

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
for Special Permit of)

COUNTY OF HAWAII, DEPARTMENT OF)
PARKS AND RECREATION)

SP82-356 - COUNTY OF HAWAII,
DEPARTMENT OF PARKS
AND RECREATION

For approximately 90 acres of)
land within the State Land Use)
Agricultural District at Waiakea,)
South Hilo, Island of Hawaii,)
Tax Map Key 2-1-13: Portion of 2)

DECISION AND ORDER

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FINDINGS OF FACT, CONCLUSIONS OF LAW,
DECISION AND ORDER

The Land Use Commission of the State of Hawaii, having duly considered the entire record in the above entitled matter at its action meeting on November 4, 1982 at Wailuku, Maui, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Department of Parks and Recreation of the County of Hawaii is requesting a Special Permit to allow the development and operation of a motorcycle training and competition facility on approximately 90 acres of land situated within the State Land Use Agricultural District at Waiakea, in South Hilo, Island of Hawaii.

2. This Special Permit application is the same request that was previously considered and denied by the Land Use Commission on February 2, 1982 under Docket Number SP82-352. The major reason for the denial was that the Hawaii County Planning Commission, in arriving at its decision in favor of approval, did not include sufficient evidence in the record to satisfy each of the five guidelines specified for Special Permits under State Land Use District Regulation 5-2. This resubmittal provides significant new data and reasons which make the record complete relative to the guidelines and substantially strengthens Petitioner's position.

3. The subject property is a portion of Tax Map Key

2-1-13: 2 which totals more than 3,200 acres and is owned by the State of Hawaii. It abuts the South Hilo-Puna District boundary approximately 2 miles east of Kanoelehua Avenue, and adjoins the eastern boundary of the Panaewa Drag Strip Complex which was approved by the Land Use Commission on September 22, 1975 under Special Permit No. 75-212.

4. The subject property is a part of the Panaewa Forest, and is currently unimproved and unused.

5. Access to the subject property is provided by the same temporary road that permits entry to the adjacent drag strip complex. Surrounding land uses include the drag strip, macadamia nut orchards, and vacant lands. The nearest house is located approximately 6,000 feet toward the west within the Hawaiian Homes agricultural subdivision.

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

7. According to the Soil Survey Report (December 1973) published by the U.S. Soil Conservation Service, the soil on the site is of the Papai series which is described as a surface layer of dark brown extremely stony muck about 8 inches thick underlain by fragmented A'a lava. Permeability is rapid, runoff is slow, and the erosion hazard is slight. The Land Study Bureau's master productivity rating for agricultural use is Class "E" or Very Poor.

8. Rainfall in the vicinity averages about 144 inches per year.

9. The proposal to develop a motorcycle training and competition facility on the subject state-owned lands is made by Petitioner, at the request of the Big Island Motorcycle Association (BIMA). The BIMA has been utilizing a privately-owned ranch in Waimea for their activities, however, development of surrounding areas to residential use has prompted the association to seek an alternative site. According to the association, they have been trying to relocate for about ten

years, and 80 percent of its membership reside in Hilo and surrounding areas.

10. The petition proposes the following improvements on the subject property:

- a. Clearing, grubbing, and contour grading of the site;
- b. Extension of a waterline from the drag racing complex;
- c. Grading an area for parking and constructing a pit area and motorcycle track and course; and
- d. Constructing accessory structures, e.g., spectator and concession facilities, comfort stations, etc.

11. On October 13, 1978, the State Board of Land and Natural Resources voted to recommend to the Governor that an executive order be issued setting aside the subject property for a motorcycle training and competition facility to be managed and controlled by the Department of Parks and Recreation of the County of Hawaii.

12. An environmental assessment and negative declaration for the project was published in the November 23, 1981 Environmental Quality Commission Bulletin.

13. Approval of the proposed use would not be contrary to the objectives of the Land Use Law and Regulations which are to preserve, protect, and encourage the development of land within the State for those uses to which these lands are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The proposed motorcycling facility is needed to satisfy the recreational requirements of a segment of the population. The subject property is currently vacant and unused, so its modification for the proposed use will not result in the present loss of agricultural productivity.

14. The desired use would not adversely affect surrounding property because it is proposed for a relatively isolated area surrounded by forest, macadamia orchards, and the drag strip. The nearest residential uses are located more than one mile away toward

the west. To mitigate potential adverse impacts, the forest will be left in its natural state to provide buffer strips at least two hundred feet wide along the west and south boundaries of the proposed project.

15. Approval of the subject request is not expected to place unreasonable burdens on public agencies to provide roads and streets, sewers, water, drainage or school improvements, nor police and fire protection. Roadway access and water are available from the adjacent drag strip. The centralization of such recreational facilities in one general area will facilitate the upgrading of public services should the need ever arise.

16. Unusual trends and conditions have arisen since the enactment of the Land Use Law and Regulations. The sport of motocross riding is of relatively recent inception, but its popularity has in fact been growing. The public health and welfare would be enhanced by diverting motorcycle activities from informal, uncontrolled situations into supervised conditions on the subject property, where participants can receive training to improve safety as well as riding skills.

17. The land upon which the proposed use is sought is generally unsuited for the uses permitted within the Agricultural District. The subject site has a slight soil overlaying A'a lava. Its productivity class, based on the Land Study Bureau Soil Survey, is Class E or very poor. Such soils have very severe limitations which make them generally unsuited to cultivation.

18. The Hawaii County Planning Commission conducted a public hearing on the subject petition on September 16, 1982, in Hilo, Hawaii. The Planning Commission voted to recommend approval of the request subject to the following conditions:

- "1. That the petitioner, the County Department of Parks and Recreation, shall be responsible for complying with all stated conditions of approval.

2. That tentative subdivision approval be secured by the applicant within one (1) year from the date of approval of the Special Permit. Final subdivision approval shall be secured within one (1) year thereafter.
3. That plans shall be submitted and Final Plan Approval secured in accordance with Chapter 8 (Zoning Code), Hawaii County Code, be secured within one (1) year from the effective date of the Permit.
4. That construction of the proposed facility commence within one (1) year from the date of receipt of Final Plan Approval and be completed within three (3) years thereafter.
5. That two buffer zones with a minimum width of 200 feet each be provided on the south and west sides of the facility.
6. That the Department of Parks and Recreation develop and adopt use regulations for the subject facility prior to its occupancy.
7. That the temporary drag strip access road to the facility may be used until the permanent drag strip access is completed. Upon completion of this permanent access, use of the temporary access by the motorcycle facility shall terminate.
8. That all other applicable rules, regulations and requirements, including noise and air quality standards, be complied with.

Should any of the foregoing conditions not be met, this Special permit shall be automatically void."

19. The complete record of the subject Special Permit was received at the Land Use Commission office on October 4, 1982.

CONCLUSIONS OF LAW

The proposed use is an "unusual and reasonable use" as defined by Chapter 205-6, Hawaii Revised Statutes, and State Land Use District Regulation 5-2.

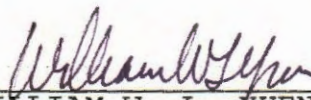
DECISION AND ORDER

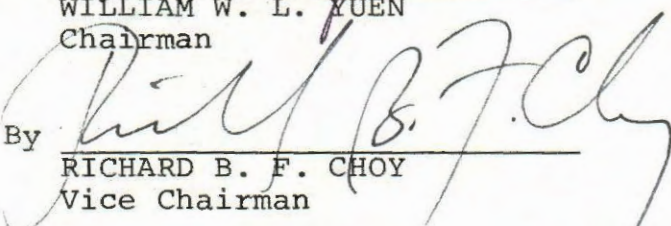
IT IS HEREBY ORDERED that Special Permit 82-356 for the development and operation of a motorcycle training and competition facility on approximately 90 acres of land situated within the State Land Use Agricultural District at Waiakea, South Hilo, Island and County of Hawaii, identified by Tax Map Key 2-1-13: Portion of 2,

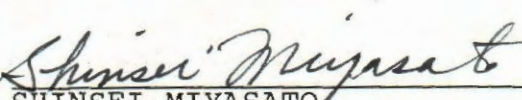
and illustrated on Exhibit "A" attached hereto and incorporated by reference herein, be and hereby is approved; SUBJECT, HOWEVER, to the conditions recommended by the Hawaii County Planning Commission as set forth in Paragraph 18 of the Findings of Fact herein.

Done at Honolulu, Hawaii this 2nd day of December, 1982, per motion on November 4, 1982 and December 2, 1982.

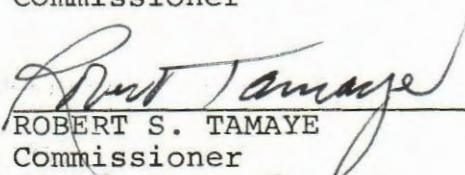
LAND USE COMMISSION
STATE OF HAWAII

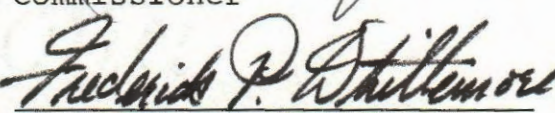
By 
WILLIAM W. L. YUEN
Chairman

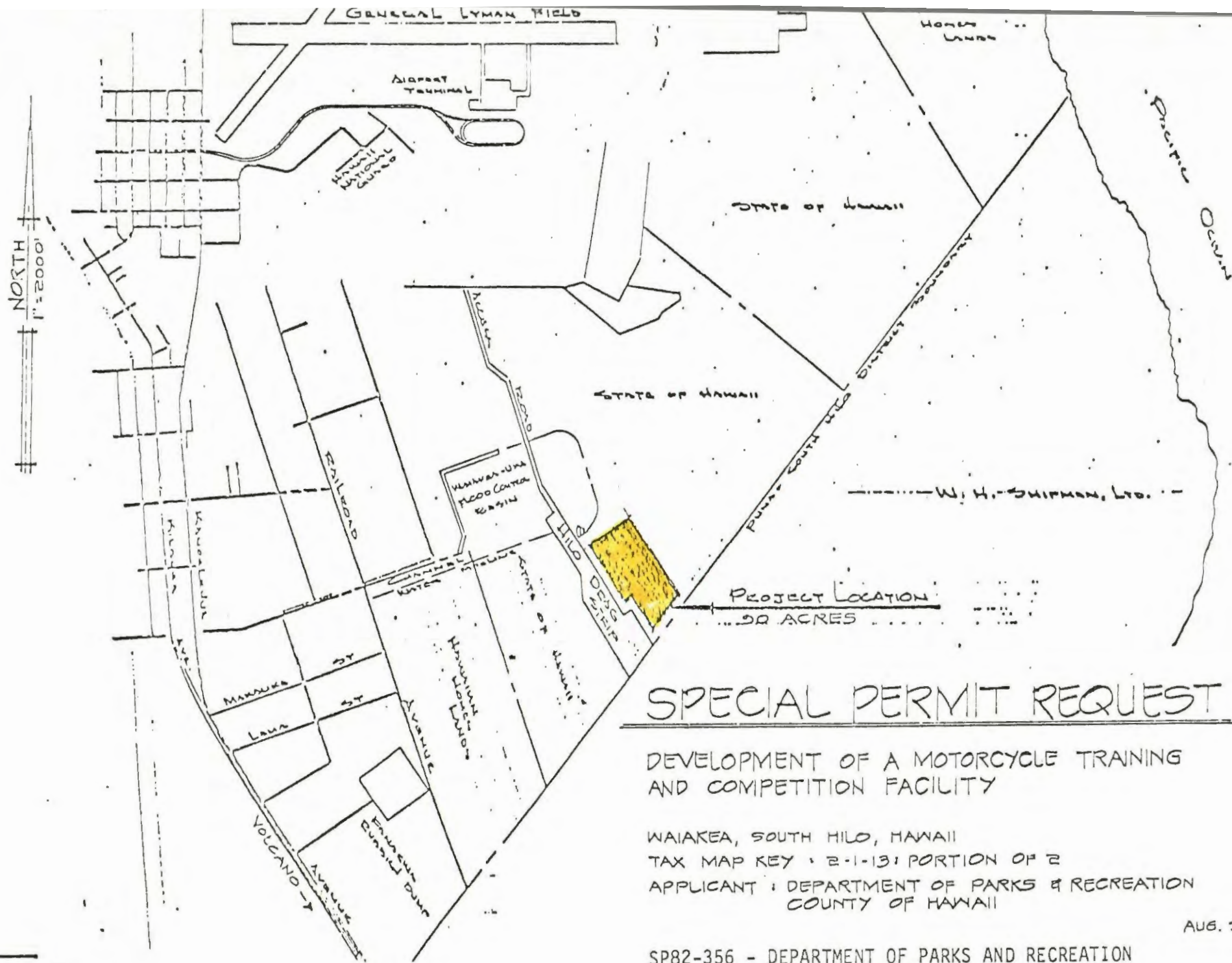
By 
RICHARD B. F. CHOY
Vice Chairman

By 
SHINSEI MIYASATO
Commissioner

BY 
TEOFILO PHIL TACBIAN
Commissioner

By 
ROBERT S. TAMAYE
Commissioner

By 
FREDERICK P. WHITTEMORE
Commissioner



SPECIAL PERMIT REQUEST

DEVELOPMENT OF A MOTORCYCLE TRAINING
AND COMPETITION FACILITY

WAIKEKE, SOUTH HILO, HAWAII

TAX MAP KEY : 2-1-13: PORTION OF 2

APPLICANT : DEPARTMENT OF PARKS & RECREATION
COUNTY OF HAWAII

AUG. 24, 1982

SP82-356 - DEPARTMENT OF PARKS AND RECREATION
COUNTY OF HAWAII

EXHIBIT "A"

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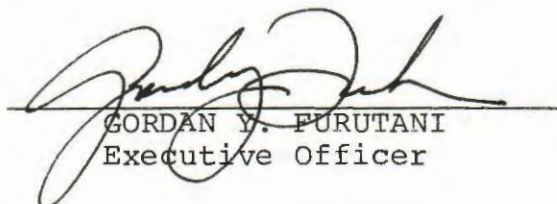
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

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

MILTON HAKODA, Director
Department of Parks and Recreation
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 3rd day of December, 1982.


GORDAN Y. FURUTANI
Executive Officer