

Harry Kim
Mayor



County of Hawaii

PLANNING COMMISSION

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CERTIFIED MAIL

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FEB 28 2001

Mr. Raymond Glory, Jr. and
Mrs. Mary Louise Goodness-Glory
P.O. Box 995
Volcano, HI 96785

Dear Mr. Glory and Mrs. Goodness-Glory:

Special Permit Application (SPP 00-050)

Applicant: Raymond Glory, Jr. and Mary Louise Goodness-Glory

Request: Establishment of a Two Bedroom Bed and Breakfast Operation Within
An Existing Farm Dwelling

Tax Map Key: 1-9-17:15

The Planning Commission at its duly held public hearing on February 12, 2001, voted to approve the above-referenced application. Special Permit No. 1099 is hereby issued to allow the establishment of a two-bedroom bed and breakfast operation within an existing farm dwelling on approximately 6.308 acres of land within the State Land Use Agricultural District. The property is located in the Kilauea Settlement Lots at the end of Haunani Road, adjacent to a portion of the Hawaii Volcanoes National Park, and approximately 2 miles north from the intersection of Haunani Road and the Old Volcano Road, Volcano, 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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The property has been cleared since 1989 for development of the residence area and pasture uses. The proposed bed and breakfast use will be subordinate and incidental to the principal use of the residence by the applicants. The use will be located within the

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existing farm dwelling which is situated within an area whose soils are classified as "C" or Fair by the Land Study Bureau's Overall Master Productivity Rating and classified "Prime Agricultural Land" by the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Map. The two-bedroom bed and breakfast operation will be confined to the existing four-bedroom farm dwelling with the remainder of the property to be continued as pasture for horses and goats. The proposed use will not displace existing agricultural activity nor diminish the agricultural potential of the subject property. Therefore, the proposed use will not adversely affect the preservation and agricultural use of the County's prime agricultural lands and is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

The proposed use is an unusual and reasonable use of land situated within the State Land Use Agricultural District. In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district. The subject property is approximately 6.308 acres in size and situated within the County's Agricultural (A-5a) zoned district. The applicants currently reside in the existing farm dwelling as their primary residence. As previously stated, the two-bedroom bed and breakfast operation will be confined to the existing four-bedroom farm dwelling. The remainder of the property will continue to be in pasture for horses and goats. According to the applicants, their home is large to provide the two-bedroom accommodations for visitors, since their parents have passed away and their son is out of state attending college. Further, the applicants desire to provide accommodations for those visiting the Big Island, especially the Hawai'i Volcanoes National Park, and the opportunity to share their knowledge of the island with their guests as well as bring some economic growth to the area. Therefore, the subject request is considered an unusual and reasonable use of the agricultural land.

The desired use shall not adversely affect the surrounding properties. The existing farm dwelling is situated on less than 5,000 square feet of land that is a portion of a 6.308-acre parcel. Surrounding properties are similarly zoned Agriculture - 5 acres (A-5a) and range in size from approximately 5 to 24 acres. A portion of the Hawaii National Park borders the property's northern boundary, and further north is the Volcano Farm Lots Subdivision zoned Agriculture - 20 acres (A-20a) with average lot size of 29.9 acres. A dwelling and barn have been recently constructed on the adjoining property to the east and a portion of the property is also in pasture for horses. Other surrounding uses include truck crops, scattered dwellings and vacant lands along Haunani Road. The subject property is bordered on three sides by an uninterrupted row of mature ohia and

pine trees, and undergrowth plants. These natural vegetation buffers should assist in mitigating any adverse impact upon adjoining properties. The relatively large size of each lot within Kilauea Settlement Lots Subdivision should ensure that noise and visual impacts upon these neighboring lots are minimized. The applicants will typically receive and discharge guests of the bed and breakfast operation during daylight hours. Due to the minimal size of the operation, it is not anticipated that the proposed use will adversely affect the surrounding properties.

Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. It is anticipated that traffic to be generated by the proposed two-bedroom bed and breakfast facility would be minimal. The property is located at the end of Haunani Road, a County paved and maintained roadway, which has a 40-foot right-of-way. The condition and width of this roadway is deemed adequate to accommodate the anticipated traffic to be generated. The Department of Public Works did not express any concerns regarding the proposed use. There is no municipal sewer system in the Volcano area. The applicants currently utilize an existing cesspool. County water is not available to the subject site. However, the applicants have constructed a 24,000 gallon water catchment in conjunction with the residence and which meets the Fire Department's requirements. According to the applicants, the drinking water is provided by a superior filtering system located inside the dwelling. However, the applicants propose to provide bottled water to the guests. The property is situated within an area designated as Flood Zone X, an area determined to be outside the 500-year flood plain. The applicants shall meet all applicable agency requirements of the Department of Health, Department of Public Works and the Fire Department prior to the establishment of the proposed use.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The purpose of the special permit request is to allow the establishment of bed and breakfast accommodations which have become part of a worldwide trend towards providing alternative lodging sites in rural and agricultural areas such as this particular location. They are becoming increasingly popular for visitors who seek a more localized and authentic experience in a home-type setting. Such small-scale use is consistent with the social and physical character of a rural-agricultural area and contributes to the economic structure of the County. The "Strategic Directions for Hawaii's Visitor Industry" or Tourism Strategic Plan (TSP) prepared by the Hawaii Tourism Authority (June 1999), forms the basis or foundation upon which Hawaii's future as a visitor destination will be built. This document is a fulfillment of one of the primary responsibilities of the Hawaii Tourism Authority (HTA) established by Act 156 SLH 1998. The TSP contains strategic directions in seven areas, one of which is Product

Development. Under Agri Tourism, a subset of Product Development, strategic directions to promote Agri Tourism include:

- Create menus of experiences to make it easier for visitors to purchase agri tourism experiences and products.
- Advocate “Bed & Breakfasts (B&B’s) and “Country Inns” on agriculture lands, farms, and ranches.
- “Bundle” agricultural experiences with health, adventure, culture, eco, and edu tourism.

Thus, the request for a bed and breakfast use is consistent with the State’s strategic directions for Hawaii’s visitor industry.

The land upon which the proposed use is sought is suited for some type of agricultural uses permitted within the district. The proposed bed and breakfast use will be confined to an existing farm dwelling and will not substantially alter or change the essential character of the land and the present use. The bed and breakfast use will remain subordinate and incidental to the existing use of the dwelling as the applicants’ primary residence. No additional improvements are required, and as such, the bed and breakfast facility is not expected to cause impacts which would significantly alter the character of the land and the present use. As previously stated, the applicants will continue the existing agriculture pasture use for horses and goats. Therefore, only a limited portion of the property will be dedicated for bed and breakfast use with the remainder of the property to be used for the existing agricultural use.

The request will not be contrary to the General Plan. The subject request is not contrary to the General Plan objectives and policies nor the Land Use Pattern Allocation Guide (LUPAG) Map, which designates the property for Intensive Agricultural uses. The proposed use is consistent with the following goals and policies of the General Plan:

Land Use Element

- * Designate and allocate land areas in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- * The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element

- * Provide residents with opportunities to improve their quality of life.
- * Economic development and improvements shall be in balance with the physical and social environments of the island of Hawaii.
- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.
- * The County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.
- * The County of Hawaii shall encourage the development of a visitor industry which is consistent with the social, physical and economic goals of the residents of the County.

The proposed use is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawaii Revised Statutes, relating to coastal zone management program. Given the extensive clearing activities that have taken place and the existing residence and agricultural uses, it is unlikely that any archaeological features and threatened species of plant or animal are present on the property. There are no designated public access to the mountain areas over the property. The subject property is located more than 25 miles from the nearest coastline. It is adjacent to existing mixed agricultural, residences, pasture uses, and vacant lands. Therefore, the proposed use will not adversely impact any recreational resources, including access to and along the shoreline, scenic and open space nor visual resources, coastal ecosystems, and marine and coastal resources. Further, the property will not be affected by any coastal hazards nor beach erosion.

Based on the above considerations, the proposed bed and breakfast establishment within the existing farm dwelling is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions. Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this Special Permit.

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1. The applicants, successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicants shall comply with all applicable requirements of Section 25-4-7 of the Zoning Code, as amended by Ordinance No. 00 152, relating to Bed and Breakfast Establishments.
3. The bed and breakfast business shall be limited to the use of two (2) bedrooms.
4. Comply with all other applicable laws, rules, regulations and requirements of the affected government agencies, including the Department of Health, for the proposed use.
5. A written final status report shall be submitted to the Planning Director upon compliance with all conditions of approval and prior to opening of the bed and breakfast operation.
6. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, 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.
 - 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).

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.

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Should you have any questions, please contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Geraldine M. Giffin, Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Kazu Hayashida, Director/DOT-Highways, Honolulu
Department of Health