

COUNTY OF HAWAI‘I PLANNING DEPARTMENT **BACKGROUND REPORT**

WILLIAM COX MORRIS

CHANGE OF ZONE APPLICATION NO. PL-REZ-2025-000083

WILLIAM COX MORRIS has submitted an Application for a Change of Zone from a Single-Family Residential-20,000 square feet (RS-20) zoning district to a Village Commercial-20,000 square feet (CV-20) zoning district for a 25,111-square-foot portion of a 3-acre parcel of land. The subject property is located at 19-4046 Old Volcano Road, approximately 0.4 miles northeast of the intersection of Hawai‘i Belt Road and Old Volcano Road, Por. Ōla‘a Summer Lots, Puna, Hawai‘i, TMK: (3) 1-9-005:006 (por.).

PROPOSED ACTION

1. **Applicants’ Request:** The applicant is requesting a change of zone for a 25,111 square foot portion of a 3-acre parcel from Residential – 20,000 square feet (RS-20) to Village Commercial – 20,000 square feet (CV-20). A tentative subdivision (PL-SUB-2023-000138) has been approved to divide the 3-acre property into four (4) lots, with the rezoning applying only to the proposed Lot 2B-1. The remainder of the property will remain zoned RS-20. Requirements for establishing land uses in the CV zoning district, including a list of the variety of permitted land uses, are shown in Section 25-5-122 of the Zoning Code. **(Planning Department Exhibit 1 - Zoning Code Requirements for Village Commercial Districts)**
2. **Proposed Development:** The proposed CV-20 parcel is intended for development of an approximately 1,275 square-foot café/deli building, with access from Old Volcano Road. Associated site improvements include five parking stalls (one designated for EV), a potable water tank, a catchment tank for fire suppression, and an individual wastewater system. The proposed hours of operation are 7:00 AM to 7:00 PM daily, with 3–5 employees anticipated.

3. **Construction Timetable and Cost:** If the change of zone request is approved, the estimated construction cost is approximately \$300,000, with completion targeted within two years of rezoning approval.
4. **Landowner:** Willaim Cox Morris
5. **Supporting Information:** The applicant has submitted the attached in support of the request. **(Planning Department Exhibit 2 - Change of Zone Application accepted June 19, 2025)**

STATE & COUNTY PLANS

6. **State Land Use District:** Urban.
7. **General Plan Land Use Pattern Allocation Guide (LUPAG) MAP:** Low Density Urban (ldu). These areas include residential uses, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre. Medium Density Urban (mdu) is within 250 feet east of the subject property.
8. **County Zoning:** Currently Single-Family Residential-20,000 square feet (RS-20).
9. **Puna Community Development Plan (CDP):** The Puna Community Development Plan was adopted by the Hawai'i County Council by Ordinance No. 08-116 on September 10, 2008.
10. **Special Management Area (SMA):** The Special Management Area is a part of the Coastal Zone Management Program and regulated by the County. The subject property is not located within the Special Management Area.

DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA

11. **Subject Property:** The subject property comprises 3 acres at an elevation of approximately 3,700 feet in Volcano. The terrain is gently sloping but generally level across the site. The land was previously cleared for residential use and is now vacant of structures.
12. **Surrounding Zoning/Land Uses:** The subject parcel is zoned Residential – 20,000 square feet (RS-20). Adjacent parcels are also zoned RS-20 and are primarily developed with single-family dwellings, including the Volcano Forest Inn immediately east of the property. To the southwest, there are larger Agricultural (A-20a) parcels, while to the east, beginning approximately 300 feet from the subject site, are lands zoned Village Commercial – 10,000

square feet (CV-10) and Village Commercial – 20,000 square feet (CV-20). Several of these nearby commercial properties were created through previous rezonings from residential to commercial under County Ordinances No. 95-124, No. 03-006, and No. 20-021. Pursuant to Ordinance No. 24-87 and Section 25-2-42(c)(4) of Hawai‘i County Code, a report on surrounding properties is attached to this document (**Planning Department Exhibit 3**).

13. **Flood Insurance Rate Map (FIRM)/Drainage:** The subject property is situated within Zone “X” on the Flood Insurance Rate Map (FIRM) by FEMA, an area determined to be an area of minimal flood hazard.
14. **Flora/Fauna Resources:** Vegetation on the project site includes ‘ōhi‘a lehua (*Metrosideros polymorpha*), hāpu‘u tree ferns (*Cibotium* sp.), ginger (*Hedychium gardnerianum*), Sugi pine (*Cryptomeria japonica*), and various non-native grasses. No formal biological survey was conducted, but the suburban setting makes the presence of endangered species unlikely. However, native forest birds such as the ‘akiapōlā‘au (*Hemignathus munroi*), Hawai‘i creeper (*Oreomystis mana*), Hawai‘i ‘akepa (*Loxops coccineus*), and other species including ‘i‘iwi, ‘elepaio, ‘apapane, and ‘amakihi may occur in nearby forests. The pueo (Hawaiian owl) and nēnē (Hawaiian goose), as well as the Hawaiian hoary bat, may also utilize surrounding habitat. Potential impacts from development are considered low, but best management practices—such as timing vegetation removal outside of breeding seasons, avoiding barbed wire fencing, and preventing the spread of Rapid ‘Ōhi‘a Death (ROD) through equipment sanitation—are recommended to minimize disturbance to sensitive species.
15. **Archaeological/Cultural/Historical Resources:** The project site was previously cleared for residential use and formerly contained a dwelling that no longer exists. A formal archaeological study has not been conducted, but the likelihood of encountering significant historic or cultural resources is considered low due to the property’s prior disturbance. The site is approximately 12 miles inland from the coastline, and there are no known historic sites, cultural resources, or evidence of traditional or customary Native Hawaiian practices on the property. The applicant has also indicated that any legitimate traditional gathering claims would be respected and accommodated. Staff notes that the project was submitted

to the State Historic Preservation Division (SHPD) for their Ch. 6E-42 review; SHPD has did respond saying that they have no objections to the project, however, they do request the opportunity to review any future permits involving ground disturbance associated with the development of the subject parcel.

16. **Public Access:** There is no designated public access to the mountains or the shoreline that runs through the property.

PUBLIC UTILITIES AND SERVICES

17. **Vehicular Access/Traffic:** Vehicular access to the project site is provided directly from Old Volcano Road, a County-owned and maintained paved roadway. The property is located approximately 0.4 miles northeast of the intersection of Hawai‘i Belt Road (Route 11) and Old Volcano Road in Volcano. No dedicated public roadways currently traverse the parcel; however, a new private roadway is proposed along the eastern boundary to serve the three (3) residential lots associated with the proposed subdivision. A Traffic Impact Analysis Report (TIAR) was not prepared for this project. Instead, the applicant referenced the modest scale of the proposed use, estimating approximately 12 peak-hour vehicle trips based on the Institute of Transportation Engineers Trip Generation Manual, 11th Edition. Due to the limited size of the proposed café/deli and its daily operations, traffic impacts would be negligible and no additional roadway improvements would be required beyond the driveway connection to Old Volcano Road. Staff notes that no comments related to traffic or road access were received by the Planning Department.
18. **Water:** The Department of Water Supply (DWS) confirmed that there is no County water service available to the subject property and stated that DWS “could not give a favorable recommendation for this change of zone application”. To provide potable water, the applicant proposes to install a dedicated potable water storage tank on site, which will be filled by trucking in water for use by the café/deli. A second water catchment tank is planned specifically for fire suppression purposes. The potable tank will supply daily operational needs, while the catchment system will satisfy fire protection requirements under County and Department of Health and County Fire Department standards. Given the modest scale of the proposed 1,275-square-foot café/deli, total water demand is expected to be limited. DWS consultation confirmed that, since public water service is unavailable,

the applicant will be fully responsible for developing and maintaining this private water system. Pursuant to Hawaii County Code (HCC) Ch. 25-2-46(n) *in order to facilitate the development of village centers in rural areas that are not currently served by a public water system, the council may waive the water supply requirements for zoning amendments for commercial or light industrial uses in areas that do not currently have a public water system, and where the department of water supply has no plans to build a public water system, and which are (1) designated as an “urban and rural center” or “industrial area” on table 14-5 of the general plan and (2) designated for urban use on the land use pattern allocation guide map of the general plan; provided that conditions of zoning shall require water supply consistent with public health and safety needs such as sanitation and fire-fighting.*

19. **Wastewater:** Wastewater from the proposed café/deli will be managed through an Individual Wastewater System (IWS) approved by the Hawai‘i Department of Health. The system will be designed to accommodate the wastewater flow generated by food service activities and restroom facilities associated with the approximately 1,275-square-foot commercial use. Since there is no public wastewater infrastructure available in the area, the IWS will be the sole method of wastewater treatment and disposal for the site.
20. **Solid Waste:** According to the applicant, solid waste will be handled through commercial haulers into authorized landfill sites.
21. **Essential Utilities and Services:** Police, Fire and medical services are available nearby in Volcano. Electrical and telephone services are available to the site.

AGENCY COMMENTS

22. **Department of Water Supply: (Planning Department Exhibit 4 – July 31, 2025, memo)**
23. **State Historic Preservation Division (SHPD): (Planning Department Exhibit 5 – July 25, 2025, Letter)**
24. **Hawaii County Police: (Planning Department Exhibit 6 – July 16, 2025, memo)**
25. **State Department of Health (Planning Department Exhibit 7 – July 3, 2025, memo)**

AGENCIES – NO COMMENT/CONCERNS

26. **Real Property Tax (RPT)**

AGENCIES – NO RESPONSE

27. Department of Public Works-ENG, Department of Environmental Management, OHCD, State Dept. of Transportation, Fire Department, State Department of Land and Natural Resources (DOFAW/ENG), Volcano Community Assoc.

PUBLIC COMMENTS

28. As of the date of this writing, the Planning Department has received no public comments on this application.

Section 25-5-115. Minimum building site average width.

Each building site in the CG district shall have a minimum building site average width of sixty feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-116. Minimum yards.

The minimum yards in the CG district shall be as follows:

- (1) Front or rear yards, fifteen feet; and
- (2) Side yards, none, except where the adjoining building site is in an RS, RD, RM or RCX district. Where the side yard adjoins the side yard of a building site in an RS, RD, RM or RCX district, there shall be a side yard which conforms to the side yard requirements for dwelling use of the adjoining district.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-117. Landscaping of yards.

- (a) All front yards in the CG district shall be landscaped, except for necessary access drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.
- (b) Where any required side or rear yard in the CG district adjoins a building site in an RS, RD, RM or RCX district, the side or rear yard shall be landscaped with a screening hedge not less than forty-two inches in height, within five feet of the property line, except for necessary drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 12.)

Section 25-5-118. Other regulations.

- (a) Plan approval shall be required for all new structures and additions to existing structures in the CG district, except for construction of one single-family dwelling and any accessory buildings per lot.
- (b) Exceptions to the regulations for the CG district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 13; am 2015, ord 15-33, sec 4.)

Division 12. CV, Village Commercial Districts.**Section 25-5-120. Purpose and applicability.**

The CV (village commercial) district provides for a broad range or variety of commercial and light industrial uses that are necessary to serve the population in rural areas where the supplementary support of the general business uses and activities of a central commercial district is not readily available.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-121. Designation of CV districts.

Each CV (village commercial) district shall be designated by the symbol "CV" followed by a number which indicates the minimum land area, in number of thousands of square feet, required for each building site.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-122. Permitted uses.

- (a) The following uses shall be permitted in the CV district:
- (1) Adult day care homes.
 - (2) Amusement and recreation facilities, indoor.
 - (3) Apiaries.
 - (4) Art galleries, museums.
 - (5) Automobile sales and rentals.
 - (6) Automobile service stations.
 - (7) Bars.
 - (8) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (9) Boarding facilities, rooming, or lodging houses, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
 - (10) Business services.
 - (11) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (12) Churches, temples and synagogues.
 - (13) Commercial parking lots and garages.
 - (14) Community buildings, as permitted under section 25-4-11.
 - (15) Convenience stores.
 - (16) Crematoriums, funeral homes, funeral services, and mortuaries.
 - (17) Crop production.
 - (18) Day care centers.
 - (19) Dwellings, double-family or duplex, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
 - (20) Dwellings, multiple-family, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
 - (21) Dwellings, single-family.
 - (22) Family child care homes.
 - (23) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
 - (24) Financial institutions.

- (25) Group living facilities.
 - (26) Home occupations, as permitted under section 25-4-13.
 - (27) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (28) Hotels, when the design and use conform to the character of the area, as approved by the director.
 - (29) Laboratories, medical and research.
 - (30) Lodges.
 - (31) Manufacturing, processing and packaging light and general, except for concrete or asphalt products, where the products are distributed to retail establishments located in the immediate community, as approved by the director.
 - (32) Medical clinics.
 - (33) Meeting facilities.
 - (34) Model homes, as permitted under section 25-4-8.
 - (35) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
 - (36) Offices.
 - (37) Personal services.
 - (38) Photography studios.
 - (39) Public uses and structures, as permitted under section 25-4-11.
 - (40) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops, which are designed to primarily serve the local area.
 - (41) Repair establishments, major, when there are not more than five employees, as approved by the director.
 - (42) Repair establishments, minor.
 - (43) Restaurants.
 - (44) Retail establishments.
 - (45) Schools.
 - (46) Short-term vacation rentals.
 - (47) Telecommunication antennas and towers, as permitted under section 25-4-12.
 - (48) Temporary real estate offices, as permitted under section 25-4-8.
 - (49) Theaters.
 - (50) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the CV district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
 - (2) Major outdoor amusement and recreation facilities.
 - (3) Yacht harbors and boating facilities.

- (c) Residential uses in connection with the operation of any permitted uses shall be permitted in the CV district.
 - (d) Buildings and uses similar to the permitted uses listed in subsection (a) above shall be permitted in the CV district, as approved by the director.
 - (e) Buildings and uses normally considered accessory to the uses permitted in this section shall also be permitted in the CV district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 14; am 2014, ord 14-86, sec 12; am 2018, ord 18-114, sec 12; am 2021, ord 21-26, sec 12; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, sec 12.)

Section 25-5-123. Height limit.

The height limit in the CV district shall be thirty feet.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-124. Minimum building site area.

The minimum building site area in the CV district shall be seven thousand five hundred square feet.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-125. Minimum building site average width.

Each building site in the CV district shall have a minimum building site average width of sixty feet.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-126. Minimum yards.

The minimum yards in the CV district shall be as follows:

- (1) Front or rear yards, fifteen feet; and
- (2) Side yards, none, except where the adjoining building site is in an RS, RD, RM or RCX district. Where the side yard adjoins the side yard of a building site in an RS, RD, RM or RCX district, there shall be a side yard which conforms to the side yard requirements for dwelling use of the adjoining district.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-127. Landscaping of yards.

- (a) All front yards in the CV district shall be landscaped, except for necessary access drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.
 - (b) Where any required side or rear yard in the CV district adjoins a building site in an RS, RD, RM or RCX district, the side or rear yard shall be landscaped with a screening hedge not less than forty-two inches in height, within five feet of the property line, except for necessary drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 14.)

Section 25-5-128. Other regulations.

- (a) Plan approval shall be required for all new structures and additions to existing structures in the CV district, except for construction of one single-family dwelling and any accessory buildings per lot.
 - (b) Exceptions to the regulations for the CV district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 15; am 2015, ord 15-33, sec 4.)

Division 13. MCX, Industrial-Commercial Mixed Districts.**Section 25-5-130. Purpose and applicability.**

The purpose of the MCX (industrial-commercial mixed use) district is to allow mixing of some industrial uses with commercial uses. The intent of this district is to provide for areas of diversified businesses and employment opportunities by permitting a broad range of uses, without exposing nonindustrial uses to unsafe and unhealthy environments. This district is intended to promote and maintain a viable mix of light industrial and commercial uses.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-131. Designation of MCX districts.

Each MCX (industrial-commercial mixed use) district shall be designated by the symbol "MCX" followed by a number which indicates the minimum land area, in number of thousands of square feet, required for each building site.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-132. Permitted uses.

- (a) The following uses shall be permitted in the MCX district:
 - (1) Agricultural products processing, minor.
 - (2) Amusement and recreation facilities, indoor.
 - (3) Apiaries.
 - (4) Art galleries, museums.
 - (5) Art studios.
 - (6) Automobile sales and rentals.
 - (7) Automobile service stations.
 - (8) Bars, nightclubs and cabarets.
 - (9) Broadcasting stations.
 - (10) Business services.
 - (11) Car washing.
 - (12) Catering establishments.
 - (13) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (14) Churches, temples and synagogues.

June 19, 2025

Mr. Jeffrey Darrow, Director
Planning Department
COUNTY OF HAWAII
101 Pauahi Street
Hilo, HI 96720

Dear Mr. Darrow:

Subject: Submission of Change of Zone Application
Applicant: William Morris
Ola'a, Volcano, Puna, Hawaii, TMK: (3) 1-9-005:006 (por.)

Transmitted here for your review and processing is the submittal of an application requesting a change of zone from the Residential – 20,000 square foot (RS-20) district to the Village Commercial – 20,000 square foot (CV-20) district for a 25,111-square foot portion of the subject 3-acre parcel. The parcel is located at 19-4046 Old Volcano Road, approximately 0.4 miles northeast of the intersection of Hawaii Belt Road and Old Volcano Road in Volcano, Hawaii.

If approved, the landowner intends to proceed with a four (4)-lot subdivision which will separate out the CV-20 zoned portion of the property as its own TMK parcel and utilize that parcel to develop a small café/deli. The remainder of the 3-acre parcel will remain in its current RS-20 zoning.

This electronic transmittal includes a) the application package including the application form, departmental questionnaire, background and environmental report and the rezone exhibit map; b) the written metes and bounds description of the area of the proposed rezoning; c) a letter of authorization allowing our office to file the application on the landowner's and applicant's behalf; and d) a list of surrounding property owners within one thousand (500) feet of the subject parcel. Further, payment for the County filing fee will be paid via electronic check upon submittal of the application.

We trust that everything is in order for your acceptance and processing of this application. If not, or if there are questions relating to this matter, please feel free to direct them to me. Thank you very much.

Sincerely,



JOHN PIPAN
Planning Administrator

CHANGE OF ZONE APPLICATION

COUNTY OF HAWAII PLANNING COMMISSION

(Type or legibly print the requested information)

APPLICANT(S): William Cox Morris

APPLICANT'S SIGNATURE: William Cox Morris DATE: Jun 18 2025 13:02 PDT

ADDRESS: 577 Kawailoa Road, Apt. A, Kailua, HI 96734

LIST APPLICANT'S INTEREST (if not owner): _____

PHONE: (Bus.) _____ (Res.) 808-306-5619 (Email) accessible.homes.hawaii@gmail.com

REQUEST: RS-20 TO CV-20
(Existing Zoning) (Proposed Zoning)

TAX MAP KEY(S): (3) 1-9-005:006

SIZE OF PROPERTY OR AFFECTED AREA(S) TO BE REZONED: 25,111sf portion of 3 acre parcel

LANDOWNER(S): William Cox Morris

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION

(may be provided by letter with the below statement included):

DATE: _____

William Cox Morris DATE: Jun 18 2025 13:02
DNT

AGENT: John Pipan - Land Planning Hawaii LLC

AGENT ADDRESS: 194 Wiwoole St, Hilo, HI 96720

PHONE: (Bus.) 808-333-3393 (Res.) _____ (Email) info@landplanninghawaii.com

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: Agent COPIES: Applicant

ATTACHMENT

Commercial, RM, Resort, & Industrial

PLANNING DEPARTMENT
COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

1. if your request is approved, do you intend to subdivide the subject land in accordance with the approved change of zone?

Yes

If yes, please answer the rest of question 1 and then to question 3.

- a. How many acres of the requested area do you intend to subdivide?

3 acres

- b. Into what lotsizes?

20,000+ sf

- c. if your request is approved, approximately how long after the date of approval do you expect to submit your subdivision plans to the Planning Department for preliminary approval?

Subdivision application
has already been submitted
(PL-SUB-2023-000138)

If you intend to subdivide, please submit a preliminary schematic subdivision plan together with your change of zone application form.

2. If you have no firm plans of subdividing the subject area, do you intend to:

- a. Sell or lease the land to someone who has firm plans?

- b. Sell or lease the land to someone who has tentative plans?

- c. Sell or lease the land to someone who has no plans?

- d. Keep it?

- e. other (please state)

- f. If you intend to do either a, b, or c, please elaborate on the kind of plans the other party has. Please, also, include in your answer approximately how soon after approval of your rezoning do you expect to transfer the subject land to another party.

-
3. What specific building plans do you have for the subject land? Include in your answer the following: type of building (apartment, office, laundrette, etc.); financing arrangement; timetable for construction; and any other information which you feel might help us in evaluating your request.

The applicant plans to construct an approximately 1,275sf cafe/deli. He anticipates completing construction within 3 years.

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4. Have you performed any study which would demonstrate a need for your proposed building and/or development?

Yes

If so, please elaborate on your findings in the space provided below.

Please refer to environmental report.

5. Have you performed any study which discusses the environmental impacts your request would have on the surrounding area and/or the County?

Yes

If so, please elaborate on your findings in the space provided below.

Please refer to environmental report.

6. Are there any buildings on the subject area?

No

If so, what kind?

What do you intend to do with those buildings if your request is approved?

7. Is the subject land currently being used for any agricultural activity?

No

If so, please list the kinds of products grown on and how many square feet or acres of land per product?

8. To your knowledge, has there been any flooding and/or drainage problem on the subject area?

No

If so, please describe the problem.

9. Do you think that the roads leading to the subject area needs improvement?

No

If so, what kind?

Is the road adequate for the proposed traffic volume or bad?

Yes

10. What sort of governmental assistance and/or improvements do you feel will be needed in the subject area when developed?

	<u>yes</u>	<u>NO</u>
a. Schools	<u> </u>	<u>X</u>
b. Roads	<u> </u>	<u>X</u>
c. Sewer	<u> </u>	<u>X</u>
d. Drainage	<u> </u>	<u>X</u>
e. Police Protection	<u> </u>	<u>X</u>
f. Fire Protection	<u> </u>	<u>X</u>
g. Recreational Facilities	<u> </u>	<u>X</u>
h. Recreational Facilities	<u> </u>	<u>X</u>
i. Other	<u> </u>	<u> </u>

For those checked "yes," please elaborate what type or kinds of improvements and/or assistance are needed.

11. Have you performed any historic sites study and/or survey of the subject area? If so, what were the results? Please, also, submit a copy of the study together with this change of zone supplement.

No, please see environmental report for additional information.

Signature:



Address:

194 Wiwoole St, Hilo, HI 96720

Telephone:

808-333-3393

Date:

6/18/2025

L. Edward Paré
Land Surveyor
P.O. Box 1086
Naalehu, HI 96772
808 443 1174

Hawaii L.P.L.S. # 8094
Maine L.P.L.S. #1228
Email: epare3906@gmail.com

Maine Office:
12 McInnis Road
Hancock, ME 04640
207 422 3906

June 6, 2025

DESCRIPTION OF LOT 2B-1

All of that certain piece or parcel of land situated on the northwesterly side of Old Volcano Road at Olaa, in the District of Puna in the County and State of Hawaii, being a portion of Lot 2B of Block A of Olaa Summer Lots, Reg. Map 2411 & HTS Plat 859, said parcel more particularly described as follows:

Beginning at the westerly corner of this parcel of land on the northeasterly bound of Lot 2A, the coordinates of said point of beginning being referred to Government Survey Triangulation Station "KULANI" being 33,848.30 Ft. South and 21,155.25 Ft. East, and thence running by azimuths measured clockwise from True South:

1. 239° 31' 00" 132.30 feet, by a line of division through said Lot 2B, to a point;
2. Thence, by a line of division through said Lot 2B, along a curve to the right having a radius of 15.00 feet, the following chord azimuth & distance;
3. 284° 31' 01" 21.21 feet, to a point;
4. 329° 31' 01" 143.64 feet, by a line of division through said Lot 2B, to a point on the northwesterly side of Old Volcano Road ;
5. 50° 08' 00" 149.29 feet, along the northwesterly sideline of Old Volcano Road, to a point at the easterly corner of said Lot 2;
6. 149° 31' 00" 182.98 feet, along the northeasterly bound of said Lot 2A, to the point of beginning and containing an area of 25,111 square feet.



By L. Edward Paré
Licensed Professional Land Surveyor
License No. 8094
License expires April 30, 2026

LIST OF SURROUNDING PROPERTY OWNERS
 WITHIN FIVE HUNDRED (500) FEET OF
 TMK (3): 1-9-005:006

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerCityStZip
110050380000	HOLOKILA LLC		240 WAILUPE CIR	HONOLULU HI 96821 1523
110040370000	W H SHIPMAN LTD		16-127 LAPAAU RD	KEAAU HI 96749 8166
190050380000	KANEMITSU,MARGIE H		709 KUKUAU ST	HILO HI 96720 0000
190050380000	MURAKAMI,ROSS R			
190050380000	MURAKAMI,BRITT M			
190050230000	U S POSTAL SERVICE		PO BOX 30888	HONOLULU HI 96820 0888
190050240000	THE VOLCANO TEAPOT LLC		PO BOX 511	VOLCANO HI 96785 0000
190050160000	SIMMONS,ABBY A/SARAH A TR		PO BOX 7210	HILO HI 96720 8941
190050220000	VARIOUS OWNERS			
190050050000	MACCARLEY,KURT		4470 W SUNSET BLVD STE 794	LOS ANGELES CA 90027 6068
190050060000	MORRIS,WILLIAM COX		577 KAWAILOA RD APT A	KAILUA HI 96734 3180
190050070000	CHUN,MARK C		PO BOX 246	KAILUA HI 96734 0246
190050070000	CHUN,MITCHELL A			
190050070000	CHUN,NORMAN S			
190050080000	MINTAKA TR	ATTN RONALD KEITH MAGLOTHIN TRS	PO BOX 175	VOLCANO HI 96785 0175
190050080000	ENGLISH,OLIVER C		PO BOX 84	VOLCANO HI 96785 0084
190050080000	SIMMONS,MARTHA LYNN ENGLISH TR		PO BOX 515	VOLCANO HI 96785 0515
190050080000	MAGLOTHIN,JAMES A JR/PATRICIA D TR			
190050080000	THOMPSON,SUSAN E			
190050080000	ENGLISH,CHRISTOPHER S			
190050130000	BORNICK,GEMMA CLAIRE LEWIS		3726 WESTOVER BLVD	CENTRAL POINT OR 97502 1347
190050130000	BORNICK,STEPHEN J			
190050390000	CORREA,HANK REALTY LLC PSP		630 KILAUEA AVE STE 101	HILO HI 96720 4243
190050150000	HUGHES,SUSAN P TR		PO BOX 91	VOLCANO HI 96785 0091
190050340000	LIU,CHRISTINA FUFANG		PO BOX 10512	HILO HI 96721 5512
190050020000	ONOUYE,RONALD T		PO BOX 307	VOLCANO HI 96785
190050020000	ONOUYE,MARIE S			
190050040000	TYLER,KAREN I TR		PO BOX 243	VOLCANO HI 96785 0243
1.9005E+11	CORREA,HANK REALTY LLC PSP		630 KILAUEA AVE STE 101	HILO HI 96720
190050140000	TERKLA,MICHAEL GABRIEL		PO BOX 334	VOLCANO HI 96785 0334
190050140000	TERKLA,KELLEE SHERELL			

190050350000	ORCHID GEM VILLAS LTD	126 KAIOLENA DR	KAILUA HI 96734
190050360000	MORGAN,LUCAS PAUL KAWIKA	609 KUMUKAHI PL	HONOLULU HI 96825 1116
190050360000	MORGAN,NANI LOUI		
190050370000	LIU,KEAWE LANAKILA	3900 ESKEW DR	AUSTIN TX 78749 3260

**COUNTY ENVIRONMENTAL REPORT
REQUEST FOR CHANGE OF ZONE FROM RS-20 to CV-20
WILLIAM MORRIS
OLA'A, VOLCANO, PUNA, HI
TMK: (3) 1-9-005:006 (por.)**

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Exhibits

- A. General Plan LUPAG Map Determination

I. INTRODUCTION

William Morris (“**applicant**”) is requesting to rezone a 25,111 square foot portion of the 3-acre parcel identified by Tax Map Key (3) 1-9-005:006 from Residential – 20,000 square feet (RS-20) to Village Commercial – 20,000 square feet (CV-20). The property is located at 19-4046 Old Volcano Road, approximately 0.4 miles northeast of the intersection of Hawaii Belt Road and Old Volcano Road in Volcano, Hawaii (**Figure 1**). Subdivision Application No. PL-SUB-2023-000138, proposing to subdivide the subject parcel into four (4) lots, is currently pending and has received tentative approval from the County Planning Department (**Figure 2**). This rezone request pertains only lot 2B-1, as proposed under PL-SUB-2023-000138 and referred to herein as the “**project area**” (**Figure 3**). If approved, the applicant intends to construct a café/deli the proposed CV-20 zoning.

II. PROJECT LOCATION

As noted earlier, the subject property is located at 19-4046 Old Volcano Road, approximately 0.4 miles northeast of the intersection of Hawaii Belt Road and Old Volcano Road in Volcano, Hawaii (**Figure 1**).

III. PROJECT DESCRIPTION

A. Project Concept and Components

The applicant is requesting to rezone a 25,111 square foot portion of the subject 3-acre parcel from RS-20 to CV-20. The applicant intends to subdivide the parcel in accordance with a tentatively approved subdivision map. The project area is identified as proposed Lot 2B-1 on the preliminary subdivision map. The applicant intends for remainder of the parcel to retain its current RS-20 zoning.

The applicant proposes to rezone the project area from RS-20 to CV-20 in order to construct and operate a café and deli on it. The project would involve the development of the approximately 1,275 square foot café/deli, a driveway accessible from Old Volcano Road, 5 parking spaces, a potable water tank, a catchment tank reserved for fire suppression water and an Individual Wastewater System. The conceptual site plan is attached as **Figure 4**.

The applicant anticipates that the café/deli will employ a staff of 3-5 people and the hours of operation will be from 7:00 AM to 7:00 PM daily.

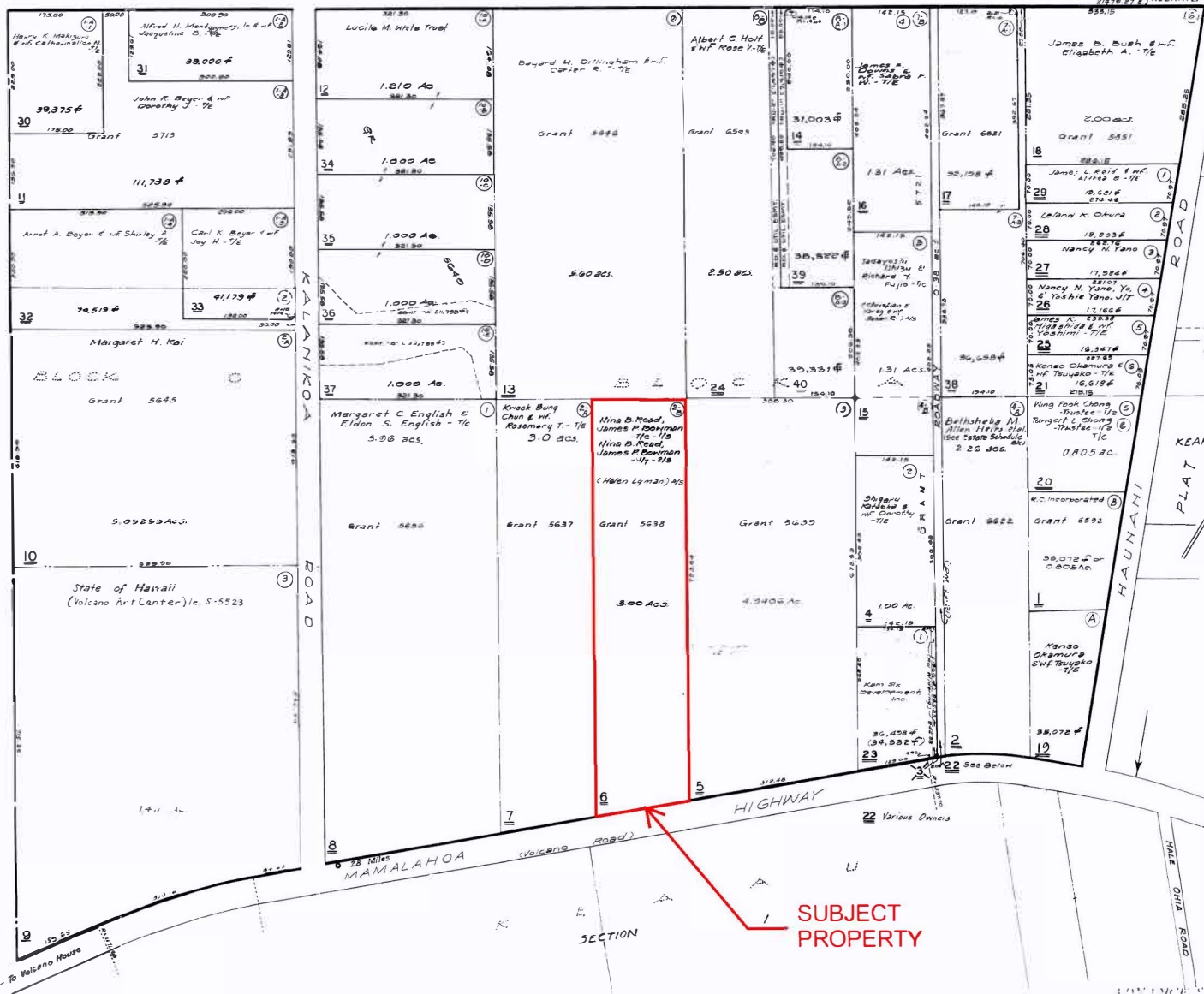
B. Project Timetable and Cost

The applicant hopes to secure County rezoning approval as soon as possible. He plans to complete the subdivision and construction of the café/deli within 2 years

PLAT 09 PLAT 08

KILAUEA ROAD

36125 00 3 KILAUEA



DISTRICT OF COLUMBIA
KIDDER FOREST
ZONE 9 SEC 9

KEAKEALANI SCHOOL LOT
Exec. Ord. No. 1040

Parcels Dropped:

THIRD		DIVISION	
ZONE	SEC.	PLAT	
1	9	05	
CONTAINING		PARCELS	
SCALE: 1 in. = 100 ft.			

PRINTED

Por. OLAA, SUMMER LOTS, PUNA, HAWAII

FIGURE 1

Scale: 1 inch = 30 Feet
TRUE NORTH

Lot 8
Alvin & Carol
Richmond
(Owners)
TMK: 1-9-005:013

Lot 8B
The Volcano Tropic LLC
(Owners)
TMK: 1-9-005:024

NOTES:

- 1) Names of owners of abutting parcels are from available Tax Map records.
- 2) Azimuths and coordinates are referred to Government Survey Triangulation Station "KULANI".
- 3) Subject parcel located in Zone "X" per FIRM 1551661400P.

Easement Notes:

- 1) Easement "R-1" for access and utility purposes affecting Lot 2B-3 in favor of Lot 2B-4.
- 2) Easement "R-2" for access and utility purposes affecting Lot 2B-4 in favor of Lot 2B-3.

LOT 2B-4
20,389 Sq. Ft. (Flag)
26,769 Sq. Ft. Total

33459.93 Ft. South
28924.27 Ft. East

LOT 2B-3
28,779 Sq. Ft. (Flag)
32,499 Sq. Ft. Total

Lot 3
Kurt MacCorley
(Owner)
TMK: 1-9-005:005

LOT 2B-2
40,499 Sq. Ft.

Lot 2A
Mark Chun
Mitchell Chun
Norman Chun
(Owners)
TMK: 1-9-005:007

33848.30 Ft. South
21155.25 Ft. East

LOT 2B-1
25,111 Sq. Ft.

33890.80 Ft. South
21356.00 Ft. East



Prepared For Owner
Ko Ohu Nani Group LLC
577-A Kowalea Road
Kailua, HI 96734

L. Edward Pare
Licensed Professional
Land Surveyor #8094
P.O. Box 1086
Naalehu, HI 96772
308.443.1174
EPare3906@gmail.com

MAP SHOWING SUBDIVISION OF
LOT 2B OF BLOCK A OF OLAA SUMMER LOTS SHOWN ON
REG. MAP 2411 & HTS PLAT 859
INTO LOTS 2B-1, 2B-2, 2B-3, 2B-4 & OHUKEA LANE
AT OLAA IN THE DISTRICT OF PUNA
COUNTY & ISLAND OF HAWAII, STATE OF HAWAII

FIGURE 2

County of Hawaii
Planning Department
Subdivider Authorized to Prepare Detailed
Drawings on Plat As Submitted including
Corrections and Conditions Noted
Recordation with the Bureau of
Conveyances, State of Hawaii, Not
Authorized Until Approved For Record At
A Later Date.
Tentative Approval Dated:
06/05/2023



This work was prepared by me
or under my direct supervision

L. Edward Pare
Licensed Professional Land Surveyor
Hawaii State Certificate # LS-8094
Expiration Date: April 30, 2024

Project #MV100822
Date:January 10, 2023
TMK: (3) 1-9-005:006
Property Zoning: RS-20





Lot 2A
Mark Chun
Mitchell Chun
Norman Chun
(Owners)
TMK: 1-9-005:007

33848.30 Ft. South
21155.25 Ft. East

Remainder of
LOT 2B
William Cox Morris
(Owner)
TMK: 1-9-005:006

PROPOSED
LOT 2B-1
(Portion of Lot 2B)
25,111 Sq. Ft.

Lot 3
Kurt MacCarley
(Owner)
TMK: 1-9-005:005

Scale: 1 inch = 30 Feet
TRUE NORTH

NOTES

- Names of owners of abutting parcels are from available Tax Map records.
- Azimuths and coordinates are referred to Government Survey Triangulation Station "KULANI".
- Subject parcel located in Zone "X" per FIRM 1551661400F.

Easement Notes:

- Easement "R-1" for access and utility purposes affecting Lot Lot 2B-3 in favor of Lot 2B-4.
- Easement "R-2" for access and utility purposes affecting Lot 2B-4 in favor of Lot 2B-3.

PROPOSED REZONE:

Lot 2B: 3.001 Acres
Existing: 3.001 Acres Zone RS-20
Proposed: 25,111 Sq. Ft. Rezone From RS-20 to CV-20

Prepared For Owner
William Cox Morris,
577 Kowailoo Rd, Apt A
Kailua, HI 96734-3180

L. Edward Pare
Licensed Professional
Land Surveyor #8094
P.O. Box 1086
Naalehu, HI 96772
808 443 1174
EPare3906@gmail.com

MAP SHOWING REZONE SITE PLAN OF LOT 2B-1
PORTION OF LOT 2B OF BLOCK A OF OLAA SUMMER LOTS
REG. MAP 2411 & HTS PLAT 859
AT OLAA IN THE DISTRICT OF PUNA
COUNTY & ISLAND OF HAWAII, STATE OF HAWAII

FIGURE 3

OLD VOLCANO ROAD



This work was prepared by me
or under my direct supervision

L. Edward Pare
L. Edward Pare
Licensed Professional Land Surveyor
Hawaii State Certificate # LS-8094
Expiration Date: April 30, 2026

Project #MV060625
Date:June 6, 2025
TMK: (3) 1-9-005:006
Property Zoning: RS-20

Scale 0 30 60 Feet

6/11/2025 1:20:06 PM

of the rezone approval. The estimated cost of the proposed commercial development is \$300,000.

IV. INSTITUTIONAL CONSIDERATIONS

A. State Land Use

The subject site is designated as State Land Use Urban (**Figure 5**). The proposed zoning would comply with the State Land Use designation of the parcel. The County of Hawai'i can process the rezoning request.

B. County General Plan

In 2022, the County Planning Director issued a letter determining that the County General Plan Land Use Pattern Allocation Guide ("LUPAG") map designation of the parcel is Medium Density Urban due to its proximity to higher density commercial and residential areas (**Exhibit A**). Medium Density Urban provides for village and neighborhood commercial and single family and multiple family residential and related functions. This is consistent with the requested CV-20 zoning for the project area.

Thus, the requested CV-20 zoning would be consistent with the property's LUPAG designation and no General Plan amendment would be required to effectuate this project.

A discussion of the project's consistency with specific relevant goals, policies and standards of the General Plan follows:

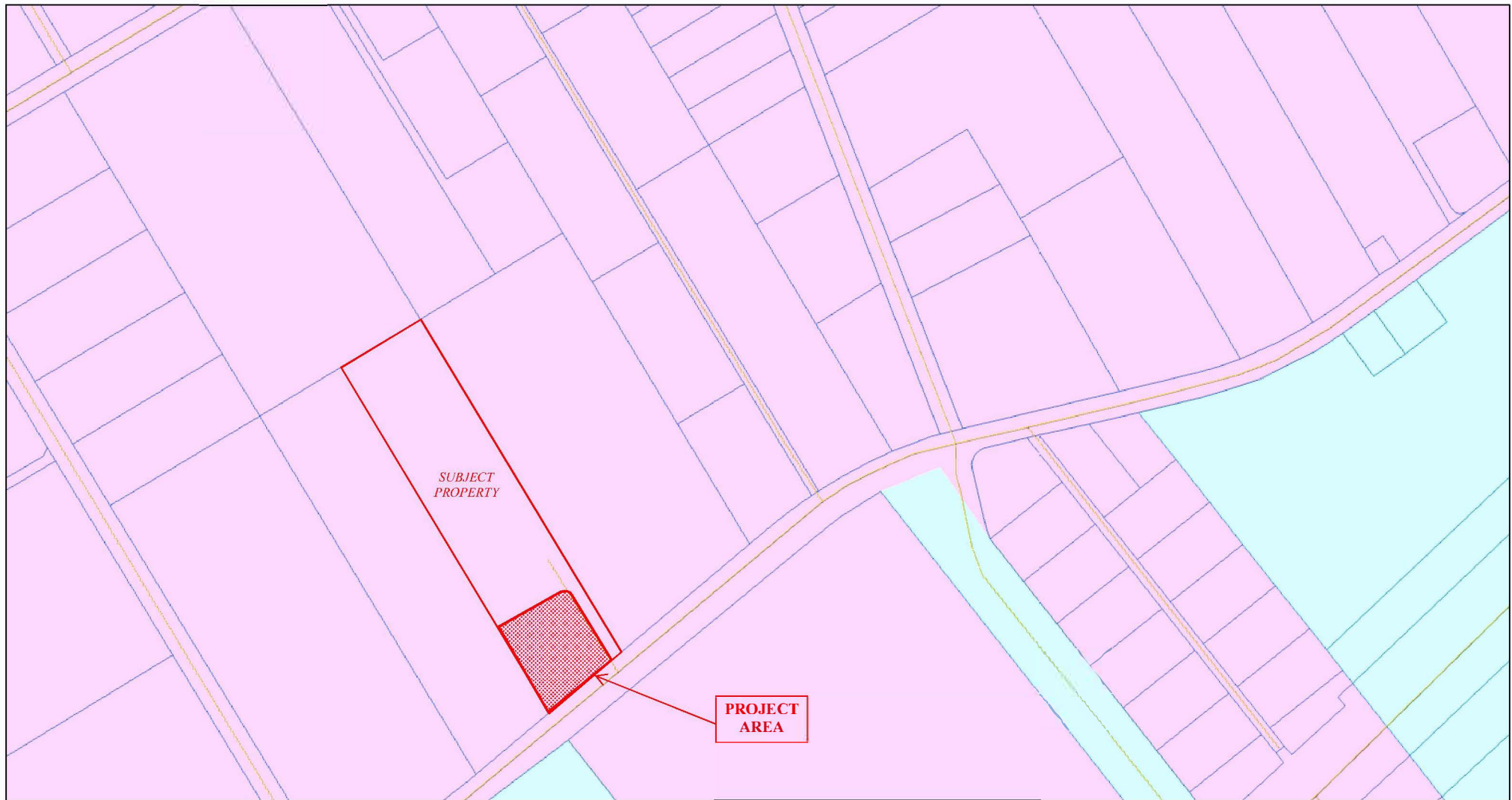
2.2 Goals

- *Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments;*
- *Economic development and improvements shall be in balance with the physical, social, and cultural environments of the Island of Hawai'i.*
- *Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural, and social environment.*

4.2 Goals

- *Define the most desirable use of land within the County that achieves an ecological balance providing residents and visitors the quality of life and an environment in which the natural resources of the island are viable and sustainable.*

State Land Use Classifications (SLU): TMK (3) 1-9-005: 006



4/11/2025, 11:48:31 AM

State Land Use Classifications (SLU)

	Agricultural		Parcels (current boundary lines)
	Urban		Street Centerlines
			Hawaii County District Boundary

1:2,257

0 0.03 0.05 0.1 mi
0 0.04 0.08 0.16 km

Esri Community Maps Contributors, ● OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, USFWS, County of Hawaii IT Department, Sources: Esri, Maxar, Airbus DS, USGS,

FIGURE 5

The contents of this map were prepared for informational and planning purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

Web AppBuilder for ArcGIS

14.1.2 Goals

- *Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.*

14.1.3 Policies

- *Zone urban-types of uses in areas with ease of access to community services and employment centers and with adequate public utilities and facilities.*
- *Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region, and County.*
- *Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.*
- *Encourage urban development within existing zoned areas already served by basic infrastructure, or close to such areas, instead of scattered development.*

14.1.4 Standards

- *Zoning requests shall be reviewed with respect to General Plan designation, district goals, regional plans, State Land Use District, compatibility with adjacent zoned uses, availability of public services and utilities, access, and public need.*

14.3.2 Goals

- *Provide for commercial developments that complement the overall pattern of transportation and land usage within the island's regions, communities, and neighborhoods.*

14.3.3 Policies

- *Commercial facilities shall be developed in areas adequately served by necessary services, such as water, utilities, sewers, and transportation systems. Should such services not be available, the development of more intensive uses should be in concert with a localized program of public and private capital improvements to meet the expected increased needs.*
- *Distribution of commercial areas shall meet the demands of neighborhood, community, and regional needs.*
- *Require developers to provide basic infrastructure necessary for development.*

Discussion: The CV-20 designation provides for a broad range or variety of commercial and light industrial uses that are necessary to serve the population in rural areas where the supplementary support of the general business uses and activities of a central commercial district is not readily available and is thus appropriate for this parcel's Medium Density Urban LUPAG designation. The

entire parcel is within the Urban State Land Use district. Therefore, the requested CV-20 zoning is an appropriate classification under consideration of the General Plan LUPAG and SLU designation.

Additionally, as the purpose of the rezone is to develop only one lot for commercial use, there is not a significant change in land use for the entire parcel. As the surrounding area is primarily residential and commercial in nature, the proposed project remains consistent with adjacent land uses. The proposed development will be adequately served by all necessary utilities and will contain potable water storage, a Department of Health approved individual wastewater system and electrical service provided by HELCO. Additionally, it is noted that the applicant has been approved for Variance Permit No. PL-SVAR-2023-000029 that permits the use of rainwater catchment for the proposed residential parcels. Thus, the project would aid the overall economic use of the area without burdening County or State agencies.

Further, this request aligns with the parcel's State Land Use Urban designation and, as will be elaborated on in Section C of this report, the request is also in alignment with Puna Community Development Plan.

C. Puna Community Development Plan

Community Development Plans are designed to translate and implement the goals, policies, and standards of the General Plan as they apply to specific communities and districts. Additionally, they serve as an important framework for a community's intended outcome and vision and are often used as a forum for community input in terms of land-use, availability of public resources, and overall development.

The Puna Community Development Plan (PCDP) was developed through the implementation of the 2005 County of Hawai'i General Plan with a vision for the residents of Puna to "live in harmony with the 'āina while promoting a sustainable vibrant local economy, healthy community, and a viable transportation system that is accessible, friendly and safe for now and future generations."

The proposed change of zone request is conducive to the following relevant goals outlined in the PCDP:

3.1 Managing Growth – Land Use Pattern

- *The quality of life improves and economic opportunity expands for Puna's residents.*
- *Enhance the role of existing and new village/town centers by allowing expanded commercial uses, facilitating the development of farmers markets and community gathering places, opportunities for special needs*

housing, and infrastructure to support more compact development form and multi-modal travel.

- *Establish the following general classifications and locations for village and town centers in Puna:*
 - 2) *Community Village Centers shall provide a more limited range of services in smaller existing urban settlements and in large subdivisions that are experiencing the greatest rates of build out; namely, at ‘Āinaloa, Kurtistown, Maku‘u Homesteads, Mountain View, two or more locations in Hawaiian Paradise Park, and at Volcano.*
- *Facilitate land use entitlements and other tools for the development of existing and future village/town centers and special design districts by:*
 - 1) *Recommending approval of applications for commercial zoning or use permits for existing commercial uses in designated village/town centers that do not presently have appropriate entitlements, and for proposed uses at appropriate nearby locations, provided that the size and use of the expansion area conforms to the criteria applicable to the type of village town/center at that location.*

3.2 Managing Growth – Agriculture and Economic Development

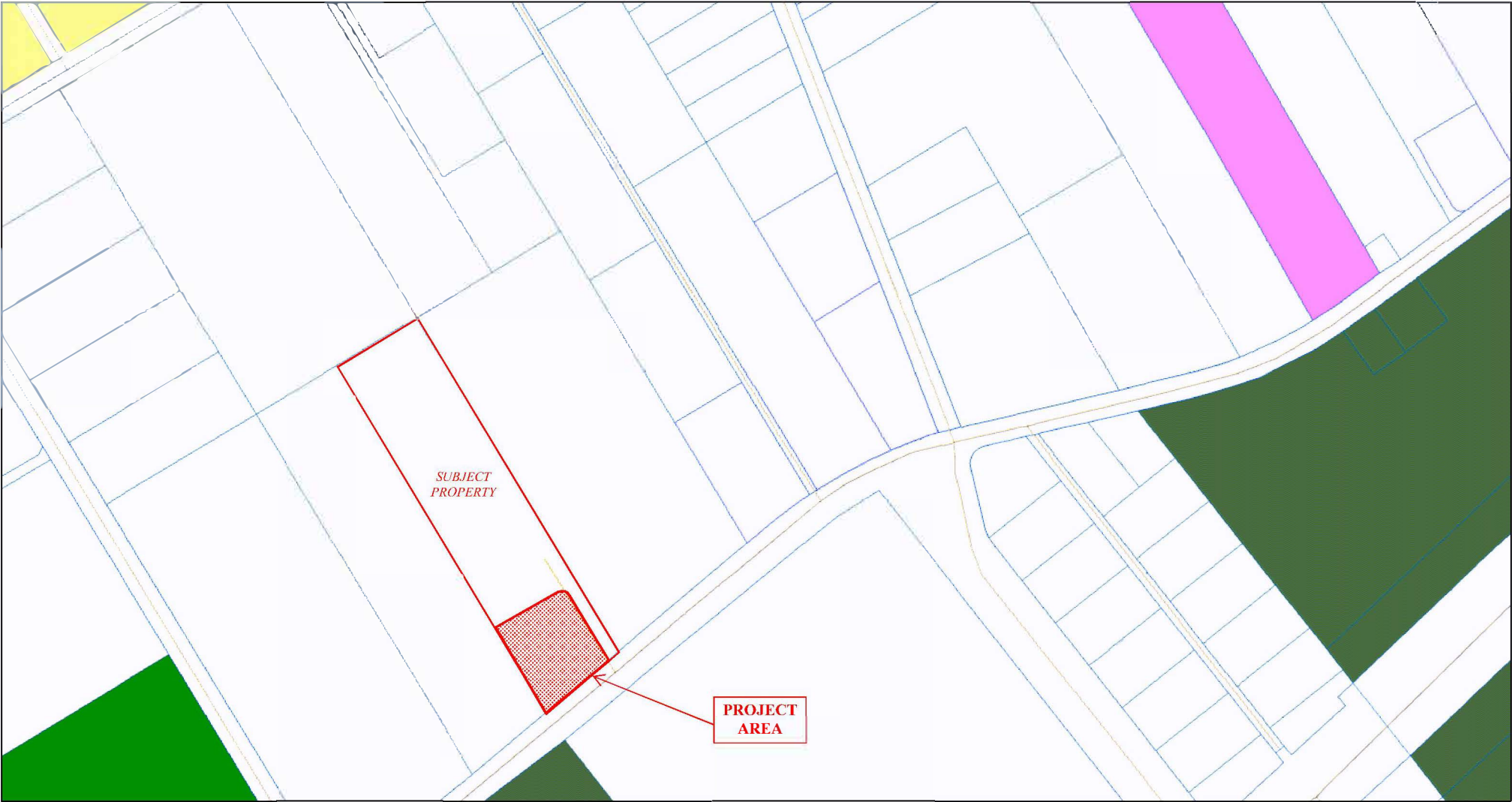
- *The development of village/town centers, as described in Section 3.1, will create new local employment opportunities and provide farmers with new local market venues for their products.*

Discussion: As the property is currently vacant, the requested CV-20 zoning would allow for a mix of uses among the subdivided lots by providing for commercial uses that are necessary to serve the population in rural areas where the supplementary support of the general business uses and activities of a central commercial district is not readily available. While the project area is just outside the defined PCDP’s Volcano Community Village Center (approximately 300 feet from the suggested Village Center boundary), according to the PCDP (5.2.2 Criteria for Proposed Locations and Boundaries), “*The maps shown in this chapter area not meant to be precise or strictly interpreted, but rather as guidelines in the preparation of rezoning requests for areas within or adjacent to regional town centers, community village centers, or neighborhood village centers.*” Additionally, the project area is within the SLU Urban district and proximate to other commercial zoned areas. Additionally, the Planning Director has identified the project area as Medium Density Urban, a designation which further supports this rezone request.

D. County Zoning

The County zoning of the subject property is Residential-20,000 square feet (RS-20) (**Figure 6**). The adjacent parcels are also zoned RS-20 and are primarily

Hawaii County Zoning: TMK (3) 1-9-005: 006



4/11/2025, 11:46:45 AM

- Hawaii County Zoning

(road)

A-20a

CV-10

CV-20

OPEN

RS-10

RS-20

Parcels (current boundary lines)

Street Centerlines

Hawaii County District Boundary
- 1:2,257
- Esri Community Maps Contributors, ● OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, USFWS, County of Hawaii IT Department, Sources: Esri, Maxar, Airbus DS, USGS,
- FIGURE 6
- The contents of this map were prepared for informational and planning purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.
- Web AppBuilder for ArcGIS

developed with single-family dwellings, with the parcel immediately east containing the Volcano Forest Inn. The surrounding area also contains larger agricultural properties to the southwest and commercial (CV-10, CV-20) properties beginning approximately 300 feet east of the project area. Several of these commercial properties were similarly rezoned from Residential to Commercial under Ordinances: No. 95-124, No. 03-006, and No. 20-021.

The requested Village Commercial district allows for commercial and light industrial uses that are necessary to serve the population in rural areas where the supplementary support of the general business uses and activities of a central commercial district is not readily available. This district is intended for areas that lie within the State Land Use Urban designation, which is defined as lands in urban use with sufficient reserve to accommodate foreseeable growth.

Thus, the requested CV-20 zoning would provide an appropriate transition between the higher density parcels to the east of the subject site within the Volcano Community Village Center and the residential and larger agricultural and forest reserve areas further west and south. As this request seeks to only rezone the 25,111 square foot area of the parcel closest to the roadside, the residential potential on the remainder of the parcel will remain. Further, the requested CV-20 zoning would be compatible with the nearby RS-20, CV-20, and CV-10 properties, providing additional commercial areas within an accessible and convenient proximity to the Community Village Center.

The proposed subdivision has received tentative approval from the county and will be subdivided in a manner generally meeting with both the Zoning and Subdivision Codes. Notwithstanding the subdivision requirements, all uses and standards consistent with the requested CV-20 zone would be adhered to.

E. Relationship to SMA Objectives and Policies

The site is located approximately 12 miles from the coastline and outside the County Special Management Area (SMA).

The entire island falls within the Coastal Zone Management (CZM) Area. Thus, a discussion of the request's relationship to the CZM Program follows.

The site is not adjacent to the ocean. It sits approximately 12 miles from the shoreline at an elevation of approximately 3,700 feet. As such, the proposed action should not have any adverse impacts on the area's **coastal recreational** and **marine resources** nor have any impacts on **beach protection**.

A formal archaeological study of the property has not been performed. As depicted in an aerial photo of the area from 1954 (**Figure 7**), the property was previously cleared in conjunction with prior residential use of the property and

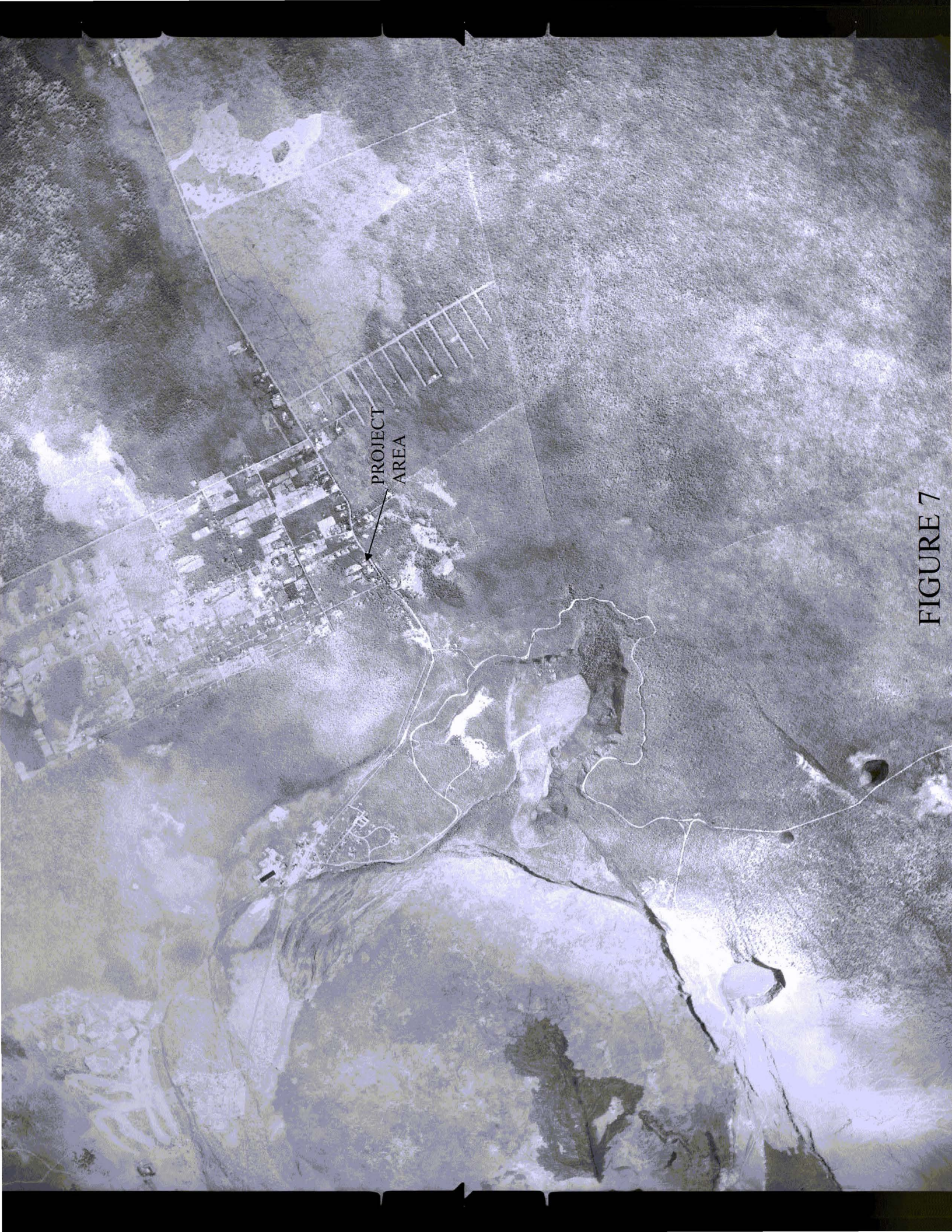


FIGURE 7

previously contained a dwelling. It is noted that the dwelling no longer exists on the property. Therefore, the likelihood of this action having any impacts on the area's **historic resources** is very low. Nevertheless, in the event any archaeological features are found during any future earth work, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

While the applicant does intend to construct modest commercial improvements on the property, those improvements would be designed to be in keeping with the surrounding area and would create no visual impact to the area's **scenic and open space resources**.

Relative to the **Coastal Ecosystems**, impacts should be negligible, if at all, as the site is located approximately 12 miles from the ocean with an elevation of approximately 3,700 feet. Notwithstanding the distance, the small nature of the project and construction of only one (1) new individual wastewater system are such that any potential coastal ecosystem impacts should be negligible.

The proposed action would create the potential for increased economic opportunities in this area. This will provide additional opportunities for jobs and agricultural commerce. In so doing, the project could aid the overall **economic use** of this site and the area in general.

Because of its distance from the shoreline, the site should not be subject to **coastal hazards**. The property is located outside of the tsunami evacuation zone.

Relative to the **managing development** objective, this function is more applicable to the "authority" or approving agencies. However, it is noted that the request would operate and be constructed within the scope of the Zoning Code. The project area would be zoned CV-20, and the requested use and design/parameters (setback, etc.) would be consistent with said zoning. In that regard, the project would be consistent with this policy.

Finally, in terms of the **public participation** objective, this is generally a public agency function. This is achieved through the Marine and Coastal Zone Management Advisory Group (MACZMAG) and the public hearing process required pursuant to the Planning Commission's Rules and County Council's meetings on this application. Notices of this application will become available through the posting of a sign on the property, as well as sending two (2) notices to surrounding property owners, one at the time the application is filed and again, prior to the public hearing.

Based on the foregoing, it is concluded that the requested improvements would be consistent with the objectives, policies and guidelines of the Coastal Zone Management Policies, as outlined in Chapter 205-A-23, HRS.

F. Other Permitting Requirements

As noted earlier, other approvals and permits would still be required. These would be of the “ministerial” variety, such as Subdivision approval, Plan Approval, Building Permits, etc.

V. ENVIRONMENTAL CONSIDERATIONS

A. General Description

The subject parcel is accessed via Old Volcano Road, a County owned and maintained paved access road with varying right-of-way widths. The parcel is currently zoned RS-20. The parcel previously contained a single-family dwelling, but has been vacant of structures for many years.

The project proposes to rezone the 25,111 square foot portion of the subject 3-acre parcel closest to Old Volcano Road from RS-20 to CV-10. The CV-10 zoned portion of the parcel would be subdivided from the remainder of the parcel and a new private roadway would be created along the eastern boundary of the project area to serve the 3 residential lots proposed under the subdivision in conjunction with a pending subdivision application (PL-SUB-2023-000138). The project area will continue to be accessed via Old Volcano Road.

The site is situated at an approximately 3,700 foot elevation level with an annual median rainfall of approximately 120-inches. The average daily temperature ranges from a minimum of 57 degrees to 63 degrees Fahrenheit. The prevailing winds are trade winds, blowing from the northeast.

B. Soils and Topography

The site is not classified by the Natural Resource Conservation Service’s Land Study Bureau Overall Master Productivity Rating.

The soil for the subject site is *Mamu medial silt loam* with 2 to 10 percent slopes. The soil consists of medial silt loam formed from ash fields on pahoehoe lava flows. The soil is considered moderately well drained with a very low runoff class.

The property is gently sloped and there are no topographic challenges to the proposed development and use of the property.

C. Natural Hazards

1. Drainage

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) (**Figure 8**) identifies the project area as Zone “X” (areas outside of the 500-year flood). There are no identified existing drainage ways in the project area.

The applicant has not observed any significant runoff or erosion in the recent past on the subject site. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any future improvements will be built, if necessary, in conjunction with the appropriate permitting process.

2. Volcanic, Earthquake and Tsunami Hazards

According to the United States Geological Survey maps, the project site is located within Lava Flow Hazard Zone 3, on a scale of ascending risks 9 to 1. All of Volcano town falls in the Zone 3 category. The Building Code designates the entire island of Hawai‘i Earthquake Zone “D” and contains certain structural requirements to address the relative seismic hazard. All structures would have to comply with this standard.

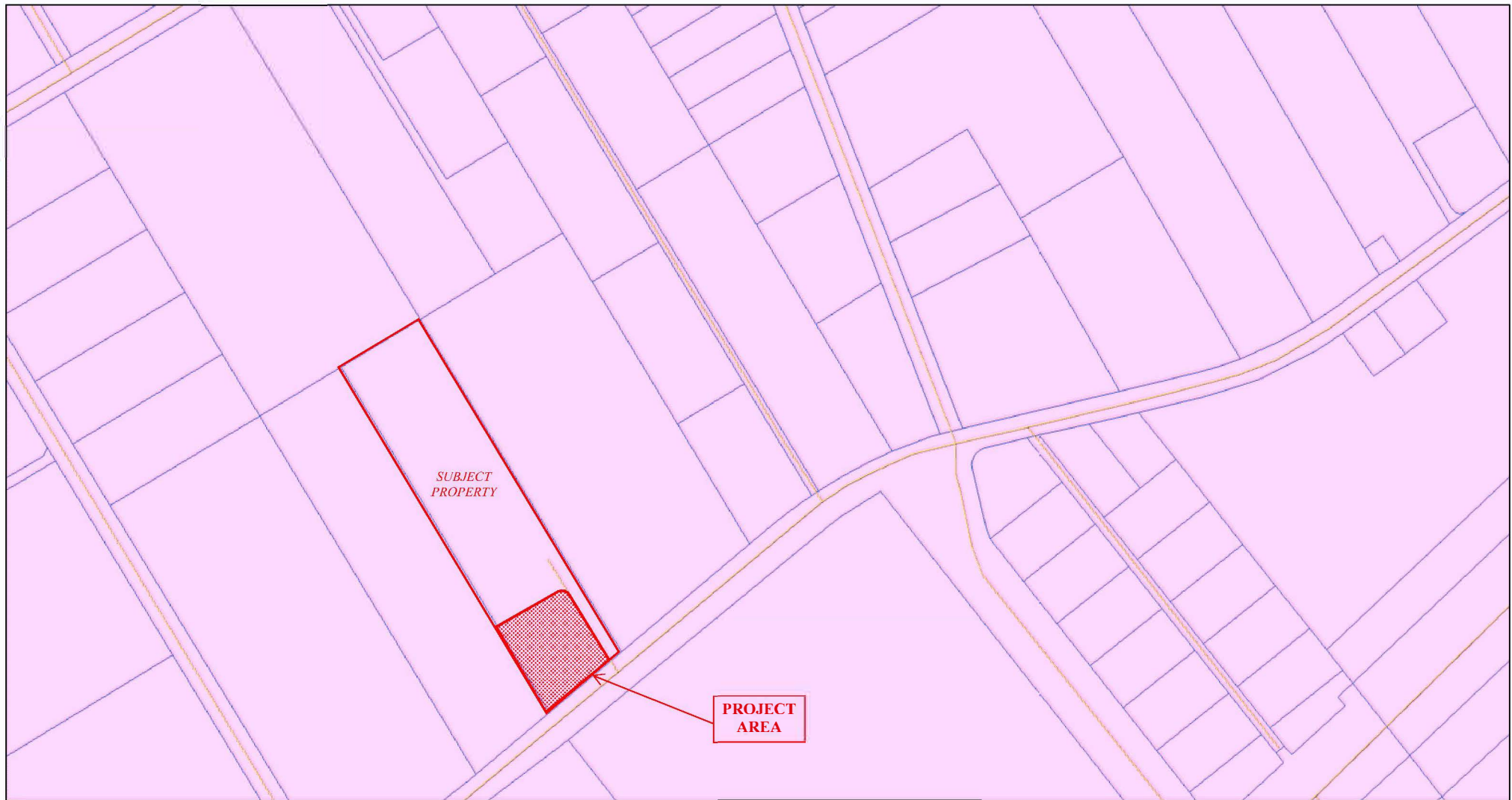
The subject site is located at approximately 3,700 feet of elevation and is outside of the Civil Defense's Tsunami Evacuation Zone.

D. Flora/Fauna

Although there were no professional surveys conducted of the floral or faunal resources of the site, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within the subject site. Vegetation on the site includes ginger (*Hedychium gardnerianum*), Hāpu‘u tree ferns (*Cibotium sp.*), ‘Ohi‘a lehua (*Metrosideros polymorpha*), Sugi pine (*Cryptomeria japonica*), and non-native grasses.

The suburban nature of the immediate area would make it less likely to find endangered animal life in this area. However, the endangered endemic ‘Akiapola‘au (*Hemignathus munroi*), Hawai‘i Creeper (*Oreomystis mana*) and Hawai‘i ‘Akepa (*Loxops coccineus*) may occur in nearby forests. Other endemic forest birds in the area include I‘iwi (*Vestiaria coccinea*), Oma‘o (*Myadestes obscurus*), and Hawai‘i ‘Elepaio (*Chasiempis s. sandwichensis*), ‘Apapane (*Himatione sanguinea*) and ‘Amakihi (*Hemignathus virens*). The Pueo or Hawaiian owl (*Asio flammeus sandwichensis*) and Nene or Hawaiian Goose may also utilize resources of nearby forests. Additionally, it would be possible to find

National Flood Hazard Zone: TMK (3) 1-9-005: 006



4/11/2025, 11:49:19 AM

National Flood Hazard Layer Flood Zones

-  X
-  Parcels (current boundary lines)
-  Street Centerlines
-  Hawaii County District Boundary

1:2,257

0 0.03 0.05 0.1 mi
0 0.04 0.08 0.16 km

Esri Community Maps Contributors, ● OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, USFWS, County of Hawaii IT Department, Sources: Esri, Maxar, Airbus DS, USGS,

FIGURE 8

The contents of this map were prepared for informational and planning purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

Web AppBuilder for ArcGIS

the Island-wide ranging Hawaiian Hawk (*Iʻo*) and the Hawaiian Hoary Bat on site.

Best management practices will be employed to avoid adverse effects to these species such as not using barbed wire fencing and avoiding trimming and removal of certain vegetation during bat and hawk breeding seasons. Rapid ʻŌhiʻa Death (ROD) is a fungal pathogen that has infected and killed many ʻōhiʻa trees. To prevent the spread of ROD mitigation measures must be put in place. This includes but is not limited to thorough cleaning of all equipment and personnel including shoes and clothing with 70% alcohol before accessing and leaving the site.

In addition, introduced bird species (such as dove, Japanese White-eye, house finch, myna) are common in this area. Domestic animals such as cats and dogs, and other animals like rats, pigs and mongoose are also common. These are all common and not endangered.

As such, with the proposed mitigations, it is unlikely that the proposed rezone and development of the subject property would cause any adverse floral or faunal impacts. Proper timing of any future land clearing will mitigate any potential impacts to sensitive native fauna.

E. Historic/Cultural/Archaeological Resources

A formal archaeological study of the property has not been performed. As depicted in an aerial photo of the area from 1954 (**Figure 7**), the project area was previously cleared in conjunction with prior residential use of the property and previously contained a dwelling. It is noted that the dwelling no longer exists on the property. Therefore, the likelihood of this action having any impacts on the area's historic resources is very low. Nevertheless, in the event any archaeological features are found during any future earth work, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

F. Valued Cultural Resources

In view of the recent Hawaii State Supreme Court's "PASH" and "*Ka Pa`akai O Ka`Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed. Specifically, there must be a discussion on the cultural, historical and natural resources, as well as the associated traditional and customary practices of this site.

In this situation, the subject site is not adjacent to the shoreline. The subject parcel is approximately 12-miles from the nearest coastline. As such, gathering of marine life and coastal access is not an issue.

No known archeological sites, historical or cultural resources are known to be located on the property. It is not known whether the subject site or immediate surrounding area was ever used for traditional and customary rights by native Hawaiians. Since the site has been used previously for residential uses, it would appear unlikely that the site would serve such a purpose today and/or in the recent past.

In the event that legitimate gathering claims are made by Native Hawaiians, the applicant intends to respect and honor such claims and provide the legal and needed access within the site. Based on the above, it does not appear that the project would have any potential adverse impact relative to the cultural and historical resources of the area.

G. Water and Coastal Resources

The subject site is located approximately 12-miles from the coastline and sits at approximately 3,700-foot elevation. As such, coastal impacts resulting from the discharge of wastewater systems from the site should not be significant. Further, being a non-coastal property, no coastal access will be affected.

The proposed new construction will be served by two Individual Wastewater Systems meeting with the approval of the State Department of Health. Increased impervious areas from driveways and structures will potentially contribute to a modest increase of runoff on the subject property. County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process.

H. Noise, Air Quality, and Dust

The existing ambient traffic level in this area will not be significantly impacted by the proposed project. Traffic noise from Old Volcano Road will remain the dominant source of traffic noise. As such, the corresponding noise level should remain the same.

There may, however, be short-term noise and air quality impacts associated with the project construction. In this instance, contractors will be required to comply with appropriate noise and related mitigation measures of the State Department of Health.

The proposed development should not generate any direct long-term air quality impacts. The only discernible air quality impact could be associated with the vehicular traffic to and from the site. While there may be an impact on the ambient air quality, the impact should not be significant. Especially considering higher EPA standards for automobile air emissions, the air quality impact should be negligible.

As such, with the exception of construction dust associated with any development of the property, long term dust generated by the project should be minimal.

I. Scenic and Visual Considerations

In the *Natural Beauty* element of the General Plan, there are sites or areas listed as being a scenic resource. The subject site is not listed as a scenic site and the proposed action will not affect any of the scenic resources outlined in the General Plan. Landscaping will serve to provide a visual buffer from adjacent properties and the proposed café/deli will be designed to remain in keeping with the area.

VI. SOCIAL AND RELATED CONSIDERATIONS

A. Surrounding Land Uses

The general area is primarily residential and commercial. Parcels in the immediate area are zoned RS-20 and are primarily developed with single-family dwellings, with the parcel immediately east containing the Volcano Forest Inn. The surrounding area also contains larger agricultural properties to the southwest and commercial (CV-10, CV-20) properties approximately 300 feet east of the project area. Several of these commercial properties were similarly rezoned from Residential to Commercial under Ordinances: No. 95-124, No. 03-006, and No. 20-021. The entrance to Hawai'i Volcanoes National Park is approximately 1.5 miles west of the project area.

Given the existing and zoned conditions, the proposed rezoning would be consistent with the existing residential/commercial nature of this area. Furthermore, the applicant intends for the proposed café/deli to be a “local hangout”, where community members can meet for coffee and/or lunch. To that end, the applicant intends for the café/deli to complement the existing residential uses in the area.

B. Economic Impacts

The requested zoning would have an economic impact as it would allow for the operation of a café/deli within the project area, increasing economic opportunity and creating local jobs. Additionally, the applicant intends to source as many local ingredients as possible, thus increasing local agricultural commerce. The project

also has the potential to create some short-term economic benefits during construction of site improvements which will result in construction jobs and purchases from local suppliers (i.e. gas stations, convenience stores, area businesses, etc).

Thus, the project could aid the general economy and the overall economic use of the site and the surrounding area.

C. Agricultural Impacts

The site is not classified by the Natural Resource Conservation Service's Land Study Bureau Overall Master Productivity Rating and is not classified as prime or unique according to the Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system. Additionally, the project area has a LUPAG designation of Medium Density Urban and is with the Urban State land use district. Thus, rezoning the project area from RS-20 to CV-20 will not have any impact on the County or State's agricultural lands.

VII. INFRASTRUCTURAL CONSIDERATIONS

A. Road

Access to the project would be from Old Volcano Road, a County owned and maintained paved roadway with varying right-of-way width.

A Traffic Impact Analysis has not been performed in conjunction with the proposed development. However, given the modest size of the proposed café/deli, approximately twelve (12) peak hour vehicle trips are anticipated, based on the Institute of Traffic Engineers Trip Generation Manual, 11th Edition. Thus, traffic impacts should be negligible and minimal access improvements would be required for the proposed project.

B. Water

Consultation with the Department of Water Supply confirmed that there is no water service available to the subject property. The applicant will install a potable water tank and will truck in potable water for the café/deli use. An additional water catchment tank will be constructed within the project area to meet water supply requirements for emergency fire suppression.

C. Wastewater

The proposed development will be served by an individual wastewater system approved by the Department of Health.

D. Solid Waste

Solid waste will be handled by commercial haulers. With the requested CV-20 zoning, and planned commercial use, the potential for uses with toxic or related chemical waste would be minimal, if at all.

E. Other Government Services

Given the project area's close proximity to Volcano town center, most necessary public facilities are located reasonably proximate to the subject site and no extension of government services would be required. A Fire Station, Public Schools, and a gas station are all located within one mile of the subject site. The nearest Police Station is approximately 20 miles away in Keaau. In addition, there are recreation facilities in the general area and the entrance to Volcanoes National Park is 1.5 miles away. As such, the project should not result in the extension of any government services.

F. Other Utilities

All other utilities such as telephone and electrical services are available to the site.

VIII. IMPACT SIGNIFICANCE ANALYSIS

A. Relationship Between Local Short-Term Uses of Environment and Maintenance and Enhancement of Long-Term Productivity

If the request were denied, the property would continue to be subdivided, however all lots would remain under RS-20 zoning. The applicant would not be able to move forward with commercial development of the front lot.

From a long-term productivity standpoint, the proposed change of zone would allow for economic opportunity for the applicant and an expansion of the commercial services within Volcano.

B. Irreversible and Irretrievable Commitment of Resources

The proposed action will not involve an irrevocable commitment, loss, or destruction of any natural, cultural, or historic resources. Any future earthwork will closely follow all mitigating measures and Best Management Practices to minimize impacts to natural resources.

As previously mentioned, a formal archaeological study of the property has not been performed. However, the project area was previously cleared in conjunction with prior residential use of the property and previously contained a dwelling. It is

noted that the dwelling no longer exists on the property. Therefore, the likelihood of this action having any impacts on the area's historic resources is very low. Nevertheless, in the event any archaeological features are found during any future earth work, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

Further, the subject property is not a shoreline parcel and will therefore have no impact on public access to or along the shoreline.

C. Mitigative Measures

Upon approval of the rezone, the applicant intends to make improvements, if required, generally consistent with the subdivision process and zoning regulations. During construction phases, contractors will be required to comply with appropriate State noise and air quality standards as well as adhere to Best Management Practices. Additional best management practices will be employed to avoid adverse effects to flora and fauna such as not using barbed wire fencing and avoiding trimming and removal of certain vegetation during bat and hawk breeding seasons. Additionally, in order to prevent the spread of ROD, construction equipment will be cleaned thoroughly before accessing and leaving the site.

In the event any archaeological features are found during any future earth disturbance activity, work will stop within the affected area and appropriate clearances from the State DLNR-HPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

There are no existing drainage ways on the property. Any and all required grading or grubbing work would be done in accordance with applicable regulations. This is to ensure that the development of this site does not adversely affect the drainage of surrounding properties.

Finally, there will be no person or businesses to be relocated by this project.

D. Alternatives to the Proposed Project

1. No Project

Under the *status quo* alternative, the site would be subdivided as planned but remain zoned RS-20. The applicant would not be able to proceed with any commercial development within the project area.

2. Alternative Density

With the intended Village Commercial use, the applicant could request zoning with smaller minimum square footage, such as CV-15 or CV-10. These designations would remain consistent with the LUPAG classification, the SLU designation, and the surrounding area. However, further subdivision of the proposed commercial area is not proposed, making the CV-20 designation the most appropriate for the project area.

3. Evaluation of Alternatives

The necessary infrastructure and services are available to support the proposed CV-20 rezoning and the project's impact to the area's social and physical infrastructure would not be pronounced. Rather, approval of the request will enable the applicant to designate one lot for commercial development and contribute economic benefit to the wider community. Certain mitigative measures can be taken to address any possible impacts associated with the development of this project. Further, the project would be consistent with the land use objectives sought to be accomplished by the County General Plan LUPAG map.

In view of the aforementioned, it would appear that none of the alternatives would be more sensible and beneficial than the requested CV-20 alternative.

IX. REGULATORY ANALYSIS

A. General Plan LUPAG Map

The General Plan provides for the long-range comprehensive development of the Island of Hawai'i. It provides direction for balanced growth in the County. Per a LUPAG determination from the County Planning Director, the project area is designated as *Medium-Density Urban* (**Exhibit A**). This designation allows the requested CV-20 zoning without a General Plan amendment.

B. General Plan Policies

The requested zoning would be consistent with the goals, policies, and standards of the General Plan document.

For one, it will provide an **economic** opportunity for a new commercial business on the property. Additional economic opportunities are also likely from increased employment options created by the short term construction of any improvements required by the development and long term business operations. Further, the

project is likely to increase the land's value, increasing property taxes. In so doing, the resultant project should add revenues to the County and State coffers.

The project intends to be **energy** conscious through the use and/or encouragement of solar energy and design features to take advantage of the sun and wind patterns.

Maintaining and improving the quality of the **environment** is important to the success of this project. The General Plan identifies five (5) areas of environmental concerns - air pollution, water quality, soil pollution, solid waste disposal, and noise pollution. As proposed, the project would not violate any of those objectives.

Aside from the very limited vehicular transmission, air pollution associated with the project should be negligible. All wastewater would be handled by Department of Health approved Individual Wastewater Systems. This should be sufficient to address any potential groundwater or coastal water impacts.

If required, while not necessary for a project of this nature and size, a solid waste management plan could be prepared and implemented. The project will also be minimal in noise, except what may be associated with initial construction.

The project site is outside the boundaries of a floodway. No significant changes in the surface runoff generated by this development are anticipated. If approved, a drainage study will be prepared and appropriate drainage improvements will be constructed in conjunction with the Plan Approval process for the proposed improvements.

A formal archaeological study was not performed on the subject parcel. However, the likelihood of this action having any impact on the area's **historic resources** is not high. In the event any archaeological features are found during any future earth disturbance activity, work will stop within the affected area and appropriate clearances from the State DLNR-HPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

Further, the suburban nature of the surrounding areas would make it less likely to find endangered animal life within the project area. It would be possible, however, to find the Island-wide ranging Hawaiian Hawk (*I'o*), Hawaiian Owl (*Pueo*), and the Hawaiian Hoary Bat on site. Best management practices will be employed to avoid adverse effects to these species such as not using barbed wire fencing and avoiding trimming and removal of certain vegetation during bat and hawk breeding seasons.

With regard to the impact to the **housing element**, although the applicant is proposing to rezone the project area from residential to commercial (RS-20 to

CV-20) in order to construct a small café/deli, he is also proposing to subdivide the parcel into four (4) lots, three of which will remain in the RS-20 zoning. Thus, the end project will result in an increase of two new residential lots on which a dwelling could be built. Additionally, there are many housing options available in the Volcano area and the Puna district at large and thus the impact on housing should be negligible. Further, dwellings are permitted within *CV-10* zoning should one ever be desired.

The Plan also emphasizes that developments be mindful of an area's **natural beauty**. In this situation, the development will be constructed in a manner that is consistent with the surrounding area and landscaping improvements will buffer the development from adjacent properties.

As the project site is approximately 12 miles from the ocean and at an elevation of 3,700 feet, the usual **coastal resources** concern is not pronounced. There will be no interference with shoreline access. Further, through the use of a DOH approved Individual Wastewater System, impacts to the coastal water will be minimized.

There will be minimal impact to **public facilities**. The Department of Water Supply has confirmed that county water is not available to the property and so the applicant will be responsible for providing potable water to serve the café/deli. Additionally, vehicular access to the site is via Old Volcano Road, a County owned and maintained roadway with sufficient access for emergency vehicles. Fire Stations and other public facilities are also located proximate to the site.

Finally, in terms of the **Land Use and Housing elements**, the pertinent goals, policies, and standards of the General Plan note the following:

- *Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County (Land Use Element)*
- *Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region, and County. (Land Use Element)*
- *Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment. (Land Use Element)*
- *Zoning requests shall be reviewed with respect to General Plan designation, district goals, regional plans, State Land Use District, compatibility with adjacent zoned uses, availability of public services and utilities, access, and public need.*

In view of the foregoing goals and policies, it is noted that the requested zoning would be generally compatible with the surrounding area.

As the population of Volcano and popularity of Hawai'i Volcanoes National Park continue to grow, there is a need to expand commercial services in the town. The rezone request would allow the applicant to provide commercial services on the portion of the property closest to the road, while retaining the residential potential of the remainder of the property. The purpose of the request is to develop a café/deli on the lot which will provide economic benefit to the wider community. Additionally, the CV-20 designation is intended for a broad range or variety of commercial and light industrial uses that are necessary to serve the population in rural areas where the supplementary support of the general business uses and activities of a central commercial district is not readily available. Therefore, it is considered appropriate for the project site's Medium-Density Urban LUPAG designation. Furthermore, the subject property is proximate to several other parcels zoned CV-20 which have been rezoned from RS-20 under similar requests, making the proposed rezoning appropriate in this area and compatible with surrounding land uses.

Additionally, this request is in alignment with the parcel's State Land Use Urban designation and, as is elaborated on in Section IV.C of this report and the request is also in alignment with the Puna Community Development Plan.

C. Puna Community Development Plan

The Puna Community Development Plan (PCDP) attempts to further define the General Plan and serves as a guide for decision-makers. The PCDP designates Village and Town Centers for the establishment of guidelines for development. While the project area is just outside the Volcano Community Village Center as identified in the PCDP, it contains the same Medium Density Urban LUPAG and Urban SLU designations as the Village Center area. Thus, the subject site can be considered appropriate for commercial development. Additional information pertaining to how this application conforms to the policies and standards of the PCDP is provided in Section IV.C of this report.

D. Zoning and Subdivision

The designated zoning of the project area is RS-20. Should the CV-20 zoning be approved, the requirements of the zoning and subdivision codes would generally be complied with, including use and related development standards. These include the possible incorporation of appropriate restrictive covenants relating to density, use, and design restrictions.

E. State Land Use Agricultural Standards

The State Land Use Designation is Urban. The requested rezoning to CV-20 would not be contrary to the State Land Use Standards.

X. CONCLUSION

Based on the consistency of the proposed change of zone request with the County's land use policies, approval of this request would be logical and reasonable.

In addition, the request will provide economic benefit to Volcano and help generate additional property tax revenue for the County.

Lastly, the requested density is consistent with the surrounding area and properties. The alternative of leaving the land in its present zoning would limit its highest and best use and would limit the commercial potential of this area. While other zonings of a residential and/or commercial nature could be achieved, the requested CV-20 zoning is the most sensible.

EXHIBIT A

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

February 28, 2022

Mr. William Toby Morris
TM Builders, LLC
577-A Kawaihoa Rd.
Kailua, HI 96734

Dear Mr. Morris:

SUBJECT: General Plan LUPAG Map Determination
Tax Map Key: (3) 1-9-005:006, Volcano Village, Puna, Hawai'i

This is to acknowledge receipt of your email dated December 10, 2021, requesting interpretation of the General Plan Land Use Pattern Allocation Guide (LUPAG) map designation for the above referenced property as you are interested in subdividing the parcel and rezoning the roadside lot to a commercial zoning.

The General Plan states the following regarding the review and interpretation of the General Plan LUPAG map in relation to Zoning requests:

14.1.4 Standards

- (a) The designated land uses will be delineated on the General Plan Land Use Pattern Allocation Guide Map. The broad-brush boundaries indicated are graphic expressions of the General Plan policies, particularly those relating to land uses. They are long-range guides to general location and will be subject to: a) existing zoning; and b) State Land Use District.
- (b) Zoning requests shall be reviewed with respect to General Plan designation, district goals, regional plans, State Land Use District, compatibility with adjacent zoned uses, availability of public services and utilities, access, and public need.

In reviewing the General Plan LUPAG map designation for the property in relation to the above information, we can determine the following:

1. The subject property is part of the Ola'a Summer Lots Subdivision in Volcano Village. It is situated within the State Land Use Urban district and the County's Single-Family Residential (RS-20) zoning district.

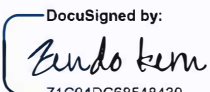
Mr. William Toby Morris
TM Builders, LLC
February 28, 2022
Page 2

2. The subject property is located in an area designated as *Low Density Urban (ldu)* by the GP LUPAG map (refer to Exhibit 1 attached), which allows for “*residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre.*” However, the property is situated in close proximity to a *Medium Density Urban (mdu)* designation, a portion of which is located on the adjacent property approximately 200 feet to the east. This designation is generally consistent with the Volcano Village commercial core and allows for, “*Village and neighborhood commercial and single family and multiple family residential and related functions (multiple family residential -- up to 35 units per acre).*”
3. The subject property is situated just outside of the boundary of the Puna Community Development Plan (PCDP) Volcano Community Village Center map, which designates the general location of desired commercial development in Volcano Village. However, according to the PCDP (5.2.2 Criteria for Proposed Locations and Boundaries), “*The maps shown in this chapter are not meant to be precise or strictly interpreted, but rather as guidelines in the preparation of rezoning requests for areas within or adjacent to regional town centers, community village centers, or neighborhood village centers.*”
4. Additionally, the Volcano Long Range Plan, produced by the Volcano Community Association in August 2015, has identified the subject property as situated within an area identified for potential expansion of the commercial zone, and within an area covered by proposed Volcano Village Design Guidelines to be applied to commercial/institutional structures.

Based on the above review, we can confirm that the General Plan LUPAG map designation for the subject property is Medium Density Urban. This determination is made not by simply looking at where the LUPAG Map lines roughly fall on the ground, but by also carefully assessing the overall land use pattern in this particular area as it relates to the existing uses, long-range plans for the area and the proposed request.

Should you have any questions, please feel free to contact Jessica Andrews at (808) 961-8155.

Sincerely,

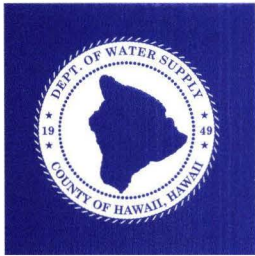
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ZENDO KERN
Planning Director

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Cc (via email): Long Range Planning Division

TMK #	Zoning	Parcel Size (Square Feet/Acres)	Can the Lot be Subdivided?	# of Lots that can be Created by Subdivision	Rezone Ordinance #	Condition Status- Active/Expired/ Complete	Time Remaining to Perform Condition
11004037	A-20a	539,621/12.38	NO	N/A	N/A	N/A	N/A
11005038	RS-20	592,764	YES	29	N/A	N/A	N/A
19005005	RS-20	215,213	YES	10	N/A	N/A	N/A
19005006	RS-20	130,680	YES	6	N/A	N/A	N/A
19005007	RS-20	130,680	YES	6	N/A	N/A	N/A
19005008	RS-20	259,618	YES	12	N/A	N/A	N/A
19005013	RS-20	243,936	YES	12	N/A	N/A	N/A
19005024	RS-20	108,900	YES	5	N/A	N/A	N/A
19005036	RS-20	43,560	YES	2	N/A	N/A	N/A
19005037	RS-20	43,560	YES	2	N/A	N/A	N/A
19005039	RS-20	38,522	NO	N/A	N/A	N/A	N/A
19005040	RS-20	39,331	NO	N/A	N/A	N/A	N/A



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

345 KĒKŪANĀŌ'A STREET, SUITE 20 • HILO, HAWAI'I 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

July 31, 2025

COH PLANNING DEPT
AUG 1 2025 PM 2:28

REC'D HAND DELIVERED

TO: Mr. Jeffrey Darrow, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Change of Zone Application (PL-REZ-2025-000083)**

Applicant: William Cox Morris

**Request: Single-Family Residential – 20,000 Square Feet (RS-20) to Village
Commercial – 20,000 Square Feet (CV-20)**

Tax Map Key 1-9-005:006

We have reviewed the subject application and have the following comments and conditions.

Please be informed that the subject parcel is beyond the service limits of the Department's existing water system. Therefore, we cannot give a favorable recommendation for this change of zone application.

Should there be any questions, please contact Ms. Robyn Matsumoto of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

RM:makk

copy – William Cox Morris

Planning Dept.
Exhibit <u>4</u>

... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 25, 2025

Jeff Darrow, Director
County of Hawai'i, Department of Planning
101 Pauahi Street, Suite 3
Hilo HI 96720
c/o planning@hawaiiicounty.gov

IN REPLY REFER TO:
Project No. 2025PR00744
Doc. No.: 2507SN14
Archaeology

Dear Mr. Darrow:

SUBJECT: **Hawaii Revised Statutes (HRS) Chapter 6E-42 Historic Preservation Review – County of Hawai'i Change of Zone Application (PL-REZ-2025-000083)**
Applicant: William Cox Morris
'Ōla'a Ahupua'a, Puna District, Island of Hawai'i
TMK: (3) 1-9-005:006 (por.)

This letter provides the State Historic Preservation Division's (SHPD's) review of the County of Hawai'i Change of Zone Application (PL-REZ-2025-000083) in anticipation of the applicant's application to proceed with a 4-lot subdivision. The SHPD received the submittal on June 30, 2025, which included a Change of Zone Application, construction plans (site plans), and a photo of the view of the property from the road.

The applicant seeks to rezone an approximate 0.28-acre (25,111-sq.-ft) portion of the 3.0-acre parcel from a Residential – 20,000 SQ FT (RS-20) district to the Village Commercial – 20,000 SQ FT (CV-20) district. Once the change of zone is approved, the applicant will separate out the CV-20 zoned portion as its own TMK and develop a business on the new TMK.

A review of our records indicates that no archaeological inventory survey (AIS) has been conducted and that no archaeological sites have been previously identified within the project area. A portion of the project area is within the Hale Ohi'a Tract Historic District (SIHP 50-10-53-07414) that was identified in a reconnaissance level survey (RLS) (Boone 1993) which documented pre-WW2 architecture as a part of the Volcano Village Historic Building Inventory. However, contemporary aerial photography does not show any evidence of any remaining historic structures within the subject parcel.

At this time, **SHPD has no objections** to the project proponent's request for rezoning.

However, SHPD requests the opportunity to review any future permits involving ground-disturbance associated with the development of the subject parcel.

Please contact Sean Nāleimaile at (808) 933-7651 or Sean.P.Naleimaile@Hawaii.gov, for any questions or concerns regarding this letter.

Aloha,

A handwritten signature in black ink, appearing to read "JPuff", written over a circular stamp.

Jessica L. Puff
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

Planning Dept.
Exhibit 5

Jeff Darrow
July 25, 2025
Page 2

cc.: Tracie-Lee Camero, tracie-lee.camero@hawaiicounty.gov
Daryn Arai, daryn.arai@outlook.com

C. Kimo Alameda, Ph.D.
Mayor



Benjamin T. Moszkowicz
Police Chief

William V. Brilhante, Jr.
Managing Director

Reed K. Mahuna
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

July 16, 2025

REC'D HAND DELIVERED

COH PLANNING DEPT
JUL 17 2025 AM 10:01

TO : JEFFREY W. DARROW, PLANNING DIRECTOR
FROM :  KENNETH A.K. QUIROCHO, ASSISTANT POLICE CHIEF
AREA I OPERATIONS BUREAU

SUBJECT: CHANGE OF ZONE APPLICATION (PL-REZ-2025-000083)
APPLICANT: WILLIAM COX MORRIS
REQUEST: SINGLE-FAMILY RESIDENTIAL – 20,000 SQUARE FEET (RS-20) TO
VILLAGE COMMERCIAL – 20,000 SQUARE FEET (CV-20)
TAX MAP KEY: (3) 1-9-005:006 (POR.), VOLCANO, PUNA, HAWAII

Staff, upon reviewing the provided documents, does not anticipate any significant impact to traffic and/or public safety concerns.

Thank you for allowing us the opportunity to comment.

If you have any questions, please contact Captain Todd Pataray, Puna Patrol, at 965-2716 or via email at Todd.Pataray@hawaiiicounty.gov.

Planning Dept.
Exhibit 6



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: July 3, 2025

TO: Mr. Jeffrey W. Darrow
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Change of Zone Application (PL-REZ-2025-000083)
Applicant: William Cox Morris
Request: Single-Family Residential – 20,000 Square Feet (RS-20) to Village
Commercial – 20,000 Square Feet (CV-20)
Tax Map Key: (3) 1-9-005:006 (por.), Volcano, Puna, Hawai'i

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health “Standard Comments” regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.

2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
 1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
3. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure. A demolition permit is required prior to demolition.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.