Prior to the commencement of any shooting, the Department shall construct any improvements, at its sole cost and expense, necessary to insure the safe operation of a shooting range on the premises and to protect the adjacent properties; it being understood that Laupahoehoe does not represent that the premises are safe, suitable or proper for the use intended under this permit. All construction shall be subject to the prior approval of Laupahoehoe.
4. The Department agrees that all officers of the Department (i.e. employees of the department) and other persons utilizing the premises pursuant to this agreement assumes all risk of personal injury or death and of loss or damage to property by whomsoever owned or caused by any accident or fire on said premises or occasioned by any nuisance made or suffered thereon resulting from any failure or on the Department's part to maintain the premises in a good and safe condition; and the Department also agrees to indemnify and save harmless Laupahoehoe from any and all claims for personal injury or wrongful death by third persons (including without limiting the generality of said term, officers, employees or agents, or any of them) and any and all claims for loss or damage to properties so caused, occasioned or resulting from the utilization of the premises by the Department pursuant to this agreement and reimburse Laupahoehoe for all costs and expenses (including reasonable attorney's fees), incurred in connection with the defense of any such claim, except where such injury or death is caused by the willful act or sole and gross neglect of Laupahoehoe.

5. The North Hilo Road Department is hereby authorized to travel upon roadways leading to the above site belonging to the Laupahoehoe Sugar Company for the purpose of maintenance of the training site.
6. Upon termination of this agreement, the Department shall remove all improvements constructed on the premises and will restore the land, as nearly as is reasonably possible, to its condition immediately prior to the commencement of this permit.

Accepted and agreed this 20th day
of March, 1978

POLICE DEPARTMENT, COUNTY OF HAWAII

By Guy A. Paul
GUY A. PAUL, CHIEF OF POLICE

Accepted and agreed this 16th day
of March, 1978

LAUPAHOEHOE SUGAR COMPANY

By F. Schattauer
FRED C. SCHATTAUER, MANAGER

Accepted and agreed this 3rd day
of April, 1978

COUNTY OF HAWAII

By Herb Matayoshi
HERBERT T. MATAYOSHI, MAYOR

APPROVED AS TO FORM AND LEGALITY

Roxanna Garcia

ASSISTANT CORPORATION COUNSEL
COUNTY OF HAWAII

Date: MAR 31 1978

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
July 20, 1978

A regularly advertised public hearing, on the application of County of Hawai'i Police Department, was called to order at 7:00 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 Bert H. Nakano Alfredo Orita William J. Paris, Jr. Charles H. Sakamoto Haruo Murakami Sidney M. Fuke, Director Ilima Piianaia, Planner Janie Patch, Student Intern	ABSENT:	Shigeru Fujimoto Ex-officio Member Akira Fujimoto
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David Murakami, representing Ex-officio Member Edward
Harada
Lionel Meyer, Deputy Corporation Counsel

and approximately 15 people in attendance

CHAIRMAN: We'll begin this evening with the public hearing on the application of the County of Hawai'i Police Department for a Special Permit to allow the establishment of an outdoor pistol range on approximately 1.5 acres of land situated within the State Land Use Agricultural District. The area involved is located approximately 0.7 mile mauka or west of the Hawai'i Belt Highway and approximately 0.5 mile southwest of Kai'aakea Plantation Camp between Pohakupuka Stream and Maulua Gulch, Kai'aakea, North Hilo, TMK: 3-4-04:portion of 4. Staff?

PATCH: (Presented background on file.)

CHAIRMAN: Commissioners, do you have any questions on the staff's background report on the application for a Special Permit of the Police Department?

JITCHAKU: Mr. Chairman, one question of the staff. I know there's a photograph that's been circulated, however, there's just one concern that I have and I noticed that, and it's in the background report, that the height of the quarry rockwall is 50 feet. Fifty height, so the range site, actually the bottom will be used as the stand and they're firing towards the 50-foot wall, is that correct?

EXHIBIT 0

PIIANAIA: Basically. I'd like to defer that question to the petitioner.

JITCHAKU: Okay, okay. Another question, on the top of the 50-foot wall, it seems like there's some canefields, they're using that canefields right now or is it barren?

PIIANAIA: They're using the canefields.

CHAIRMAN: Commissioners, any further questions? Commissioner Sakamoto.

SAKAMOTO: Ilima, can you show me which way they're firing on the map, you know, facing which way?

PIIANAIA: I'll let my intern expert do it.

PATCH: They'll be firing towards the Hamakua side, north.

CHAIRMAN: Parallel to the ocean, south to north?

PATCH: Perpendicular to the ocean.

CHAIRMAN: Mauka-makai?

PARIS: Makai-mauka, huh?

PATCH: They'll be firing, it'll be firing north. They'll be standing and firing north. Makai would be to the right, mauka to the left.

PIIANAIA: I will circulate a more detailed site plan showing the north and south barricades and the truck routes and the range site. And there's a hatched area which is a quarry block.

CHAIRMAN: Commissioners, further questions?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Murakami.

MURAKAMI: When you say Kai'aakea Camp, how many houses are there that still exist in the plantation camp?

PATCH: I believe there's about six residences there.

CHAIRMAN: And do you know in those six residences, are there any children in that area?

PATCH: When the area was field-checked, I didn't notice any at the time.

PIIANAIA: We don't know the answer.

PATCH: We don't know the answer.

CHAIRMAN: Okay. Commissioners, any further questions? Is the applicant or a representative of the applicant present?

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Yes, would you come forward please. We'll have to swear you in. If you'll raise your right hand please. Do you swear to tell the truth and nothing but the truth on this application now before the Hawaii County Planning Commission?

MALANI: I do.

CHAIRMAN: Please be seated and state your name into the microphone.

MALANI: I'm Sgt. Malani. I'm stationed in North Hilo.

CHAIRMAN: Sgt. Malani, you're representing the Police Department on this application tonight?

MALANI: That's right.

CHAIRMAN: Sgt. Malani, the camp that has been referred to in the application, Kai'aakea Camp, do you know the makeup of the population there? Are there any children in that area.

MALANI: There are children.

CHAIRMAN: And what age range would you say?

MALANI: From about 4 years old up to senior high school.

CHAIRMAN: I see. Do you feel that the safety measures that, adequate measures will be taken to prevent them from entering into that area during the time when you would be firing?

MALANI: Yes. It's quite a distance away and the area can be controlled by the roads that lead to the firing range.

CHAIRMAN: Okay, Commissioners, do you have any questions?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Murakami.

MURAKAMI: When you say camp, that's the existing old plantation camp still there yet, huh? The camp itself is the before one in there, not a new camp over there, huh?

MALANI: No, it's the same old camp.

MURAKAMI: Same old camp, huh?

MALANI: That's right.

SAKAMOTO: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Sakamoto.

SAKAMOTO: Can the public go down with permission to fire at the pistol range?

MALANI: I believe so. If it's controlled by the Police Department, I'm sure you can go down.

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ORITA: Excuse me, I have a question.

CHAIRMAN: Yes, Commissioner Orita.

ORITA: Sgt. Malani is there a present range?

MALANI: In the North Hilo area?

ORITA: Yes.

MALANI: No, there isn't.

ORITA: All right, I have another question. Will you be using, maybe, small arms such as .22 for target practice there, too?

MALANI: I believe not. It's only for our .38, our service revolvers.

ORITA: Oh, only service revolvers?

MALANI: Yes.

CHAIRMAN: Sgt. Malani, where do you have to go to qualify now in the practice?

MALANI: We don't have any place.

CHAIRMAN: Oh, so you have to come -?

MALANI: We have to come into Hilo.

CHAIRMAN: You have to come into Hilo. Commissioners, any further questions of Sgt. Malani? Commissioner Paris.

PARIS: Sgt. Malani, your normal warning to the people in the area, how is that conducted? Just by posting a barricade? Do you put any notice in the paper, or not?

MALANI: Just the barricades and, I guess, informing the people in the camp.

PARIS: Just verbally?

MALANI: Right.

PARIS: There's no prior warning other than the day you're going to fire?

MALANI: Not from my understanding.

PARIS: And I notice on the map a road mauka on the site too, you'd have a barricade at that mauka intersection, too, or just makai?

MALANI: Mauka and makai.

PARIS: Mauka and makai, both.

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CHAIRMAN: Charlie, show the map there to Commissioner Paris please. Staff, do you have any questions to the applicant?

PIIANAIA: Yes, I have two questions. One basically is what kind of improvements to the area would you have to make to use it as a firing range. For instance, there is a bluff there, do you have to put in a berm to prevent ricochets, or would you describe to us what, are you going to just use it in its natural state or are you going to put things in?

MALANI: No, we won't be putting anything in. We'll be firing into the high banks, except for some cleaning of the area and cutting the grass, levelling off the shooting area.

PIIANAIA: Okay, a second question I have is you will be doing night firing perhaps once every three months or so, could you describe to us why you need to do night firing and what you would be doing?

MALANI: I'm not prepared to answer that and the Captain is on vacation.

PIIANAIA: Is it normal in your qualifying -?

MALANI: No. But I think because of us working 24 hours, eventually we have to learn how to shoot at night and this is the reason why he's going to night firing.

PIIANAIA: Okay, because in previous, in a similar application for a firing range, we did limit use of the range only to daylight hours.

JITCHAKU: I have a question, Mr. Chairman.

CHAIRMAN: Yes, Commissioner Jitchaku.

JITCHAKU: Going back to my original question and following Ilima's questioning, Sgt. Malani, I'm not familiar with pistols, so the question I raised earlier was that looking at this photograph, there is a 50-foot embankment here, okay, my question was that if you're using a .38 revolver, would the, when you're shooting this towards the gulch, the embankment, would there be a possibility that your firing would ricochet towards the top of the gulley?

MALANI: No, I don't think so.

CHAIRMAN: Okay, then, because I was wondering if that's an active agricultural area where there's sugarcane fields, I was just concerned about the safety on the top. Thank you.

PIIANAIA: How often would you be using live ammunition?

MALANI: Every time we fire.

PIIANAIA: Every time you fire?

MALANI: Yes.

PIIANAIA: Do you have any safety precautions in case, I also don't know much about firearms, so that the live ammunition doesn't explode or anything?

MALANI: Yes, we do. We have a trained officer in our district who went into a firearms school, and he is capable of handling any kind of emergencies.

PIIANAIA: Thank you.

CHAIRMAN: And he, in fact, would be supervising all of the practices?

MALANI: What was that sir?

CHAIRMAN: Would he be supervising each time you go to practice?

MALANI: That's right. He will be the firearms officer in charge of the training.

CHAIRMAN: And in addition to being in charge of training, is he also in charge of safety to see that the area is properly secured?

MALANI: He will probably be assigned that.

CHAIRMAN: Commissioners, any further questions of Sgt. Malani? Staff? Sgt. Malani, this is a public hearing tonight. I'm going to ask that you please just take a seat right here, there may be some questions that we might like to have you respond to.

Ladies and gentlemen, this is a public hearing on the application of the County of Hawaii Police Department for a Special Permit to allow the establishment of a outdoor pistol range. The Chair at this time would like to invite any of you from the audience who would like to comment either for or against this application to please indicate so by raising your hand.

If there's no public testimony to come before the Commission, this is a Special Permit. The Planning Commission's role is advisory if recommending approval, adjudicatory if denial. It is our duty to conduct the public hearing after 30 days, but within 120 days of the receipt of the petition. This affords the Commission an opportunity to receive information from the staff and the petitioner. Public testimony will be taken. No testimony or rebuttal will be taken after the public hearing is closed. Our motion this evening is a motion to continue the public hearing or a motion to close the public hearing. Commissioners, what is your pleasure?

NAKANO: Mr. Chairman, I move that we close the public hearing.

CHAIRMAN: Is there a second to the motion?

MURAKAMI: Second the motion, Mr. Chairman.

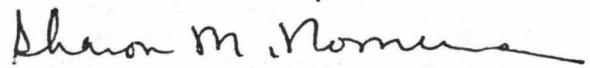
6 6
CHAIRMAN: Thank you. It has been moved by Commissioner Nakano and seconded by Commissioner Murakami that the public hearing be closed. All those in favor so signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? Public hearing is closed.

Public hearing adjourned at 7:24 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

August 16, 1978

The Planning Commission met in regular session at 1:30 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 (From 1:45 p.m.) Bert H. Nakano Alfredo Orita William J. Paris, Jr. Charles H. Sakamoto	ABSENT:	Shigeru Fujimoto Ex-officio Member Akira Fujimoto
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Sidney M. Fuke, Director
Keith Kato, Planner
William Moore, Planner

David Murakami, representing Ex-officio Member Edward
Harada
Roxanna Garcia, Assistant Corporation Counsel (From 7:00 p.m.)

MINUTES: It was moved by Commissioner Hanley and seconded by Commissioner Nakano that the minutes of August 3, 1978, be approved as circulated; motion was carried.

REPORTS: The Chair acknowledge receipt of a correspondence from Kainaliu Development dated August 14, 1978, and stated that copies will be made available to the Commissioners before the next scheduled Planning Commission meeting.

All those testifying were duly sworn in.

SPECIAL PERMIT
COUNTY OF HAWAII
POLICE DEPARTMENT
KAI'AAKEA, NORTH
HILO

SPECIAL PERMIT
COUNTY OF HAWAII
POLICE DEPARTMENT
KAI'AAKEA, NORTH
HILO

Application of the County of Hawaii Police Department for a Special Permit to allow the establishment of an outdoor pistol range on approximately 1.5 acres of land situated within the State Land Use Agricultural District. The area involved is located approximately 0.7 mile mauka or west of the Hawaii Belt Highway and approximately 0.5 mile southwest of Kai'akea Plantation Camp between Pohakupuka Stream and Maulua Gulch, Kai'akea, North Hilo, TMK: 3-4-04:portion of 4.

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

Staff pointed out that a copy of the Memorandum of Agreement between Honokaa Sugar Company and the petitioner is on file.

EXHIBIT V

The petitioner's representative Captain Leroy Victorine, Commander of the North Hilo District, pointed out that there may be use of the firing range for the public; however, the public would be restricted to its use under their guidance and only when a firearms instructor is able to be in attendance. Commissioner Sakamoto pointed out that if public is allowed to use the firing range, perhaps there would be less public property damage such as people shooting at signs on the highways. Captain Victorine stated that the Police Department is able to comply with the conditions as outlined by the staff.

For the Commissioner's information, Captain Victorine clarified that the reasons for the night firing was because statistics throughout the nation indicated that the majority of gunfights that policemen get into are at night and that there is a drastic difference in the ability and knowledge of handling firearms in the evening. He added that the Police Department is for the first time providing their personnel with some training on how to properly use their flashlights, headlights of their car, and conduct night firing in a safe a manner as possible.

Captain Victorine clarified that besides the wooden barricades placed well away from the firing range, they will also block the road, which is rarely in use anyway, with perhaps another police vehicle. He said he felt they were taking measures to provide maximum security to the area.

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

The Chair at this time acknowledge the presence of Commissioner Murakami.

VARIANCE
ARTHUR ULRICH
OLA'A, PUNA

Preliminary hearing on the application of Arthur Ulrich for a variance to allow the creation of a 19.78-acre lot in lieu of the minimum area requirement of twenty (20) acres as stipulated in the Agricultural 20-acre (A-20a) zoned district. The property involved is located at the westerly end of the Volcano Farm Lots and adjacent to the Kilauea Forest Reserve, Ola'a, Puna, TMK: 1-9-01: 9 and 10.

Staff presented background and recommendation to set the application up for a public hearing.

Staff clarified that Lot 3 is proposed to be 19.78 acres.

The petitioner's representative, Masanori Kushi, informed the Commissioners that Mr. Ulrich was unable to be present because he was serious ill. Mr. Kushi injected the thought that the problem was unique as the lots are owned by the applicants, and together they constituted a corner lot. The only other similar situation would be the two lots across the street, but he was not sure whether those two lots belonged to the same owner. Mr. Kushi pointed out that the original developer

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

September 15, 1978

Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
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

SP78-313 - CHARLES T. ONAKA

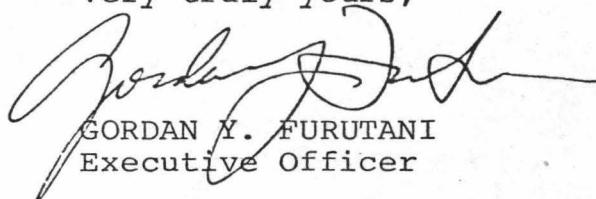
✓ SP78-318 - HAWAII COUNTY POLICE DEPARTMENT

A78-440 - KOBAYASHI DEVELOPMENT & CONSTRUCTION, INC.

will be heard at that time.

Should you have any question on these matters, please contact this office.

Very truly yours,


GORDAN Y. FURUTANI
Executive Officer

Enclosure - Agenda

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

September 15, 1978

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

Dear Chief Paul:

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

Please note that petition

SP78-318 - HAWAII COUNTY POLICE DEPARTMENT

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

September 27, 1978 - 10:00 a.m.
Meeting Room First Hawaiian Bank, Kona Branch
Kailua, Kona, Hawaii

A G E N D A

I. ACTION

1. SP78-313 - Charles T. Onaka (Hawaii)

To allow the establishment of a smoked beef business on approximately .76 acre of land situated within the State Land Use Agricultural District at Honaunau Mauka, South Kona, Hawaii.

2. SP78-318 - Hawaii County Police Department (Hawaii)

To allow the establishment of an outdoor pistol range on approximately 1.5 acres of land situated within the State Land Use Agricultural District at Kai'aakea, North Hilo, Hawaii.

3. SP77-273 - Oahu Corporation--Time Extension (Oahu)

To allow a one (1) year time extension to commence construction of a recreational theme park within the State Land Use Agricultural District at Kahe Point, Ewa, Oahu.

4. SP78-317 - Department of Public Works, City & County of Honolulu (Oahu)

To allow the establishment of a sewage treatment plant on approximately 2.0 acres of land situated within the State Land Use Agricultural District at Kahuku, Oahu.

II. HEARING

1. A78-440 - Kobayashi Development & Construction, Inc. (Hawaii)

To reclassify 214 acres of land, more or less, presently in the Conservation District into the Urban District at North Kona, Hawaii, for a light industrial subdivision of approximately 175 lots.

III. MISCELLANEOUS

1. Adoption of Minutes
2. Meeting Schedule



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF
HAWAII

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

August 28, 1978

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

SP18-318

Dear Mr. Furutani:

Special Permit Application
Petitioner: Hawaii County Police Department

LAND USE COMMISSION
STATE OF HAWAII
AUG 29 10 34 AM '78

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 establishment of an outdoor pistol range on approximately 1.5 acres of land situated within the State Land Use Agricultural District at Kai'aakea, North Hilo, Hawaii, Tax Map Key 3-4-04:portion of 4.

The Planning Commission at a duly advertised public hearing held on July 20, 1978, in the Councilroom, County Building, South Hilo, Hawaii, discussed the subject request. The Commission on August 16, 1978, voted to recommend the approval of the special permit to the Land Use Commission based on the following findings:

That approval of the subject request will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The area under consideration is classified Agricultural by

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

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

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

That the proposed use will not adversely affect surrounding properties. The surrounding area is used for sugar cane cultivation. The purpose of the subject request is to provide a firing range for the training of police personnel within an abandoned quarry. The proposed use will be within a depressed area which is buffered from surrounding lands by a fifty to sixty foot high quarried wall to the north and by a deep stream gulch to the south. The proposed activity will be conducted on an infrequent basis. This action is not expected to interfere with the cultivation of sugar cane on surrounding lands.

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

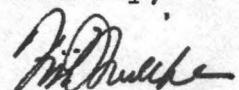
The favorable recommendation was also subject to the following conditions:

1. That the site upon which the pistol range is to be established shall be defined by metes and bounds and shall not exceed 15+ acres. The metes and bounds description shall be submitted to the Planning Director and shall be filed with the State Land Use Commission.
2. That the petitioner shall establish the pistol range use within one (1) year from the filing of the metes and bounds description with the State Land Use Commission.
3. That should Laupahoehoe Sugar Company terminate its memorandum of agreement with the petitioner, the petitioner shall immediately notify the Planning Director in writing and action to nullify the Special Permit shall be initiated.
4. That upon receipt of complaints about the pistol range the Planning Director shall investigate such complaints and prepare a report to the Planning Commission, including a recommendation for corrective action.
5. That all other applicable rules, regulations and requirements shall be complied with.

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

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

ak
Enclosures

cc: Mr. Guy A. Paul
Land Use Division, DPED

LIST OF EXHIBITS - COUNTY OF HAWAII POLICE DEPARTMENT

- A. Applicant's letter (4/4/78)
- A-1. Memorandum of Agreement
- A-2. Copies of proposed site and location map
- A-3. Photos of proposed site
- A-4. Notice of Determination
- B. Director's letter to Chief of Police (4/26/78)
- C. Applicant's response to Director's letter (5/10/78)
- D. Departmental acknowledgement letter (5/18/78)
- E. Environmental Impact Assessment (Received 5/18/78)
- F. Special Permit Application
- G. Applicant's letter to Environmental Quality Commission
- H. Applicant's letter on application of Special Permit (5/26/78)
- I. Departmental Acknowledgement letter (6/7/78)
- J. Letter to agencies (6/7/78)
 - J-1. Water Supply (6/14/78)
 - J-2. Hawaii Electric Light (6/14/78)
 - J-3. Public Works (6/14/78)
 - J-4. Health (6/7/78)
 - J-5. Fire (6/13/78)
 - J-6. Parks & Recreation (6/23/78)
 - J-7. Agriculture (6/15/78)
 - J-8. Education (6/15/78)
- K. Property Owner letter (7/10/78)
- L. Letter to the applicant (7/6/78)
 - L-1. Public Hearing Notice
- M. Voting Sheet - close hearing

- N. Minutes (7/20/78)
- O. Transcript (7/20/78)
- P. Letter to the applicant (7/21/78)
- Q. Letter to the applicant (8/2/78)
- R. Staff Background
- S. Staff Recommendation
- T. Location Map (please return)
- U. Voting Sheet
- V. Minutes (8/16/78)



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

COUNTY OF
HAWAII

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

August 21, 1978

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

Dear Chief Paul:

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

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

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

1. That the site upon which the pistol range is to be established shall be defined by metes and bounds and shall not exceed 15¹/₂ acres. The metes and bounds description shall be submitted to the Planning Director and shall be filed with the State Land Use Commission.
2. That the petitioner shall establish the pistol range use within one (1) year from the filing of the metes and bounds description with the State Land Use Commission.
3. That should Laupahoehoe Sugar Company terminate its memorandum of agreement with the petitioner, the petitioner shall immediately notify the Planning Director in writing and action to nullify the Special Permit shall be initiated.

Aug 22 1978
10 29 AM '78
LAND USE COMMISSION
STATE OF HAWAII

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

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

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

Sincerely,



William F. Mielcke
Chairman, Planning Commission

smn

cc: State Land Use Commission
Land Use Division, DPED



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE

GUY A. PAUL

YOUR REFERENCE

CHIEF OF POLICE

April 4, 1978

TO : SIDNEY FUKE, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: NORTH HILO PISTOL RANGE

The Police Department is in urgent need of a site for a pistol range in North Hilo, Hawaii. Laupahoehoe Sugar Company has agreed to permit the police to utilize an abandoned quarry site for use as a pistol range at Kaiaakea, North Hilo.

It is our understanding that the proposed site is within the State Land Use Agricultural District and as such requires a special permit prior to the establishment of a pistol range.

Attached are copies of:

1. A memorandum of agreement governing the use of the property.
2. Copies of the proposed site (TMK: 5-5-08:4) and location map.
3. Photos of the proposed site.
4. Notice of Determination - Negative Declaration.

Should subsequent endorsement of the document be made by the appropriate officials, we would appreciate your assistance in transmitting the necessary information to EQC.

Captain Leroy Victorine will be available to provide testimony before the County of Hawaii Planning Commission and/or State Land Use Commission should it be required.

Application for a Special Permit will be held in abeyance pending approval of the Notice of Determination.

JS 183 2 M/11
RECEIVED

EXHIBIT A

Page 2

Please feel free to contact Captain Wayne Carvalho of the Administrative Services Division (961-2262) should further information be desired on the proposal.



GUY A. PAUL
CHIEF OF POLICE

WGC/k

cc: Captain Leroy Victorine

MEMORANDUM OF AGREEMENT

Pursuant to the request from the Hawaii County Police Department in the District of North Hilo for a permit to use an area of approximately one and one-half acres, hereinafter called "premises", being a portion of Tax Map Key parcel 3-4-04, located in Kaiaakea, North Hilo, Island of Hawaii, together with the route of access indicated, shown outlined in red on the attached map, for a shooting range.

This is to advise you that the Laupahoehoe Sugar Company, hereinafter called "Laupahoehoe" hereby authorizes and grants permission to the police personnel of the North Hilo District Station at Laupahoehoe, Hawaii, to operate and/or manage the old quarry site located at Pohakupuka Gulch, Kaiaakea, Hawaii, for the purpose of establishing and conducting a police firearms training range for the Hawaii County Police Department personnel subject to the following terms and conditions:

1. The Department will obtain all governmental permits which are necessary for the proposed shooting activity.
2. This agreement, subject to the conditions imposed hereon by said governmental permits, is for a period beginning from the date hereof and extending to December 31, 1978 and thereafter from year to year subject to earlier termination by either the Department or Laupahoehoe giving to the other notice of not less than 30 days prior to the effective date of termination.

3. Prior to the commencement of any shooting, the Department shall construct any improvements, at its sole cost and expense, necessary to insure the safe operation of a shooting range on the premises and to protect the adjacent properties; it being understood that Laupahoehoe does not represent that the premises are safe, suitable or proper for the use intended under this permit. All construction shall be subject to the prior approval of Laupahoehoe.
4. The Department agrees that all officers of the Department (i.e. employees of the department) and other persons utilizing the premises pursuant to this agreement assumes all risk of personal injury or death and of loss or damage to property by whomsoever owned or caused by any accident or fire on said premises or occasioned by any nuisance made or suffered thereon resulting from any failure or on the Department's part to maintain the premises in a good and safe condition; and the Department also agrees to indemnify and save harmless Laupahoehoe from any and all claims for personal injury or wrongful death by third persons (including without limiting the generality of said term, officers, employees or agents, or any of them) and any and all claims for loss or damage to properties so caused, occasioned or resulting from the utilization of the premises by the Department pursuant to this agreement and reimburse Laupahoehoe for all costs and expenses (including reasonable attorney's fees), incurred in connection with the defense of any such claim, except where such injury or death is caused by the willful act or sole and gross neglect of Laupahoehoe.

5. The North Hilo Road Department is hereby authorized to travel upon roadways leading to the above site belonging to the Laupahoehoe Sugar Company for the purpose of maintenance of the training site.
6. Upon termination of this agreement, the Department shall remove all improvements constructed on the premises and will restore the land, as nearly as is reasonably possible, to its condition immediately prior to the commencement of this permit.

Accepted and agreed this 20th day
of March, 1978

POLICE DEPARTMENT, COUNTY OF HAWAII

By Guy A. Paul
GUY A. PAUL, CHIEF OF POLICE

Accepted and agreed this 16th day
of March, 1978

LAUPAHOEHOE SUGAR COMPANY

By F.C. Schattauer
FRED C. SCHATTAUER, MANAGER

Accepted and agreed this 3rd day
of April, 1978

COUNTY OF HAWAII

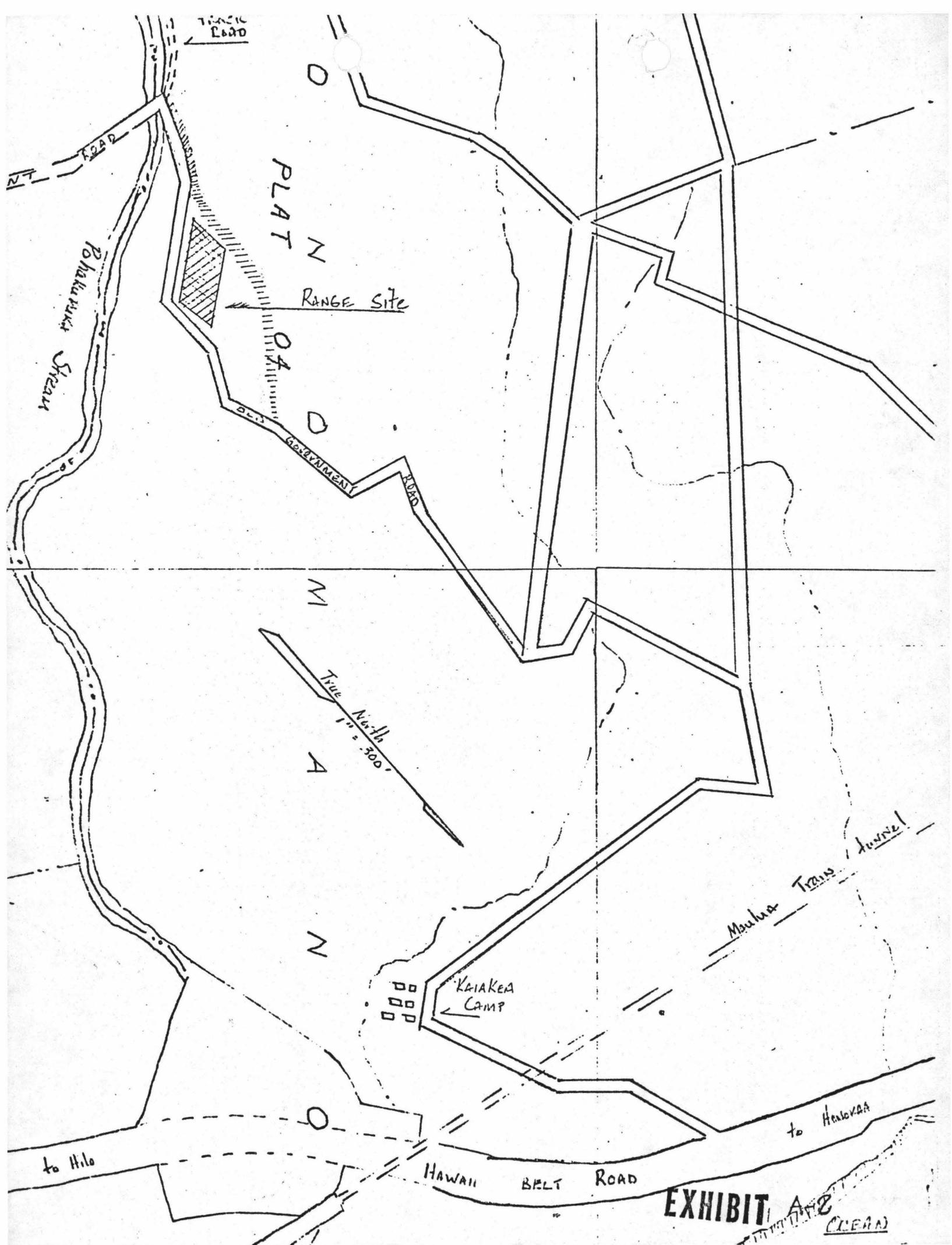
By Herbert T. Matayoshi
HERBERT T. MATAYOSHI, MAYOR

APPROVED AS TO FORM AND LEGALITY

Roxanna Garcia

ASSISTANT CORPORATION COUNSEL
COUNTY OF HAWAII

Date: MAR 31 1978





PLANNING DEPARTMENT

25 AUPUNI STREET

COUNTY OF HAWAII

HILO, HAWAII 96720

Photographs

EXHIBIT A-3

Exhibit A-3

Photographs











NOTICE OF DETERMINATION: NORTH HILO PISTOL RANGE
TMK: 3-4-04 por of 4
Kaiaakea, Hawaii

The Hawaii County Police Department proposes the establishment of an outdoor pistol range on approximately one and one-half (1-1/2) acres of land area in Kaiaakea, North Hilo. The proposed site is a portion of a 15.6-acre parcel owned by the Laupahoehoe Sugar Company, TMK: 3-4-04:por of 4. This site is located approximately 0.7 miles mauka or west of the Hawaii Belt Highway, Route 19H, Kaiaakea, and approximately 0.5 miles from the nearest structure of the Kaiaakea Plantation Camp (see attached map).

The existing County zoning is agriculture 20-acre (A-20a). The area is designated agriculture by the County's General Plan. It is also within the State Land Use Agricultural District, thus a Special Permit must be secured.

The proposed site is presently vacant and is within a depressed area which was formerly utilized as a quarry. It is bordered by Pohakupuka Stream on the south and Maulua Gulch on the north.

The Soil Conservation Service's (SCS) Soil Survey Report classifies the area as Rough Broken Land (RB) and Hilo Silty Clay Loam (HOD). RB is a miscellaneous land type that consists of very steep, precipitous land broken by many intermittent drainage channels. It occurs primarily in gulches, and the slope is dominantly 35 to 70 percent. The soil material ranges from very shallow to deep. Stones and rock outcrops are common in some areas. Elevation ranges from near sea level to 3,000 feet, and the annual rainfall ranges from 50 inches to more than 150 inches. Vegetation varies with rainfall. Kukui trees are common in the gulches. There are a few, scattered waterfalls.

HOD is soil similar to Hilo silty clay loam, 0 to 10 percent slopes, but is steeper. Runoff is medium and the erosion hazard is slight to moderate.

Capability subclass is IVe and VIIe, nonirrigated with severe limitations that make them unsuited for cultivation (second lowest class in the SCS ranking system). The Land Study Bureau's overall master productivity rating for agricultural use is Class E or very poor.

No structures are planned for this pistol range. Pistol firing will be directed into a dirt and stone embankment approximately 50 to 60 feet in height to prevent ricochetting. The topography of the quarry is such that it affords natural protection. During periods of live firing, barricades and warning signs will be erected to inform the general public. Firing will be limited to daylight hours between 7:00 a.m. and 7:00 p.m. or unless otherwise instructed by competent authority.

Testing of noise levels utilizing a military explosive simulator, M116A1, equivalent to 94 dbs at 100 feet, produced negligible readings at the nearest residence at Kaiaakea Camp approximately 0.5 miles away and at the nearest highway, Rt. 19H, vehicular traffic noise levels registered 75 dbs at the same point of monitoring.

Access to the site will be via an old government road off the Hawaii Belt Highway, Rt. 19H. No other public infrastructure or service will be required.

Laupahoehoe Sugar Company has agreed to permit the proposed use of the site. Refer to the attached memorandum of agreement.

Page 3

Based on this evaluation, I have determined that no significant environmental impact will result from this proposed action. Therefore an Environmental Impact Statement pursuant to Chapter 343, Hawaii Revised Statutes, need not be prepared.

MEMORANDUM:

pending
Sp. 47 pmr/ctc

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: Guy A. Paul, Chief of Police

Date: April 26, 1978

From: Director

Subject: North Hilo Pistol Range
Notice of Determination
Negative Declaration

Dave Kauhak

Thank you for the opportunity to review the North Hilo Pistol Range Notice of Determination/Negative Declaration. We have the following comments to submit:

1. Although the range site has natural obstacles to impede access by people on the south (Pohakupuka Stream) and on the north (Maulua Gulch), Kaiaakea camp lies only .5 miles to the east. Has the plantation or the police department given notice to the residents within Kaiaakea camp of the intended use of the site? If so, what has been their reaction?
2. It is unclear as to whether or not the proposed pistol range site is for temporary use or eventually to become a permanent site.
3. Further explanation as to location of the site in relation to old government road is necessary. Is there a driveway into the site where barriers may be used to prevent access directly into the site? Although the photograph indicates there is; some mention should also be made within the text.
4. What is the volume of traffic on the old government road? Is this road used as a secondary road to other camps?
5. Additional information as to total number of persons who would use the range and how often the range would actually be utilized over a given period of time should be discussed.
6. No mention is made of the prevalent wind directions or average wind velocity with regard to air quality during and after firing.

While we do not foresee the need for an Environmental Impact Statement with revisions, the Negative Declaration should be adequate.

Should you have any questions, please feel free to contact us.

EC/VKG:mmk

EXHIBIT B

APR 27 1978

MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: VIRGINIA

Date: April 27, 1978

From: ED CHEPLIC

Subject: NORTH HILO PISTOL RANGE

Although the range site has natural obstacles to hinder easy access by people on the south (Pohakupuka Stream) and on the north (Maulua Gulch), Kaiaakea Camp lies only .5 miles east. Has the plantation or the police department given notice to the families within the Camp of the intended use of the site? If so, what was their reaction?

While no structures are presently planned for the site, I would think that with the rainfall ranging from 50 to 150 inches, more like an average of over 100 inches, some sort of shelter should be included in the original plans.

As far as environmental concerns, they should include prevalent wind directions and average velocity. The smoke and scent of gun powder smoke doesn't dissipate as readily as regular smoke, especially in humid weather.

Also, they say access is via old road.

Virginia Goldstein's comments:

Paragraph #1 - Seems to me Maulua Gulch is kinda far away.

Paragraph #2 - Is this to be used permanently? Or if not, how temporary? They should describe.

Additional - Also, they say access is via old road. Is parcel quarry directly off old road or is there a driveway into site. Besides barrier - where are these to be placed when they are practicing. They also might mention what traffic is like on this road. Is it used as a secondary road to other camps.

Did you check with Police - which branch (district) is gonna use range - serve all of this side? Besides T-Th hours - how often do they anticipate use of range - these ought to be discussed in EA also.

Draft reply incorporating my concerns as well as yours.

Also check with Masa just to be sure their section hasn't previously commented.

Thanks.



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE

GUY A. PAUL

YOUR REFERENCE

CHIEF OF POLICE

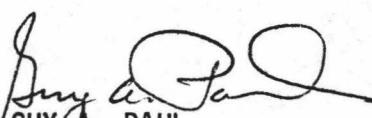
May 10, 1978

TO : SIDNEY FUKE, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: NORTH HILO PISTOL RANGE

Thank you for your memo of April 26, 1978 regarding the proposed North Hilo Pistol Range.

Attached is a memo from Captain Leroy Victorine of the North Hilo District which clarifies the concerns of your staff regarding the proposal.

Application for the Special Land Use Permit will be held in abeyance pending final approval of the negative declaration.


GUY A. PAUL
CHIEF OF POLICE

WGC/k

Enc.

cc: Captain Leroy Victorine

EXHIBIT C

of TO : GUY A. PAUL, CHIEF OF POLICE
VIA : GEORGE IRANON, INSPECTOR, COUNTRY OPERATIONS
FROM : LEROY J. VICTORINE, CAPTAIN, NORTH HILO
SUBJECT : NORTH HILO PISTOL RANGE

In response to the memorandum from the Planning Department, I shall answer the proposed questions in the order presented.

1. The people in Kaiakea Camp were contacted regarding any reservations they might have regarding the proposed range. No objections were raised. Additionally, when conducting noise tests at the site, an attempt to take a decible reading at the camp site determined the sound of an explosive charge considerably greater than a pistol shot could not be heard at all from the camp.
2. It is intended that the range become a permanent site.
3. The old Government Road runs along the South edge of the proposed site. There is no driveway into the site. Barricades will be placed (refer to map attached) on the old Government Road on the South side of Pohakupuka Gulch (as indicated), and at the intersection North of the site (as indicated). The road will be closed during periods of range use. This road is only used by the Laupahoehoe Sugar Company, and the closing of the roadway would not adversely affect anyone.
4. The volume of traffic on the old Government Road is almost non-existent, excepting for plantation trucks, and that usage is very minimal. The normal flow of plantation vehicles is as indicated on the map, utilizing plantation roads on the North and West side of the site, all well out of danger of activities at the proposed range site. The closing of that portion of the road indicated will not hamper plantation operations.
5. The total number of persons utilizing the range will vary, but will be restricted to police personnel control at all times. The most number of persons who will be conducting concurrent live fireing will be limited to three.

T/F-NORTH HILO PISTOL RANGE

Page 2

of 2

Live firing will be conducted at least two calendar days per month, but should not exceed five calendar days per month. Approximately once every three months, during the evening hours of darkness, on two evenings, night firing exercises may take place. These exercises would terminate by 9:30 PM, and only one person would fire at a time.

6. Prevalent wind flow is from the South, with average velocity about 5-10 knots. This wind condition affords maximum natural ventilation for the site, which will provide a consistently high air quality at the site at all times.

Leroy J. Victorine
LEROY J. VICTORINE
Captain #16
05-05-78

lvc

MEMORANDUM:

EEC
Perdu / SP
Gym

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: GUY A. PAUL, CHIEF OF POLICE

Date: May 18, 1978

From:

DIRECTOR

Sidney M. tube

Subject: NORTH HILO PISTOL RANGE
NOTICE OF DETERMINATION
NEGATIVE DECLARATION

This is to acknowledge receipt of your memorandum responding to our comments regarding the above subject matter. Our concerns have been satisfactorily met.

Should you have any questions, please feel free to contact us.

ED:ak

EXHIBIT D

MAY 19 1978

RECEIVED
'78 JUN 1 AM 8 56

PLANNING CENTER DATE: JUN 2 1978
COUNTY: ~~DEPT~~
FILE NO. 100-4424
SECRETARY 24
LONG RANGE DIVISION

PLANNER

SHORT RANGE DIVISION
PLANNER

DRAFTING STATION

PLANNING

PLANNING & COMMENT
A. ADVISORY ACTION
B. PLANNING & REPORT
 RECOMMENDATION

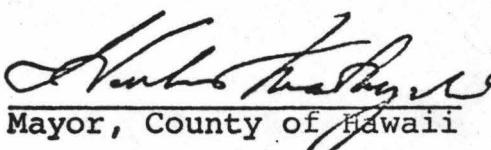
EXHIBIT E

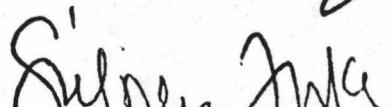
ENVIRONMENTAL IMPACT ASSESSMENT
AND DETERMINATION OF NEGATIVE
IMPACT FOR THE PROPOSED
NORTH HILO PISTOL RANGE

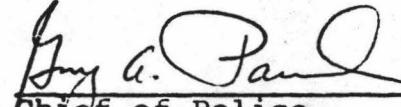
By
County of Hawaii
Police Department

May 1978

Approved by:


Charles H. Bayne
Mayor, County of Hawaii


Sidney Naka
Director, Planning
Department


Guy A. Paul
Chief of Police

NOTICE OF DETERMINATION: NORTH HILO PISTOL RANGE
TMK: 3-4-04 por of 4
Kaiaakea, Hawaii

The Hawaii County Police Department proposes the establishment of an outdoor pistol range on approximately one and one-half (1-1/2) acres of land area in Kaiaakea, North Hilo. The proposed site is a portion of a 15.6-acre parcel owned by the Laupahoehoe Sugar Company, TMK: 3-4-04:por of 4. This site is located approximately 0.7 miles mauka or west of the Hawaii Belt Highway, Route 19H, Kaiaakea, and approximately 0.5 miles from the nearest structure of the Kaiaakea Plantation Camp (see attached map).

The existing County zoning is agriculture 20-acre (A-20a). The area is designated agriculture by the County's General Plan. It is also within the State Land Use Agricultural District, thus a Special Permit must be secured.

The proposed site is presently vacant and is within a depressed area which was formerly utilized as a quarry. It is bordered by Pohakupuka Stream on the south and Maulua Gulch on the north.

The Soil Conservation Service's (SCS) Soil Survey Report classifies the area as Rough Broken Land (RB) and Hilo Silty Clay Loam (HOD). RB is a miscellaneous land type that consists of very steep, precipitous land broken by many intermittent drainage channels. It occurs primarily in gulches, and the slope is dominantly 35 to 70 percent. The soil material ranges from very shallow to deep. Stones and rock outcrops are common in some areas. Elevation ranges from near sea level to 3,000 feet, and the annual rainfall ranges from 50 inches to more than 150 inches. Vegetation varies with rainfall. Kukui trees are common in the gulches. There are a few, scattered waterfalls.

HOD is soil similar to Hilo silty clay loam, 0 to 10 percent slopes, but is steeper. Runoff is medium and the erosion hazard is slight to moderate.

Capability subclass is IVe and VIIe, nonirrigated with severe limitations that make them unsuited for cultivation (second lowest class in the SCS ranking system). The Land Study Bureau's overall master productivity rating for agricultural use is Class E or very poor.

No structures are planned for this pistol range. Pistol firing will be directed into a dirt and stone embankment approximately 50 to 60 feet in height to prevent ricochetting. The topography of the quarry is such that it affords natural protection. During periods of live firing, barricades and warning signs will be erected to inform the general public. Firing will be limited to daylight hours between 7:00 a.m. and 7:00 p.m. or unless otherwise instructed by competent authority.

Testing of noise levels utilizing a military explosive simulator, M116A1, equivalent to 94 dbs at 100 feet, produced negligible readings at the nearest residence at Kaiaakea Camp approximately 0.5 miles away and at the nearest highway, Rt. 19H, vehicular traffic noise levels registered 75 dbs at the same point of monitoring.

Access to the site will be via an old government road off the Hawaii Belt Highway, Rt. 19H. No other public infrastructure or service will be required.

Laupahoehoe Sugar Company has agreed to permit the proposed use of the site. Refer to the attached memorandum of agreement.

Page 3

Based on this evaluation, I have determined that no significant environmental impact will result from this proposed action. Therefore an Environmental Impact Statement pursuant to Chapter 343, Hawaii Revised Statutes, need not be prepared.

11.48
MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: Guy A. Paul, Chief of Police

Date: April 26, 1978

APR 78 14: 27

From: Director

Subject: North Hilo Pistol Range
Notice of Determination
Negative Declaration

Thank you for the opportunity to review the North Hilo Pistol Range Notice of Determination/Negative Declaration. We have the following comments to submit:

1. Although the range site has natural obstacles to impede access by people on the south (Pohakupuka Stream) and on the north (Maulua Gulch), Kaiaakea camp lies only .5 miles to the east. Has the plantation or the police department given notice to the residents within Kaiaakea camp of the intended use of the site? If so, what has been their reaction?
2. It is unclear as to whether or not the proposed pistol range site is for temporary use or eventually to become a permanent site.
3. Further explanation as to location of the site in relation to old government road is necessary. Is there a driveway into the site where barriers may be used to prevent access directly into the site? Although the photograph indicates there is; some mention should also be made within the text.
4. What is the volume of traffic on the old government road? Is this road used as a secondary road to other camps?
5. Additional information as to total number of persons who would use the range and how often the range would actually be utilized over a given period of time should be discussed.
6. No mention is made of the prevalent wind directions or average wind velocity with regard to air quality during and after firing.

While we do not foresee the need for an Environmental Impact Statement with revisions, the Negative Declaration should be adequate.

Should you have any questions, please feel free to contact us.

May 10, 1978

TO : SIDNEY FUKE, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: NORTH HILO PISTOL RANGE

Thank you for your memo of April 26, 1978 regarding the proposed North Hilo Pistol Range.

Attached is a memo from Captain Leroy Victorine of the North Hilo District which clarifies the concerns of your staff regarding the proposal.

Application for the Special Land Use Permit will be held in abeyance pending final approval of the negative declaration.

GUY A. PAUL
CHIEF OF POLICE

WGC/k

Enc.

cc: Captain Leroy Victorine

TO : GUY A. PAUL, CHIEF OF POLICE
VIA : GEORGE IRANON, INSPECTOR, COUNTRY OPERATIONS
FROM : LEROY J. VICTORINE, CAPTAIN, NORTH HILO
SUBJECT : NORTH HILO PISTOL RANGE

In response to the memorandum from the Planning Department, I shall answer the proposed questions in the order presented.

1. The people in Kaiakea Camp were contacted regarding any reservations they might have regarding the proposed range. No objections were raised. Additionally, when conducting noise tests at the site, an attempt to take a decible reading at the camp site determined the sound of an explosive charge considerably greater than a pistol shot could not be heard at all from the camp.
2. It is intended that the range become a permanent site.
3. The old Government Road runs along the South edge of the proposed site. There is no driveway into the site. Barricades will be placed (refer to map attached) on the old Government Road on the South side of Pohakupuka Gulch (as indicated), and at the intersection North of the site (as indicated). The road will be closed during periods of range use. This road is only used by the Laupahoehoe Sugar Company, and the closing of the roadway would not adversely affect anyone.
4. The volume of traffic on the old Government Road is almost non-existent, excepting for plantation trucks, and that usage is very minimal. The normal flow of plantation vehicles is as indicated on the map, utilizing plantation roads on the North and West side of the site, all well out of danger of activities at the proposed range site. The closing of that portion of the road indicated will not hamper plantation operations.
5. The total number of persons utilizing the range will vary, but will be restricted to police personnel control at all times. The most number of persons who will be conducting concurrent live fireing will be limited to three.

T/F-NORTH HILO PISTOL RANGE
Page 2

Live firing will be conducted at least two calendar days per month, but should not exceed five calendar days per month. Approximately once every three months, during the evening hours of darkness, on two evenings, night firing exercises may take place. These exercises would terminate by 9:30 PM, and only one person would fire at a time.

6. Prevalent wind flow is from the South, with average velocity about 5-10 knots. This wind condition affords maximum natural ventilation for the site, which will provide a consistently high air quality at the site at all times.

Leroy J. Victorine

LEROY J. VICTORINE
Captain #16
05-05-78

lvc

J

MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: GUY A. PAUL, CHIEF OF POLICE

Date: May 18, 1978

From: DIRECTOR

Subject: NORTH HILO PISTOL RANGE
NOTICE OF DETERMINATION
NEGATIVE DECLARATION

Sustaku
This is to acknowledge receipt of your memorandum responding to our comments regarding the above subject matter. Our concerns have been satisfactorily met.

Should you have any questions, please feel free to contact us.

EC:ak

BP.
Q - Capt. Victoria

APPLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: HAWAII COUNTY POLICE DEPARTMENT (NORTH HILO POLICE STATION)

APPLICANT'S SIGNATURE: John G. Far

ADDRESS: 349 Kapiolani Street, Hilo, Hawaii 96720

TELEPHONE: 961-2243

TAX MAP KEY: 3-4-04:por. of 4 AREA: 15.6 acres
(size of Parcel)

OWNER: LAUPAHOEHOE SUGAR COMPANY

OWNER'S SIGNATURE: _____ (see attached memorandum of agreement)

APPLICANT'S INTEREST, IF NOT OWNER: Provide for a firearms training site in North Hilo.

REQUESTED USE: Outdoor Pistol Range

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.

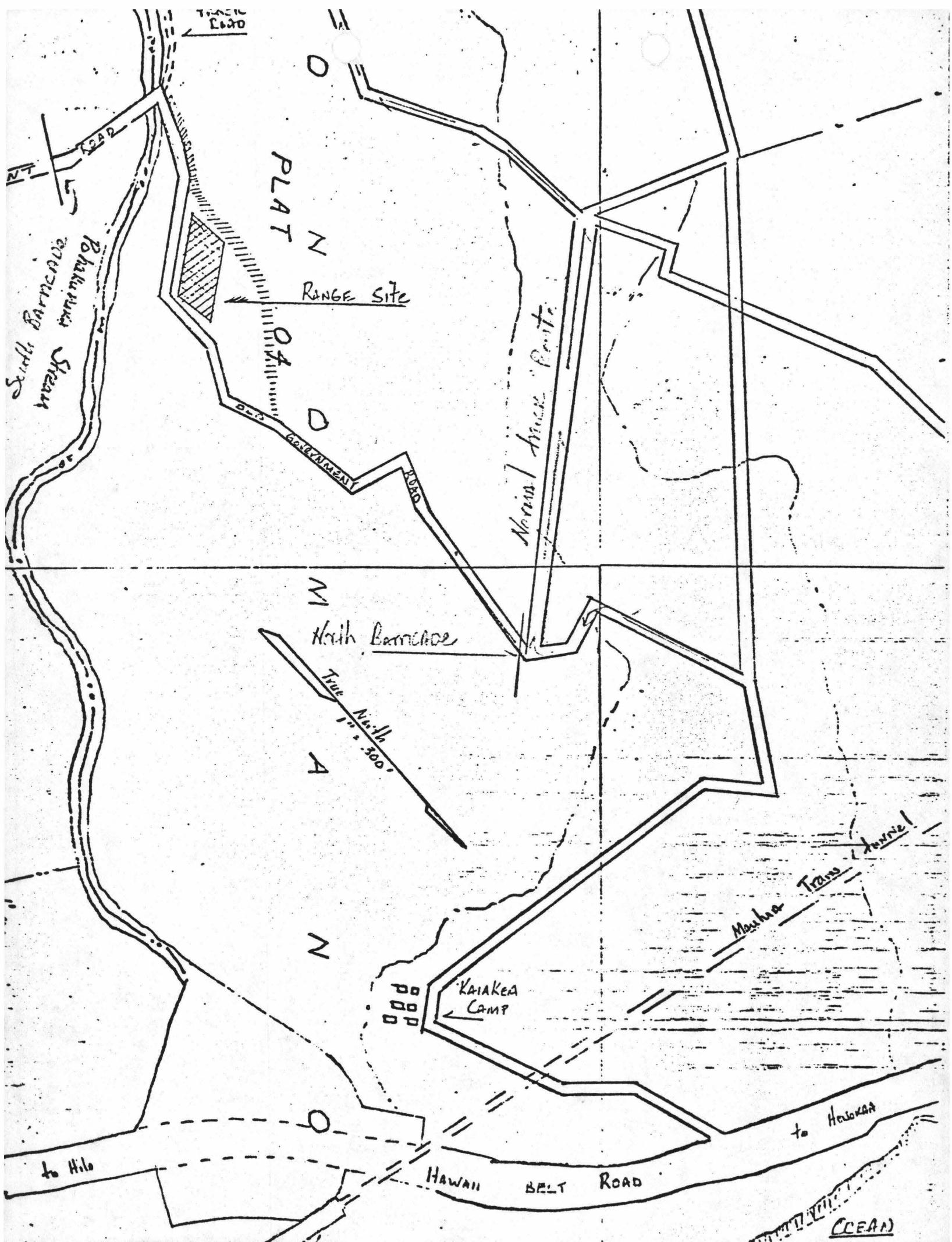
THIS APPLICATION MUST BE ACCOMPANIED BY:

- (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.

EXHIBIT F

For Official Use:

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



MEMORANDUM OF AGREEMENT

Pursuant to the request from the Hawaii County Police Department in the District of North Hilo for a permit to use an area of approximately one and one-half acres, hereinafter called "premises", being a portion of Tax Map Key parcel 3-4-04, located in Kaiaakea, North Hilo, Island of Hawaii, together with the route of access indicated, shown outlined in red on the attached map, for a shooting range.

This is to advise you that the Laupahoehoe Sugar Company, hereinafter called "Laupahoehoe" hereby authorizes and grants permission to the police personnel of the North Hilo District Station at Laupahoehoe, Hawaii, to operate and/or manage the old quarry site located at Pohakupuka Gulch, Kaiaakea, Hawaii, for the purpose of establishing and conducting a police firearms training range for the Hawaii County Police Department personnel subject to the following terms and conditions:

1. The Department will obtain all governmental permits which are necessary for the proposed shooting activity.
2. This agreement, subject to the conditions imposed hereon by said governmental permits, is for a period beginning from the date hereof and extending to December 31, 1978 and thereafter from year to year subject to earlier termination by either the Department or Laupahoehoe giving to the other notice of not less than 30 days prior to the effective date of termination.

3. Prior to the commencement of any shooting, the Department shall construct any improvements, at its sole cost and expense, necessary to insure the safe operation of a shooting range on the premises and to protect the adjacent properties; it being understood that Laupahoehoe does not represent that the premises are safe, suitable or proper for the use intended under this permit. All construction shall be subject to the prior approval of Laupahoehoe.
4. The Department agrees that all officers of the Department (i.e. employees of the department) and other persons utilizing the premises pursuant to this agreement assumes all risk of personal injury or death and of loss or damage to property by whomsoever owned or caused by any accident or fire on said premises or occasioned by any nuisance made or suffered thereon resulting from any failure or on the Department's part to maintain the premises in a good and safe condition; and the Department also agrees to indemnify and save harmless Laupahoehoe from any and all claims for personal injury or wrongful death by third persons (including without limiting the generality of said term, officers, employees or agents, or any of them) and any and all claims for loss or damage to properties so caused, occasioned or resulting from the utilization of the premises by the Department pursuant to this agreement and reimburse Laupahoehoe for all costs and expenses (including reasonable attorney's fees), incurred in connection with the defense of any such claim, except where such injury or death is caused by the willful act or sole and gross neglect of Laupahoehoe.

5. The North Hilo Road Department is hereby authorized to travel upon roadways leading to the above site belonging to the Laupahoehoe Sugar Company for the purpose of maintenance of the training site.
6. Upon termination of this agreement, the Department shall remove all improvements constructed on the premises and will restore the land, as nearly as is reasonably possible, to its condition immediately prior to the commencement of this permit.

Accepted and agreed this 20th day
of March, 1978

POLICE DEPARTMENT, COUNTY OF HAWAII

By Guy A. Paul
GUY A. PAUL, CHIEF OF POLICE

Accepted and agreed this 16th day
of March, 1978

LAUPAHOEHOE SUGAR COMPANY

By F.C. Schattauer
FRED C. SCHATTAUER, MANAGER

Accepted and agreed this 5th day
of April, 1978

COUNTY OF HAWAII

By Herbert Matayoshi
HERBERT T. MATAYOSHI, MAYOR

APPROVED AS TO FORM AND LEGALITY

Roxanna Garcia

ASSISTANT CORPORATION COUNSEL
COUNTY OF HAWAII

Date: MAR 31 1978



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE

GUY A. PAUL

YOUR REFERENCE

CHIEF OF POLICE

June 9, 1978

C

Environmental Quality Commission
c/o Office of Environmental Quality Control
550 Halekauwila Street, Room 301
Honolulu, Hawaii 96813

O

P
RE: NORTH HILO PISTOL RANGE

Pursuant to Chapter 343-4(b) HRS, we have enclosed a Notice of Determination
addressing the proposed North Hilo pistol range.

Y

The Environmental Impact Assessment and Determination of Negative Impact has
been endorsed by Mayor Herbert T. Matayoshi and Planning Director Sidney Fuke.

Your assistance in this matter is appreciated.

GUY A. PAUL
CHIEF OF POLICE

WGC/k

cc: Richard Marland
Sidney Fuke ✓

EXHIBIT

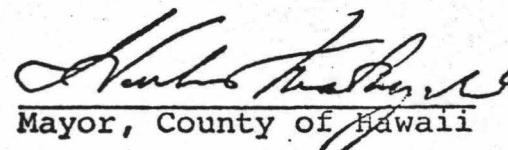
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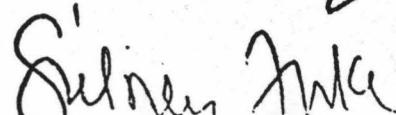
ENVIRONMENTAL IMPACT ASSESSMENT
AND DETERMINATION OF NEGATIVE
IMPACT FOR THE PROPOSED
NORTH HILO PISTOL RANGE

By
County of Hawaii
Police Department

May 1978

Approved by:


Charles H. Baker, Jr.
Mayor, County of Hawaii


Sidney A. Nakamura
Director, Planning
Department


Tony A. Paul
Chief of Police

NOTICE OF DETERMINATION: NORTH HILO PISTOL RANGE
TMK: 3-4-04 por of 4
Kaiaakea, Hawaii

The Hawaii County Police Department proposes the establishment of an outdoor pistol range on approximately one and one-half (1-1/2) acres of land area in Kaiaakea, North Hilo. The proposed site is a portion of a 15.6-acre parcel owned by the Laupahoehoe Sugar Company, TMK: 3-4-04:por of 4. This site is located approximately 0.7 miles mauka or west of the Hawaii Belt Highway, Route 19H, Kaiaakea, and approximately 0.5 miles from the nearest structure of the Kaiaakea Plantation Camp (see attached map).

The existing County zoning is agriculture 20-acre (A-20a). The area is designated agriculture by the County's General Plan. It is also within the State Land Use Agricultural District, thus a Special Permit must be secured.

The proposed site is presently vacant and is within a depressed area which was formerly utilized as a quarry. It is bordered by Pohakupuka Stream on the south and Maulua Gulch on the north.

The Soil Conservation Service's (SCS) Soil Survey Report classifies the area as Rough Broken Land (RB) and Hilo Silty Clay Loam (HOD). RB is a miscellaneous land type that consists of very steep, precipitous land broken by many intermittent drainage channels. It occurs primarily in gulches, and the slope is dominantly 35 to 70 percent. The soil material ranges from very shallow to deep. Stones and rock outcrops are common in some areas. Elevation ranges from near sea level to 3,000 feet, and the annual rainfall ranges from 50 inches to more than 150 inches. Vegetation varies with rainfall. Kukui trees are common in the gulches. There are a few, scattered waterfalls.

HOD is soil similar to Hilo silty clay loam, 0 to 10 percent slopes, but is steeper. Runoff is medium and the erosion hazard is slight to moderate.

Capability subclass is IVe and VIIe, nonirrigated with severe limitations that make them unsuited for cultivation (second lowest class in the SCS ranking system). The Land Study Bureau's overall master productivity rating for agricultural use is Class E or very poor.

No structures are planned for this pistol range. Pistol firing will be directed into a dirt and stone embankment approximately 50 to 60 feet in height to prevent ricochetting. The topography of the quarry is such that it affords natural protection. During periods of live firing, barricades and warning signs will be erected to inform the general public. Firing will be limited to daylight hours between 7:00 a.m. and 7:00 p.m. or unless otherwise instructed by competent authority.

Testing of noise levels utilizing a military explosive simulator, M116A1, equivalent to 94 dbs at 100 feet, produced negligible readings at the nearest residence at Kaiaakea Camp approximately 0.5 miles away and at the nearest highway, Rt. 19H, vehicular traffic noise levels registered 75 dbs at the same point of monitoring.

Access to the site will be via an old government road off the Hawaii Belt Highway, Rt. 19H. No other public infrastructure or service will be required.

Laupahoehoe Sugar Company has agreed to permit the proposed use of the site. Refer to the attached memorandum of agreement.

Page 3

Based on this evaluation, I have determined that no significant environmental impact will result from this proposed action. Therefore an Environmental Impact Statement pursuant to Chapter 343, Hawaii Revised Statutes, need not be prepared.

11.48

MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: Guy A. Paul, Chief of Police

Date: April 26, 1978

APR 78 14: 27

From: Director

Subject: North Hilo Pistol Range
Notice of Determination
Negative Declaration

Thank you for the opportunity to review the North Hilo Pistol Range Notice of Determination/Negative Declaration. We have the following comments to submit:

1. Although the range site has natural obstacles to impede access by people on the south (Pohakupuka Stream) and on the north (Maulua Gulch), Kaiaakea camp lies only .5 miles to the east. Has the plantation or the police department given notice to the residents within Kaiaakea camp of the intended use of the site? If so, what has been their reaction?
2. It is unclear as to whether or not the proposed pistol range site is for temporary use or eventually to become a permanent site.
3. Further explanation as to location of the site in relation to old government road is necessary. Is there a driveway into the site where barriers may be used to prevent access directly into the site? Although the photograph indicates there is; some mention should also be made within the text.
4. What is the volume of traffic on the old government road? Is this road used as a secondary road to other camps?
5. Additional information as to total number of persons who would use the range and how often the range would actually be utilized over a given period of time should be discussed.
6. No mention is made of the prevalent wind directions or average wind velocity with regard to air quality during and after firing.

While we do not foresee the need for an Environmental Impact Statement with revisions, the Negative Declaration should be adequate.

Should you have any questions, please feel free to contact us.

May 10, 1978

TO : SIDNEY FUKE, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: NORTH HILO PISTOL RANGE

Thank you for your memo of April 26, 1978 regarding the proposed North Hilo Pistol Range.

Attached is a memo from Captain Leroy Victorine of the North Hilo District which clarifies the concerns of your staff regarding the proposal.

Application for the Special Land Use Permit will be held in abeyance pending final approval of the negative declaration.

GUY A. PAUL
CHIEF OF POLICE

WGC/k

Enc.

cc: Captain Leroy Victorine

TO : GUY A. PAUL, CHIEF OF POLICE
VIA : GEORGE IRANON, INSPECTOR, COUNTRY OPERATIONS
FROM : LEROY J. VICTORINE, CAPTAIN, NORTH HILO.
SUBJECT : NORTH HILO PISTOL RANGE

In response to the memorandum from the Planning Department, I shall answer the proposed questions in the order presented.

1. The people in Kaiakea Camp were contacted regarding any reservations they might have regarding the proposed range. No objections were raised. Additionally, when conducting noise tests at the site, an attempt to take a decible reading at the camp site determined the sound of an explosive charge considerably greater than a pistol shot could not be heard at all from the camp.
2. It is intended that the range become a permanent site.
3. The old Government Road runs along the South edge of the proposed site. There is no driveway into the site. Barricades will be placed (refer to map attached) on the old Government Road on the South side of Pohakupuka Gulch (as indicated), and at the intersection North of the site (as indicated). The road will be closed during periods of range use. This road is only used by the Laupahoehoe Sugar Company, and the closing of the roadway would not adversely affect anyone.
4. The volume of traffic on the old Government Road is almost non-existent, excepting for plantation trucks, and that usage is very minimal. The normal flow of plantation vehicles is as indicated on the map, utilizing plantation roads on the North and West side of the site, all well out of danger of activities at the proposed range site. The closing of that portion of the road indicated will not hamper plantation operations.
5. The total number of persons utilizing the range will vary, but will be restricted to police personnel control at all times. The most number of persons who will be conducting concurrent live fireing will be limited to three.

T/F-NORTH HILO PISTOL RANGE

Page 2

Live firing will be conducted at least two calendar days per month, but should not exceed five calendar days per month. Approximately once every three months, during the evening hours of darkness, on two evenings, night firing exercises may take place. These exercises would terminate by 9:30 PM, and only one person would fire at a time.

6. Prevalent wind flow is from the South, with average velocity about 5-10 knots. This wind condition affords maximum natural ventilation for the site, which will provide a consistently high air quality at the site at all times.

Leroy J. Victorine
LEROY J. VICTORINE

Captain #16

05-05-78

lvc

MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: GUY A. PAUL, CHIEF OF POLICE

Date: May 18, 1978

From: DIRECTOR

Subject: NORTH HILO PISTOL RANGE
NOTICE OF DETERMINATION
NEGATIVE DECLARATION

This is to acknowledge receipt of your memorandum responding to our comments regarding the above subject matter. Our concerns have been satisfactorily met.

Should you have any questions, please feel free to contact us.

EC:ak

① - CAPT. Victoria



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE

GUY A. PAUL

YOUR REFERENCE

CHIEF OF POLICE

May 26, 1978

TO : SIDNEY FUKE, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: APPLICATION FOR SPECIAL PERMIT FOR NORTH HILO PISTOL RANGE

The Police Department is in urgent need of a site for a pistol range in North Hilo, Hawaii. Laupahoehoe Sugar Company has agreed to permit the police to utilize an abandoned quarry as a pistol range at Kaiaakea, North Hilo.

It is our understanding that the proposed site is within the State Land Use Agricultural District and as such requires a special permit prior to the establishment of a pistol range as stipulated in Chapter 205, HRS, and Rules and Regulations of the State Land Use Commission.

Pursuant to the applicable procedures, we have enclosed:

1. 16 copies of the completed special permit application form.
2. 16 copies of the location map and site plan.
3. Memorandum of agreement between Laupahoehoe Sugar Company and the County of Hawaii governing the use of the site.
4. Notice of Determination - Negative Declaration Environmental Impact Assessment with Addendum Addressing Subsequent Concerns.

It is further noted and agreed that:

1. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
2. The desired use shall not adversely affect surrounding property;
3. Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;

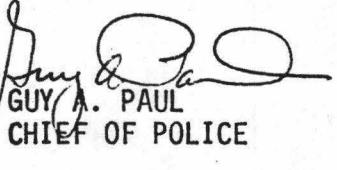
EXHIBIT H

Sidney Fuke
May 26, 1978
Page 2

4. Unusual conditions and needs have arisen since the district boundaries and regulations were established;
5. The land upon which the proposed use is sought is unsuited for the uses permitted within the district;
6. The proposed use shall not substantially alter or change the essential character of the land and its present use;
7. The proposed use shall make the highest and best use of the land involved for the public welfare; and
8. Access to the site has been provided by the owner of the property.

District commander will be available to provide testimony before the County of Hawaii Planning Commission and/or State Land Use Commission should it be required.

Your assistance in this matter is appreciated.



GUY A. PAUL

CHIEF OF POLICE

WGC/k

Enc.

cc: Captain Leroy Victorine

June 7, 1978

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

Dear Mr. Paul:

Special Permit - Outdoor Pistol Range
TMK: 3-4-04:portion of 4

This is to acknowledge receipt on June 1, 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 or Keith Kato of this department, at 961-8288.

Sincerely,

Sidney Fuke

SIDNEY FUKE
Director

IP:ak

cc: State Land Use Commission
DPED - Land Use Division

EXHIBIT I

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW FIRE HELCO
DWS HIGHWAYS SOIL CONSERVATION
R & D HEALTH DEPT. OF AGRICULTURE
P & R DEPT. OF EDUCATION

Date: June 7, 1978

From: DIRECTOR *R. W. Miller*

Subject: Special Permit - Outdoor Pistol Range
Hawaii County Police Department
TMK: 3-4-04:portion of 4

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

Thank you very much.

ak
Enclosure

EXHIBIT J

6/8/78



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

HILO, HAWAII 96720

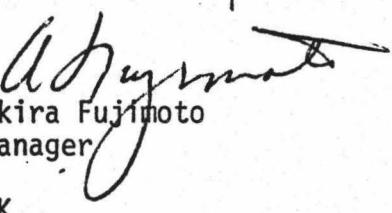
25 AUPUNI STREET

June 14, 1978

TO: Planning Department
FROM: Department of Water Supply
SUBJECT: SPECIAL PERMIT - OUTDOOR PISTOL RANGE
HAWAII COUNTY POLICE DEPARTMENT
TMK: 3-4-04:4 (PORTION)

We have no adverse comments to offer on this special permit application for an outdoor pistol range.

For your information, there is no County water system near this area.


Akira Fujimoto
Manager

GK

... Water brings progress...

EXHIBIT J-1

HAWAII ELECTRIC LIGHT COMPANY, INC.
P. O. BOX 1027 HILO, HAWAII-96720



June 14, 1978

County of Hawaii
Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

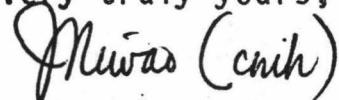
Attention: Mr. Sidney M. Fuke
Director

Gentlemen:

SUBJECT: Special Permit - Outdoor Pistol Range
Hawaii County Police Department
TMK: 3-4-04:portion of 4

We have no comments to the above application as per
your memorandum of June 7, 1978.

Very truly yours,



Jitsuo Niwao, Manager
Engineering Department

JN: cmh

EXHIBIT J-2

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE June 14, 1978

Memorandum

TO : Planning Department

FROM : Chief Engineer

SUBJECT: Application for Special Permit

Applicant: Hawaii County Police Department

Location: Honomaino, North Hilo, Hawaii

TMK: 3-4-04:portion of 4

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

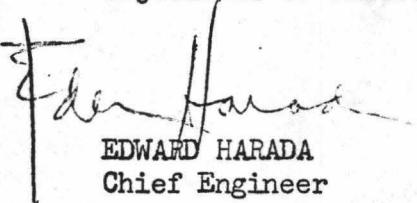

EDWARD HARADA
Chief Engineer

EXHIBIT J-3

MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: DPW FIRE HELCO
DWS HIGHWAYS SOIL CONSERVATION
R & D HEALTH DEPT. OF AGRICULTURE
P & R DEPT. OF EDUCATION

Date: June 7, 1978

From: DIRECTOR *R. W. D. H.*

Subject: Special Permit - Outdoor Pistol Range
Hawaii County Police Department

TMK: 3-4-04:portion of 4

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

Thank you very much.

Department of Health
Hilo, Hawaii
June 9, 1978

ak

Enclosure

Found no environmental health concerns not addressed in the County's report.

Harold Matsuura
HAROLD MATSUURA
Chief Sanitarian, Hawaii

EXHIBIT J-4

DATE June 13, 1978

Memorandum

TO : Planning Department

FROM : Hiroshi Shishido, Deputy Fire Chief

SUBJECT: SPECIAL PERMIT - OUTDOOR PISTOL RANGE
HAWAII COUNTY POLICE DEPARTMENT
TMK: 3-4-04:PORTION OF 4

We have no objections to the above application.

Hiroshi Shishido

HIROSHI SHISHIDO
DEPUTY FIRE CHIEF

HS/mo

EXHIBIT J-5

DEPARTMENT OF PARKS & RECREATION
COUNTY OF HAWAII

Date: June 23, 1978

TO: PLANNING DEPARTMENT

FROM: DEPARTMENT OF PARKS & RECREATION

RE: CHANGE OF ZONE APPLICATION
 SPECIAL PERMIT APPLICATION - Pistol Range
 USE PERMIT APPLICATION
 VARIANCE

FOR: County Police Dept.

TMK 3-4-04:por. 4

We have no adverse comments to offer on the subject request.

fr Dan K. Malcom
Milton T. Hakoda
Director

EXHIBIT J-6

GEORGE R. ARIYOSHI
GOVERNOR



JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

BOARD MEMBERS:

Suzanne D. Peterson
MEMBER - AT - LARGE

ERNEST F. MORGADO
MEMBER - AT - LARGE

Sidney Goo
MEMBER - AT - LARGE

Federico Galdones
HAWAII MEMBER

James E. Nishida
KAUAI MEMBER

FRED M. OGASAWARA
MAUI MEMBER

June 15, 1978

MEMORANDUM

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

Subject: Special Permit - Outdoor Pistol Range
Hawaii County Police Department
TMK: 3-4-04: portion of 4

The Department of Agriculture has no objections to this
Special Permit request.

We appreciate the opportunity to comment.

A handwritten signature in black ink, appearing to read "John Farias, Jr."

JOHN FARIAS, JR.
Chairman, Board of Agriculture

EXHIBIT J-7

HAWAII DISTRICT
Department of Education.

Date: June 15, 1978

TO: Hawaii County
Department of Planning

N
John
JUN 20 1978

FROM: Hawaii District
Department of Education

SUBJECT: Special Permit - Outdoor Pistol Range, Hawaii County Police Department

TMK: 3-4-04:portion of 4

Hawaii District Department of Education has no objection to the application.

Hawaii District Department of Education recommends the following:

Schools Affected:

For the Department of Education:

Herb Watanabe
Herbert S. Watanabe
Staff Specialist
Business & Facilities

EXHIBIT J-8



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

COUNTY OF
HAWAII

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

July 10, 1978

Dear Property Owner: *Langahoehoe Sugar Co.*

Special Permit Application
Kai'aakea, North Hilo, Hawaii
Tax Map Key 3-4-04:portion of 4

You are hereby notified that a request for a special permit to allow the establishment of an outdoor pistol range on approximately one and one-half (1.5) acres of land situated within the State Land Use Agricultural District has been submitted by the petitioner, County of Hawaii Police Department.

The property involved is located, approximately 0.7 mile mauka or west of the Hawaii Belt Highway and approximately 0.5 mile southwest of Kai'aakea Plantation Camp between Pohakupuka Stream and Maulua Gulch, Kai'aakea, North Hilo, Hawaii.

A public hearing on the subject among others will be held beginning at 7:00 p.m. on Thursday, July 20, 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. Fuke
Sidney M. Fuke
Planning Director

smn

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT K

July 6, 1978

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

Dear Chief Paul:

Notice of a Public Hearing
Special Permit Application
Tax Map Key 3-4-04:portion of 4

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 7:00 p.m. on Thursday, July 20, 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. Fuke
Sidney M. Fuke
Director

smn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT L

JUL 6 - 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: Councilroom, County Building, South Hilo, Hawaii

DATE: Thursday, July 20, 1978

TIME: Nos. 1-3: 3:30 p.m.
Nos. 4-5: 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: JAMES A. AND LOUISE M. DYKES

LOCATION: At the northerly end of Kalanihonua Loop,
Kalanihonua Tract, Ola'a, Puna

TMK: 1-9-9:163 and 164

PURPOSE: Variance application to allow the retention
of a single family dwelling with a side
yard setback of 1.44 feet in lieu of the
minimum requirement of eight (8) feet and
a roof overhang into an adjacent parcel.

2. PETITIONER: WALTER CHAVES

LOCATION: On the mauka side of the Mamalahoa Highway,
approximately midway between Pulili and
Waikolu Streams, in the village of Ninole,
Kapena, North Hilo.

TMK: 3-2-2:portion of 41

PURPOSE: Change of zone request for one (1) acre of land from an Agricultural 20-acre (A-20a) to an Agricultural 1-acre (A-1a) zoned district.

3. PETITIONER: MT. VIEW WASH AND DRY

LOCATION: Site of the Mt. View Snack Shop, located on the northwestern side of the Volcano Highway, Mt. View, Ola'a, Puna.

TMK: 1-8-02:35

PURPOSE: Variance application to allow direct off-street parking.

4. PETITIONER: COUNTY OF HAWAII POLICE DEPARTMENT

LOCATION: Approximately 0.7 mile mauka or west of the Hawaii Belt Highway and approximately 0.5 mile southwest of Kai'aakea Plantation Camp between Pohakupuka Stream and Maulua Gulch, Kai'aakea, North Hilo.

TMK: 3-4-04:portion of 4

PURPOSE: Special Permit request to allow the establishment of an outdoor pistol range on approximately one and one-half (1.5) acres of land situated within the State Land Use Agricultural District.

5. PETITIONER: COUNTY OF HAWAII DEPARTMENT OF PUBLIC WORKS

LOCATION: Kamehameha Avenue between Mamo Street and Waianuenue Avenue in the city of Hilo, Ponahawai and Punahoa 1st, South Hilo.

TMK: 2-3-02:02 and 07

PURPOSE: Continuation of a public hearing on a Special Management Area (SMA) Use Permit application to allow the realignment of a portion of Kamehameha Avenue.

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: July 10 and 18, 1978)

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date July 20, 1978

Petitioner County of Hi Police Dept. - Special Permit

Preliminary hearing Public hearing Request Action

ACTION: Approve

Deny

Defer

Continue

Schedule for public hearing

Other: Close

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

EXHIBIT M

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
July 20, 1978

The Planning Commission met in regular session at 1:08 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke ABSENT: Shigeru Fujimoto
J. Walsh Hanley (From 2:05 p.m.)
Lorraine R. Jitchaku (From 3:30 p.m.)
Bert H. Nakano Ex-officio Member
Alfredo Orita Akira Fujimoto
William J. Paris, Jr.
Charles H. Sakamoto
Haruo Murakami
Sidney M. Fuke, Director (From 1:40 p.m.)
Duane Kanuha, Deputy Director (Left at 1:40 p.m.)
Ilima Piianaia, Planner
Keith Kato, Planner (Left at 5:08 p.m.)
William Moore, Planner (Left at 5:08 p.m.)
Janie Patch, Student Intern

David Murakami, representing Ex-officio Member Edward
Harada
Lionel Meyer, Deputy Corporation Counsel (From 1:40 p.m.)

and about 4 people in attendance at 1:08 p.m., 12 people
at 1:30 p.m., 5 people at 4:08 p.m. and 15 people at
7:00 p.m.

MINUTES: It was moved by Commissioner Sakamoto and seconded by Commissioner Orita that the minutes of July 13, 1978, be approved as circulated; motion was carried.

All those testifying were duly sworn in.

SMA USE PERMIT
UNION OIL COMPANY
WAIAKEA, SOUTH
HILO Public hearing on the application of Union Oil Company for a Special Management Area (SMA) Use Permit to allow the construction of an office-warehouse building and related improvements at an existing marketing station site. The area involved is located along the makai side of Kalaniana'ole Street approximately 500 feet Hilo side (west) of the intersection of Kalaniana'ole and Kuhio Streets, Waiakea, South Hilo, TMK: 2-1-07:47 and 49.

Staff passed out a copy of the site plan to the Commissioners and presented background and recommendation for approval with conditions on file.

RECESS:

A recess was called at 5:08 p.m. until the scheduled public hearing at 7:00 p.m.

RECONVENED:

The meeting reconvened at 7:00 p.m.

SPECIAL PERMIT
COUNTY OF HAWAI'I
POLICE DEPARTMENT
KAI'AAKEA, NORTH
HILO

of Kai'aakea Plantation Camp between Pohakupuka Stream and Maulua Gulch, Kai'aakea, North Hilo, TMK: 3-4-04:portion of 4.

Staff presented background on file.

Staff clarified that the surrounding area is in sugarcane production and circulated a detailed site plan.

The petitioner's representative, Sgt. Malani, pointed out that he thought that the safety measures to be taken would be adequate to prevent children from the Kai'aakea Camp from entering into the area when it is in use and that the Department will verbally inform the people in the camp when the range is in use and will also post barricades. He added that he believed the public could use the facility if it is controlled by the Police Department and that the range will only be used for service revolvers.

For the staff's information, Sgt. Malani said that they do not intend to make any improvements to the area except to clean and level it off; and that because they would have to work 24 hours a day, it would be necessary for them to learn how to shoot at night.

Commissioner Jitchaku expressed her concern that the firing would ricochet towards the top as the immediate surrounding area is in active agricultural use. In reply, Sgt. Malani said he did not think there was any possibility of this occurring.

Upon the staff's questioning, Sgt. Malani replied that they would be using live ammunition and that they have a trained officer who would supervise in the training and would probably be in charge of seeing that the area is properly secured.

There was no one from the public testifying on the application.

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

SMA USE PERMIT
COUNTY OF HAWAI'I
DEPARTMENT OF
PUBLIC WORKS
PONAHAWAI AND
PUNAHOA 1ST,
SOUTH HILO

Continuation of a public hearing on the application of the County of Hawai'i Department of Public Works for a Special Management Area (SMA) Use Permit to allow the realignment of Kamehameha Avenue between Mamo Street and Waianuenue Avenue, in the city of Hilo, Ponahawai and Punahoa 1st, South Hilo, TMK: 2-3-01, 02 and 07.

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
July 20, 1978

A regularly advertised public hearing, on the application of County of Hawai'i Police Department, was called to order at 7:00 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 Bert H. Nakano Alfredo Orita William J. Paris, Jr. Charles H. Sakamoto Haruo Murakami	ABSENT:	Shigeru Fujimoto
			Ex-officio Member Akira Fujimoto
	Sidney M. Fuke, Director Ilima Piianaia, Planner Janie Patch, Student Intern		

David Murakami, representing Ex-officio Member Edward
Harada
Lionel Meyer, Deputy Corporation Counsel

and approximately 15 people in attendance

CHAIRMAN: We'll begin this evening with the public hearing on the application of the County of Hawai'i Police Department for a Special Permit to allow the establishment of an outdoor pistol range on approximately 1.5 acres of land situated within the State Land Use Agricultural District. The area involved is located approximately 0.7 mile mauka or west of the Hawai'i Belt Highway and approximately 0.5 mile southwest of Kai'aakea Plantation Camp between Pohakupuka Stream and Maulua Gulch, Kai'aakea, North Hilo, TMK: 3-4-04:portion of 4. Staff?

PATCH: (Presented background on file.)

CHAIRMAN: Commissioners, do you have any questions on the staff's background report on the application for a Special Permit of the Police Department?

JITCHAKU: Mr. Chairman, one question of the staff. I know there's a photograph that's been circulated, however, there's just one concern that I have and I noticed that, and it's in the background report, that the height of the quarry rockwall is 50 feet. Fifty height, so the range site, actually the bottom will be used as the stand and they're firing towards the 50-foot wall, is that correct?

EXHIBIT

PIIANAIA: Basically. I'd like to defer that question to the petitioner.

JITCHAKU: Okay, okay. Another question, on the top of the 50-foot wall, it seems like there's some canefields, they're using that canefields right now or is it barren?

PIIANAIA: They're using the canefields.

CHAIRMAN: Commissioners, any further questions? Commissioner Sakamoto.

SAKAMOTO: Ilima, can you show me which way they're firing on the map, you know, facing which way?

PIIANAIA: I'll let my intern expert do it.

PATCH: They'll be firing towards the Hamakua side, north.

CHAIRMAN: Parallel to the ocean, south to north?

PATCH: Perpendicular to the ocean.

CHAIRMAN: Mauka-makai?

PARIS: Makai-mauka, huh?

PATCH: They'll be firing, it'll be firing north. They'll be standing and firing north. Makai would be to the right, mauka to the left.

PIIANAIA: I will circulate a more detailed site plan showing the north and south barricades and the truck routes and the range site. And there's a hatched area which is a quarry block.

CHAIRMAN: Commissioners, further questions?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Murakami.

MURAKAMI: When you say Kai'aakea Camp, how many houses are there that still exist in the plantation camp?

PATCH: I believe there's about six residences there.

CHAIRMAN: And do you know in those six residences, are there any children in that area?

PATCH: When the area was field-checked, I didn't notice any at the time.

PIIANAIA: We don't know the answer.

PATCH: We don't know the answer.

CHAIRMAN: Okay. Commissioners, any further questions? Is the applicant or a representative of the applicant present?

Yes, would you come forward please. We'll have to swear you in. If you'll raise your right hand please. Do you swear to tell the truth and nothing but the truth on this application now before the Hawaii County Planning Commission?

MALANI: I do.

CHAIRMAN: Please be seated and state your name into the microphone.

MALANI: I'm Sgt. Malani. I'm stationed in North Hilo.

CHAIRMAN: Sgt. Malani, you're representing the Police Department on this application tonight?

MALANI: That's right.

CHAIRMAN: Sgt. Malani, the camp that has been referred to in the application, Kai'aakea Camp, do you know the makeup of the population there? Are there any children in that area.

MALANI: There are children.

CHAIRMAN: And what age range would you say?

MALANI: From about 4 years old up to senior high school.

CHAIRMAN: I see. Do you feel that the safety measures that, adequate measures will be taken to prevent them from entering into that area during the time when you would be firing?

MALANI: Yes. It's quite a distance away and the area can be controlled by the roads that lead to the firing range.

CHAIRMAN: Okay, Commissioners, do you have any questions?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Murakami.

MURAKAMI: When you say camp, that's the existing old plantation camp still there yet, huh? The camp itself is the before one in there, not a new camp over there, huh?

MALANI: No, it's the same old camp.

MURAKAMI: Same old camp, huh?

MALANI: That's right.

SAKAMOTO: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Sakamoto.

SAKAMOTO: Can the public go down with permission to fire at the pistol range?

MALANI: I believe so. If it's controlled by the Police Department, I'm sure you can go down.

ORITA: Excuse me, I have a question.

CHAIRMAN: Yes, Commissioner Orita.

ORITA: Sgt. Malani is there a present range?

MALANI: In the North Hilo area?

ORITA: Yes.

MALANI: No, there isn't.

ORITA: All right, I have another question. Will you be using, maybe, small arms such as .22 for target practice there, too?

MALANI: I believe not. It's only for our .38, our service revolvers.

ORITA: Oh, only service revolvers?

MALANI: Yes.

CHAIRMAN: Sgt. Malani, where do you have to go to qualify now in the practice?

MALANI: We don't have any place.

CHAIRMAN: Oh, so you have to come -?

MALANI: We have to come into Hilo.

CHAIRMAN: You have to come into Hilo. Commissioners, any further questions of Sgt. Malani? Commissioner Paris.

PARIS: Sgt. Malani, your normal warning to the people in the area, how is that conducted? Just by posting a barricade? Do you put any notice in the paper, or not?

MALANI: Just the barricades and, I guess, informing the people in the camp.

PARIS: Just verbally?

MALANI: Right.

PARIS: There's no prior warning other than the day you're going to fire?

MALANI: Not from my understanding.

PARIS: And I notice on the map a road mauka on the site too, you'd have a barricade at that mauka intersection, too, or just makai?

MALANI: Mauka and makai.

PARIS: Mauka and makai, both.

CHAIRMAN: Charlie, show the map there to Commissioner Paris please. Staff, do you have any questions to the applicant?

PIIANAIA: Yes, I have two questions. One basically is what kind of improvements to the area would you have to make to use it as a firing range. For instance, there is a bluff there, do you have to put in a berm to prevent ricochets, or would you describe to us what, are you going to just use it in its natural state or are you going to put things in?

MALANI: No, we won't be putting anything in. We'll be firing into the high banks, except for some cleaning of the area and cutting the grass, levelling off the shooting area.

PIIANAIA: Okay, a second question I have is you will be doing night firing perhaps once every three months or so, could you describe to us why you need to do night firing and what you would be doing?

MALANI: I'm not prepared to answer that and the Captain is on vacation.

PIIANAIA: Is it normal in your qualifying -?

MALANI: No. But I think because of us working 24 hours, eventually we have to learn how to shoot at night and this is the reason why he's going to night firing.

PIIANAIA: Okay, because in previous, in a similar application for a firing range, we did limit use of the range only to daylight hours.

JITCHAKU: I have a question, Mr. Chairman.

CHAIRMAN: Yes, Commissioner Jitchaku.

JITCHAKU: Going back to my original question and following Ilima's questioning, Sgt. Malani, I'm not familiar with pistols, so the question I raised earlier was that looking at this photograph, there is a 50-foot embankment here, okay, my question was that if you're using a .38 revolver, would the, when you're shooting this towards the gulch, the embankment, would there be a possibility that your firing would ricochet towards the top of the gulley?

MALANI: No, I don't think so.

CHAIRMAN: Okay, then, because I was wondering if that's an active agricultural area where there's sugarcane fields, I was just concerned about the safety on the top. Thank you.

PIIANAIA: How often would you be using live ammunition?

MALANI: Every time we fire.

PIIANAIA: Every time you fire?

MALANI: Yes.

PIIANAIA: Do you have any safety precautions in case, I also don't know much about firearms, so that the live ammunition doesn't explode or anything?

MALANI: Yes, we do. We have a trained officer in our district who went into a firearms school, and he is capable of handling any kind of emergencies.

PIIANAIA: Thank you.

CHAIRMAN: And he, in fact, would be supervising all of the practices?

MALANI: What was that sir?

CHAIRMAN: Would he be supervising each time you go to practice?

MALANI: That's right. He will be the firearms officer in charge of the training.

CHAIRMAN: And in addition to being in charge of training, is he also in charge of safety to see that the area is properly secured?

MALANI: He will probably be assigned that.

CHAIRMAN: Commissioners, any further questions of Sgt. Malani? Staff? Sgt. Malani, this is a public hearing tonight. I'm going to ask that you please just take a seat right here, there may be some questions that we might like to have you respond to.

Ladies and gentlemen, this is a public hearing on the application of the County of Hawaii Police Department for a Special Permit to allow the establishment of a outdoor pistol range. The Chair at this time would like to invite any of you from the audience who would like to comment either for or against this application to please indicate so by raising your hand.

If there's no public testimony to come before the Commission, this is a Special Permit. The Planning Commission's role is advisory if recommending approval, adjudicatory if denial. It is our duty to conduct the public hearing after 30 days, but within 120 days of the receipt of the petition. This affords the Commission an opportunity to receive information from the staff and the petitioner. Public testimony will be taken. No testimony or rebuttal will be taken after the public hearing is closed. Our motion this evening is a motion to continue the public hearing or a motion to close the public hearing. Commissioners, what is your pleasure?

NAKANO: Mr. Chairman, I move that we close the public hearing.

CHAIRMAN: Is there a second to the motion?

MURAKAMI: Second the motion, Mr. Chairman.

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

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? Public hearing is closed.

Public hearing adjourned at 7:24 p.m.

Respectfully submitted,

Sharon M. Nomura

Sharon M. Nomura
Secretary

A T T E S T:

W.F. Mielcke

William F. Mielcke
Chairman, Planning Commission

July 21, 1978

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

Dear Mr. Paul:

Special Permit Application
Tax Map Key 3-4-04:portion of 4

The Planning Commission at its meeting of July 20, 1978, held a duly advertised public hearing on your application for a special permit to allow the establishment of an outdoor pistol range on approximately 1.5 acres of land situated within the State Land Use Agricultural District at Kai'aakea, North Hilo, Hawaii.

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 P

JUL 21 1978

August 2, 1978

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

Special Permit Application
Tax Map Key: 3-4-04:portion of 4

Your application will again be discussed on Wednesday, August 16, 1978, by the Planning Commission. The meeting will be held in the Councilroom, County Building, South Hilo, Hawaii, and is scheduled to begin at 1:30 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
Sidney M. Fuke
Planning Director

smn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT Q

AUG 3 1978

SPECIAL PERMIT: COUNTY OF HAWAII POLICE DEPARTMENT

The Hawaii County Police Department proposes the establishment of a permanent outdoor pistol range on approximately 1.5 acres of land in Kai'aakea, North Hilo. The proposed site is a portion of a 15.6-acre parcel owned by Laupahoehoe Sugar Company (TMK: 3-4-04:portion of 4). This site is located approximately 0.7 mile mauka, or west, of the Hawaii Belt Highway and approximately 0.5 mile southwest of Kai'aakea Plantation Camp between Pohakupuka Stream and Maulua Gulch.

In reference to the operation of the pistol range, the applicant has stated that:

"Pistol firing will be directed into a dirt and stone embankment approximately 50 to 60 feet in height to prevent ricochetting. The topography of the quarry is such that it affords natural protection. During periods of live firing, barricades and warning signs will be erected to inform the general public. Firing will be limited to daylight hours between 7:00 a.m. and 7:00 p.m. or unless otherwise instructed by competent authority."

"Live firing will be conducted at least two calendar days per month, but should not exceed five calendar days per month. Approximately once every three months, during the evening hours of darkness, on two evenings, night

firing exercises may take place. These exercises would terminate by 9:30 p.m., and only one person would fire at a time."

"The total number of persons utilizing the range will vary, but will be restricted to police personnel control at all times. The most number of persons who will be conducting concurrent live firing will be limited to three."

The firing range will be mainly utilized by the police personnel of the North Hilo Station. Police personnel from other stations may periodically use the range.

A Memorandum of Agreement between the Laupahoehoe Sugar Company and the County of Hawaii was signed by the Mayor on April 3, 1978. This agreement sets the terms and conditions under which police personnel of the North Hilo District Station are granted authority to operate the range. The conditions imposed require that the Police Department comply with all governmental regulations and provide for safety improvements. This agreement will be renewed annually and may be terminated upon 30 days notice by either party.

The subject property is within the State Land Use Agricultural District. The General Plan Land Use Pattern Allocation Guide Map designates the subject property as Intensive and Extensive Agriculture. The existing County zoning is Agriculture 20-acre (A-20a).

The subject property is presently vacant and is within a depressed area which was formerly utilized as a quarry.

The surrounding parcels are owned by Laupahoehoe Sugar Company and are zoned A-20a. The Company presently utilizes this land to cultivate sugarcane.

The Kai'aakea Plantation Camp is located 0.5 mile southwest of the subject property.

The Soil Conservation Service's (SCS) Soil Survey Report classifies the area as Rough Broken Land (RB) and Hilo Silty Clay Loam (HoD). Rough Broken land is a miscellaneous land type that consists of very steep precipitous land broken by many intermittent drainage channels. It occurs primarily in gulches, and the slope is dominantly 35-70%. The soil material ranges from very shallow to deep. Stones and rock outcrops are common in some areas. Rough broken land is used for pasture, woodland, wildlife habitat, and recreation areas. The capability subclass is VII with severe limitations which renders the land unsuitable for cultivation. The Land Study Bureau's master productivity rating is E. Class E lands are described as very poor in terms of overall agricultural suitability. This land is unclassified under the Department of Agriculture's Agricultural Lands of Importance Classification System.

Hilo Silty Clay Loam is found on the windward side of Mauna Kea and is dissected by deep, narrow gulches. In a representative profile the surface layer is dark-brown silty clay loam about 12 inches thick. The subsoil is about 48 inches thick and consists

of dark-brown, dark reddish-brown, and very dark grayish-brown silty clay loam. The surface layer is very strongly acid, and the subsoil is strongly acid to medium acid. The soil dehydrates irreversibly into fine gravel-size aggregates. Runoff is medium and the erosion hazard is slight to moderate. This soil is used for sugarcane. The capability subclass is IV, with very severe limitations that reduce the choice of plants, require very careful management, or both. The Land Study Bureau's master productivity rating is C. The overall agricultural suitability of Class C lands is fair. This land is classified as Prime Agricultural land under the Department of Agriculture's Agricultural Lands of Importance Classification System.

The approximate elevation of the subject property is 550 feet.

Rainfall averages 175 inches per year.

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

The applicant has stated that:

"Access to the site will be via an old government road off the Hawaii Belt Highway, Route 19H."

"The old Government Road runs along the South edge of the proposed site. There is no driveway into the site.

Barricades will be placed...on the old Government Road on the South side of Pohakupuka Gulch...and at the intersection North of the site...."

"The road will be closed during periods of range use. This road is only used by the Laupahoehoe Sugar Company, and the closing of the roadway would not adversely affect anyone."

"The volume of traffic on the old Government Road is almost non-existent, excepting for plantation trucks, and that usage is minimal. The normal flow of plantation vehicles is as indicated on the map, utilizing plantation roads on the north and west side of the site, all well out of danger of activities at the proposed range site. The closing of that portion of the road indicated will not hamper plantation operations."

"No other public infrastructure or service will be required."

"No structures are planned for this pistol range."

Pertaining to the noise impact from the proposed use, the applicant has stated that:

"Testing of noise levels utilizing a military explosive simulator (M116A1) equivalent to 94 dbs at 100 feet, produced negligible readings at the nearest residence at Kaiaakea

Camp approximately 0.5 miles away and at the nearest highway, Rt. 19H, vehicular traffic noise levels registered 75 dbs at the same point of monitoring."

"The people in Kaiaakea Camp were contacted regarding any reservations they might have regarding the proposed range. No objections were raised."

"Prevalent wind flow is from the South, with average velocity about 5-10 knots."

The County Department of Water Supply has stated that there is no County water system near this area.

None of the other cooperating agencies had any comments on or objections to the proposed firing range.

RECOMMENDATION: COUNTY OF HAWAII POLICE DEPARTMENT

Upon review of the subject request to allow the establishment of an outdoor pistol range within the State Land Use Agricultural District, staff recommends that it be given a favorable recommendation based on the following considerations:

That approval of the subject request will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The area under consideration is classified Agricultural by the State Land Use Commission. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands but which are not suited to agricultural and ancillary uses by reasons of topography, soils and other related characteristics may be included in the Agricultural District.

The subject property is the site of a former quarrying operation and is limited in size and level ground area. Immediate access to the site is also limited. These characteristics curtail the suitability and the feasibility of the site for commercial cultivation. It is, therefore, determined that use of the subject site as a police firing range would not be contrary to the overall intent and purpose of

the Land Use Law and Regulations. Further, use of the subject area for the proposed firing range will be in the public interest since it will provide a firearms training site for police personnel.

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

That the proposed use will not adversely affect surrounding properties. The surrounding area is used for sugar cane cultivation. The purpose of the subject request is to provide a firing range for the training of police personnel within an abandoned quarry. The proposed use will be within a depressed area which is buffered from surrounding lands by a fifty to sixty foot high quarried wall to the north and by a deep stream gulch to the south. The proposed activity will be conducted on an infrequent basis. This action is not expected to interfere with the cultivation of sugar cane on surrounding lands.

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

It is further recommended that the request be approved subject to the following conditions:

1. That the site upon which the pistol range is to be established shall be defined by metes and bounds and shall not exceed 15+ acres. The metes and bounds description shall be submitted to the Planning Director and shall be filed with the State Land Use Commission.
2. That the petitioner shall establish the pistol range use within one (1) year from the filing of the metes and bounds description with the State Land Use Commission.
3. That should Laupahoehoe Sugar Company terminate its memorandum of agreement with the petitioner, the petitioner shall immediately notify the Planning Director in writing and action to nullify the Special Permit shall be initiated.
4. That upon receipt of complaints about the pistol range the Planning Director shall investigate such complaints and prepare a report to the Planning Commission, including a recommendation for corrective action.

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

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

SP78-318

Hawaiian County Police Department

Exhibit "T"

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date

August 16, 1978

Petitioner

County of Hawaii Police Department - 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			<input checked="" type="checkbox"/>	
HANLEY, J. Walsh	<input checked="" type="checkbox"/>			
JITCHAKU, Lorraine R.	<i>2nd</i>	<input type="checkbox"/>		
MURAKAMI, Haruo			<input checked="" type="checkbox"/>	
NAKANO, Bert H.	<input checked="" type="checkbox"/>			
ORITA, Alfredo	<input checked="" type="checkbox"/>			
PARIS, William Jr.	<input checked="" type="checkbox"/>			
SAKAMOTO, Charles <i>Move</i>	<input checked="" type="checkbox"/>			
MIELCKE, William F.	<input checked="" type="checkbox"/>			
				EXHIBIT U

PLANNING COMMISSION

**Planning Department
County of Hawaii**

MINUTES

August 16, 1978

The Planning Commission met in regular session at 1:30 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT:	William F. Mielcke	ABSENT:	Shigeru Fujimoto
	J. Walsh Hanley		
	Lorraine R. Jitchaku		Ex-officio Member
	Haruo Murakami (From 1:45 p.m.)		Akira Fujimoto
	Bert H. Nakano		
	Alfredo Orita		
	William J. Paris, Jr.		
	Charles H. Sakamoto		

Sidney M. Fuke, Director
Keith Kato, Planner
William Moore, Planner

David Murakami, representing Ex-officio Member Edward
Harada
Roxanna Garcia, Assistant Corporation Counsel (From 7:00 p.m.)

MINUTES: It was moved by Commissioner Hanley and seconded by Commissioner Nakano that the minutes of August 3, 1978, be approved as circulated; motion was carried.

REPORTS: The Chair acknowledge receipt of a correspondence from Kainaliu Development dated August 14, 1978, and stated that copies will be made available to the Commissioners before the next scheduled Planning Commission meeting.

All those testifying were duly sworn in.

SPECIAL PERMIT
COUNTY OF HAWAII
POLICE DEPARTMENT
KAI'AAKEA, NORTH
HILO

Application of the County of Hawaii Police Department for a Special Permit to allow the establishment of an outdoor pistol range on approximately 1.5 acres of land situated within the State Land Use Agricultural District. The area involved is located approximately 0.7 mile mauka or west of the Hawaii Belt Highway and approximately 0.5 mile southwest of Kai'aakea Plantation Camp between Pohakupuka Stream and Maulua Gulch, Kai'aakea, North Hilo, TMK: 3-4-04:portion of 4.

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

Staff pointed out that a copy of the Memorandum of Agreement between Honokaa Sugar Company and the petitioner is on file.

EXHIBIT V

The petitioner's representative Captain Leroy Victorine, Commander of the North Hilo District, pointed out that there may be use of the firing range for the public; however, the public would be restricted to its use under their guidance and only when a firearms instructor is able to be in attendance. Commissioner Sakamoto pointed out that if public is allowed to use the firing range, perhaps there would be less public property damage such as people shooting at signs on the highways. Captain Victorine stated that the Police Department is able to comply with the conditions as outlined by the staff.

For the Commissioner's information, Captain Victorine clarified that the reasons for the night firing was because statistics throughout the nation indicated that the majority of gunfights that policemen get into are at night and that there is a drastic difference in the ability and knowledge of handling firearms in the evening. He added that the Police Department is for the first time providing their personnel with some training on how to properly use their flashlights, headlights of their car, and conduct night firing in a safe a manner as possible.

Captain Victorine clarified that besides the wooden barricades placed well away from the firing range, they will also block the road, which is rarely in use anyway, with perhaps another police vehicle. He said he felt they were taking measures to provide maximum security to the area.

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

The Chair at this time acknowledge the presence of Commissioner Murakami.

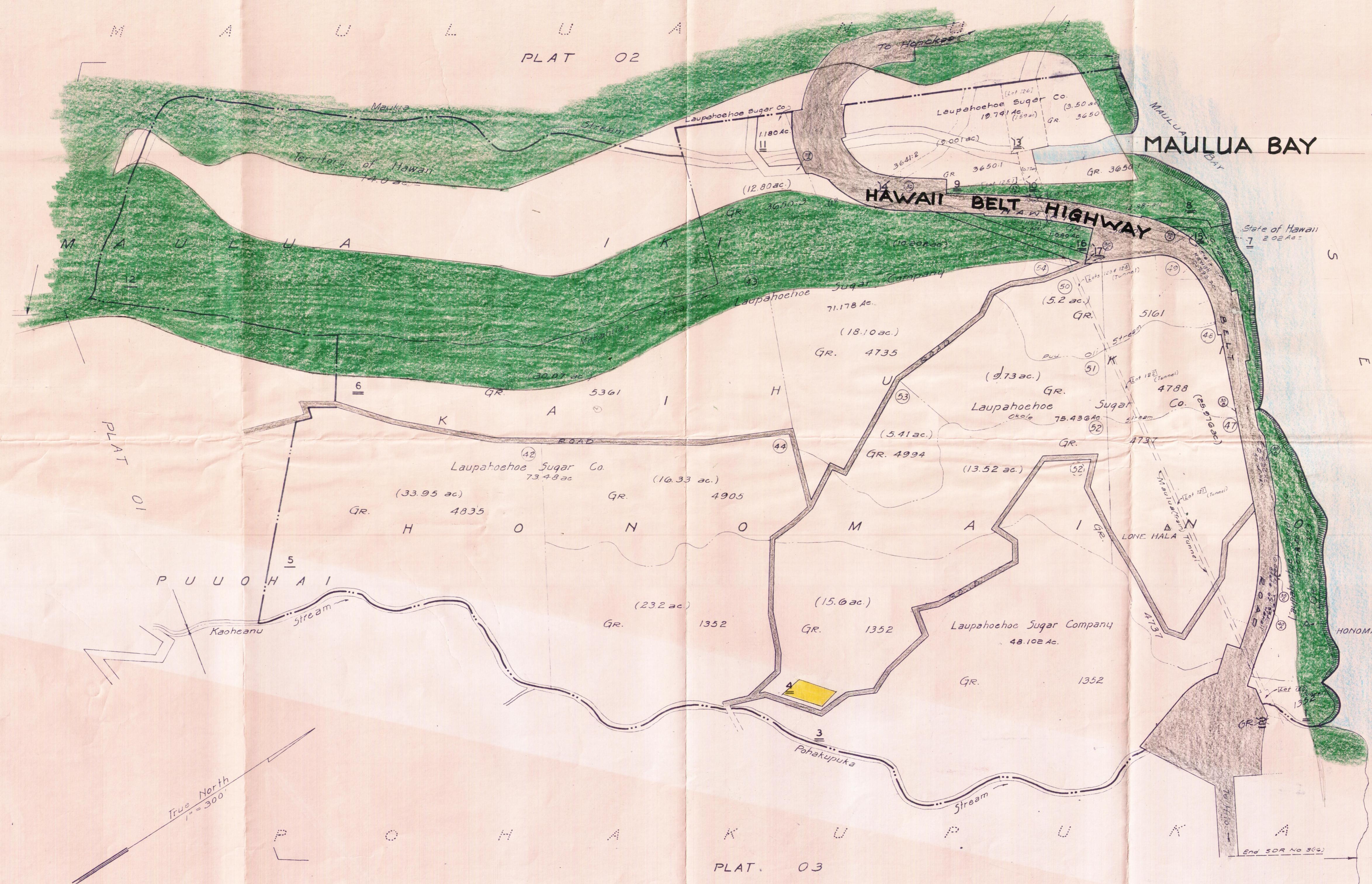
VARIANCE
ARTHUR ULRICH
OLA'A, PUNA

Preliminary hearing on the application of Arthur Ulrich for a variance to allow the creation of a 19.78-acre lot in lieu of the minimum area requirement of twenty (20) acres as stipulated in the Agricultural 20-acre (A-20a) zoned district. The property involved is located at the westerly end of the Volcano Farm Lots and adjacent to the Kilauea Forest Reserve, Ola'a, Puna, TMK: 1-9-01: 9 and 10.

Staff presented background and recommendation to set the application up for a public hearing.

Staff clarified that Lot 3 is proposed to be 19.78 acres.

The petitioner's representative, Masanori Kushi, informed the Commissioners that Mr. Ulrich was unable to be present because he was seriously ill. Mr. Kushi injected the thought that the problem was unique as the lots are owned by the applicants, and together they constituted a corner lot. The only other similar situation would be the two lots across the street, but he was not sure whether those two lots belonged to the same owner. Mr. Kushi pointed out that the original developer



October 2, 1978

October 2, 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 September 27, 1978, the Land Use Commission voted to approve a Special Permit request by the Hawaii County Police Department (SP78-318) to allow the establishment of an outdoor pistol range on approximately 1.5 acres of land situated within the State Land Use Agricultural District at Kai'aakea, North Hilo, Hawaii, Tax Map Key 3-4-04: portion of 4. 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

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

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

Dear Chief Paul:

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 SP78-318 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encls.