



Planning Commission

Lorraine R. Inouye
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

December 19, 1991

Mr. Brian Crawford
P. O. Box 998
Volcano, HI 96785

Dear Mr. Crawford:

Special Permit Application (SP 91-21)
Applicant: Brian Crawford
Request: Bed and Breakfast
Tax Map Key: 1-9-18:1

The Planning Commission at its duly held public hearing on December 12, 1991, voted to approve your application, Special Permit No. 792, to allow the establishment of a bed and breakfast operation on one acre of land situated within the State Land Use Agricultural District. The property is situated on the northern corner of Laukapu Road-Wright Road intersection within the Volcano Cymbidium Acres Subdivision, Olaa, Puna, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended 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 as Agricultural by the State Land Use Commission. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The parcel is classified "Existing Urban Development" by the State Department of Agriculture's ALISH map. The Land Study Bureau's Overall Master Productivity Rating for soils within the area is "D" or "Poor". In addition, the proposed bed and breakfast will be conducted within an existing five-bedroom dwelling. No other improvements are being proposed to accommodate the bed and breakfast use. Therefore, the proposed use is not expected to affect existing or any potential agricultural use of the property or adjacent properties.

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The desired use will not adversely affect surrounding properties. Surrounding properties are in residential use. The nearest residences are located adjacent to the northeast and northwest of the subject property at a minimum distance of 84 feet. Extensive landscaping has been provided on the subject property. According to the site plan submitted, Ohia, orange, pear and other types of vegetation surrounds virtually the entire perimeter of the subject property, further reducing the possibility of any adverse visual and noise impacts to surrounding properties. Provision of paved driveway(s) and parking stalls are recommended in order to mitigate potential impact of noise and dust associated with increased traffic over residential levels. As in previous permits granted for bed and breakfast use, a condition of approval is being included to require that the applicant provide this service on a reservation-only basis. All directions to the property shall be made by other means, such as maps, brochures, etc. These conditions are being imposed to minimize the commercial type of atmosphere that could be projected with on- and off-site advertisements.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, or police and fire protection. Wright Road, which provides the primary access to the subject property, maintains a pavement width of 20 feet within a 50-foot right-of-way and is deemed adequate to accommodate traffic generated by the proposed activity. To ensure the uninhibited flow of traffic and proper sight distance, the applicant shall remove existing vegetation located within the right-of-ways of Wright and Laukapu Roads fronting the subject property. The Department of Water Supply's existing water system facilities are not located within the area. Therefore, the applicant shall comply with Department of Health regulations in order to establish an approved water source for the bed and breakfast use. No objections to the granting of this permit were received from the other affected agencies. This approval recommendation is conditioned upon compliance with all rules and regulations of State and County agencies.

The request is not contrary to the goals, standards and policies of the General Plan. Approval of this request supports the goals and policies of the Land Use Element of the General Plan to "Designate and allocate land uses in appropriate

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proportions and mix and in keeping with the social, cultural, and physical environments of the County" and that "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." The General Plan also recommends that "The County shall provide an economic environment which allow new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment."

The use will not substantially alter or change the essential character of the land and the present use. The bed and breakfast use shall remain secondary to the residential use. Therefore, people employed at the bed and breakfast facility shall be limited to the residents of the affected dwelling. With the limitation on employment and since no restaurant or commercial kitchen facilities are being proposed, the bed and breakfast facility is not expected to cause impacts which would significantly alter the character of the land and its present use.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Bed and breakfast accommodations are becoming an increasingly popular type of lodging facility for visitors seeking a more personal experience of Hawaii. Provision of such services could satisfy the new trend of visitor demands for accommodations in the less populated areas of the island. It should be pointed out, however, that the approval of this particular request should not be construed as an automatic endorsement of future bed and breakfast establishments in this particular area.

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval for the proposed bed and breakfast facility shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, landscaping, signage consistent with

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Residential districts as set forth in Section 3-26 of the Hawaii County Code, and paved (asphalt-concrete or concrete) driveway(s) and parking stalls associated with the proposed bed and breakfast operation.

3. The bed and breakfast operation shall be established within one year of the date of receipt of Final Plan Approval. The applicant shall notify the Planning Department in writing of completion of required improvements prior to establishment of the bed and breakfast operation.
4. The bed and breakfast facility shall be limited to the use of four (4) bedrooms and common areas and shall be conducted on a reservation-only basis. This is not to preclude advertising of the facility in newspapers, books, brochures, etc.
5. The bed and breakfast facility shall be operated by the resident(s) of the affected single-family dwelling. Additional employees to assist in the bed and breakfast establishment shall not be permitted.
6. The applicant is prohibited from operating a restaurant on the subject property. Provision of potable water for the bed and breakfast facility shall meet with the approval of the Department of Health.
7. The applicant shall remove vegetation located within the right-of-ways of Wright Road and Laukapu Road fronting the subject property meeting with the approval of the Department of Public Works, prior to the establishment of the bed and breakfast operation. The applicant shall maintain vegetation growth within the road right-of-ways fronting the subject property in a manner which does not obstruct vision or vehicular movement along the roadway.
8. The applicant shall comply with all other applicable laws, rules, regulations and requirements of the Department of Health and the Department of Public Works.
9. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with.

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This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.

10. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Mike Luce, Chairman
Planning Commission

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jdk

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Health
Department of Commerce
Plan Approval Section
Planning Director
Mayor