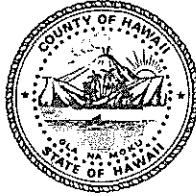


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

December 12, 2001

Mr. & Mrs. Robert Jablonski
73-1017 Ahikawa Street.
Kailua-Kona, Hawaii 96740

Dear Mr. & Mrs. Jablonski,

OHANA DWELLING PERMIT NO. 3875 (OHD 01-07)

Applicant(s): Robert and Linda Jablonski

Land Owner(s): Robert and Linda Jablonski

Request: Construct A New Attached Ohana Dwelling Unit

Tax Map Key: (3) 7-3-028:021

The subject Application for an Ohana Dwelling Unit Permit was reviewed by the required agencies and their respective comments are as follows:

1. The Department of Public Works (DPW) (memorandum dated November 30, 2001):

“We have reviewed the subject application forwarded by your memo dated November 15, 2001 and have no comments or objections to the request.

Questions may be referred to Kelly Gomes at (961) 8327.”

2. The Department of Water Supply (DWS) (memorandum dated November 29, 2001):

“We have reviewed the subject application and our records show that the subject parcel does not have water service with the Department, Carl Matsumoto Water Company, Inc., or Kalaoa Water Service Company. Therefore, the Department will wait to comment on the aforementioned application until the applicants notify the department on how they are getting water for the existing dwelling and how they propose to provide water service to the ohana dwelling.

012274

DEC 12 2001

Mr. & Mrs. Robert Jablonski
Page 2
December 12, 2001

The applicants will be informed, through copy of this letter, and shall respond by December 10, 2001, to meet your deadline of December 17, 2001. Should there be any questions, please contact our Water Resources and Planning Branch at 961-8070.”

Follow-up correspondence from the Department of Water Supply (DWS)
(memorandum dated December 5, 2001):

“We have received a copy of the applicant’s October, 2001 water bill from Matsumoto Water Company, Inc., (MWC) and have the following comments.

The Department acknowledges that the applicants currently receive their water from MWC, a private water company, which receives water from the Department of Water Supply. As this application is proposing another dwelling unit, the Department requires that another service be obtained for the ohana dwelling. However, the Department will not allow MWC to issue any new services through their meters. Therefore, the Department has no objections to the ohana dwelling application as long as the applicants understand that the department and MWC cannot provide a service for the additional dwelling unit.

Should there be any questions, please call our Water Resources and Planning Branch at 961-8070”

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated November 20, 2001):

“The subject lots are located in the Critical Wastewater Disposal Area where cesspools are not allowed because of water pollution concerns. Any development on these lots would require all wastewater be disposed of into a Septic Tank System.”

4. The Hawaii County Fire Department (HFD) (memorandum dated November 28, 2001):

“We have no comments regarding the above-referenced Ohana Dwelling Permit Application.”

Surrounding property owners submitted the following comments regarding this application for an Ohana Dwelling Unit Permit:

Mr. & Mrs. Robert Jablonski
Page 3
December 12, 2001

“We are in receipt of a letter from the above applicants for permission to grant an Ohana Dwelling on their lot in the Kona Coastview Subdivision, N. Kona Hawaii.

We are concerned that the County of Hawaii is allowing the building of additional dwellings in the subdivision without adequate infrastructures in place.

We are currently (sic) have two sub-standard private water systems in the subdivision. There are days when water is being utilized at peak hours, by the residents, where the water trickles down to a few drops coming out of the pipes down to nothing at all. Allowing two dwellings on one lot will only strain the inadequate water system further. In the event of a fire to a dwelling in our subdivision, the already strained water system will be even more stressed by the addition of more Ohana dwellings.

The roads are inadequate and not designed to accommodate 2 dwellings per lot. The County has allowed lot owners to have two driveways coming off one lot to accommodate these Ohana dwellings, putting an added burden on the narrow roadway congestion. In the event of the need to evacuate the subdivision, the added population density imposes a greater problem of trying to get out of the subdivision in a safe and timely manner. The County has not approved connecting roads into the Kona Palisades subdivision to aid us in escape and which would give us access to the fire hydrants needed to fight any fires in the subdivision.

Some of us purchased our lots because of the land area, which meant not having neighbors in close proximity to our dwellings. With the granting of the Ohana usage, you have taken a 16,000 square foot lot and made (2) 8,000 square foot lots. If we wanted to live in a high-density subdivision, we would have purchased an 8,000 square foot lot!

The County is not regulating the usage of dwellings. It is our understanding that Ohana was designed to aid families by allowing a second dwelling to be built on the lot so the family (children, parents, etc.) would have a place to live. We do not see this here, Ohana dwellings are being used as rentals, lots have been allowed to be CPR and two separate unrelated entities own each half of the lot. You again have two families living on one lot and tapping into the inadequate water system. Two story dwellings are being rented out, upper to one family, lower to another family, The Ohana is rented out to someone else.

There is also a problem with the County allowing residents to place their mailboxes too close to the County road, where it becomes a hazard to motorists as well as the children who have to walk the narrow roads to and from home to the bus stops dodging mailboxes and stones placed on the County road easement. There is no safe sidewalk for the children. The sides of the road are gouged out by rainwater and rock strewn; the children have no choice but to walk on the road itself.

Mr. & Mrs. Robert Jablonski

Page 4

December 12, 2001

All factors considered, we do not condone the County's approval of any Ohana dwellings or the CPR lots in the Kona Coastview Subdivision,

Sincerely,

(SIGNED)

Richard & Barbara Watanabe

PO Box 306

Holualoa HI 96725

Ph: 325-6733"

The original and notarized affidavits of **Robert and Linda Jablonski** dated October 4, 2001 included with the Ohana Dwelling application state in part:

"Robert Jablonski and Linda Jablonski, being first duly sworn under oath, depose and say that: ...

1. We are the titleholders of the affected property TMK (3) 7-3-028:021.
2. Affiant states that provisions of any restriction, covenant or other land use restrictions applicable to the lot by way or deed or lease do not prohibit construction or placement of an ohana unit or a second dwelling unit.

Further affiant sayeth naught."

In view of the above, by this letter, you are hereby **denied** permission to construct a duplex conversion for an attached Ohana Dwelling Unit for the following reason(s):

The County Zoning Code in Article 6, Division 3 states in part:

"Ohana dwellings shall be permitted ... provided that: ...

The following public facilities are adequate to serve the ohana dwelling unit: ...

Potable Water Supply. The building site shall be served by an approved public or private water system meeting with the requirements of the department of water supply which system can accommodate the ohana dwelling and the main dwelling unit. An ohana dwelling that is not served by an approved public or private water system may use a water catchment system **provided that the director determines that there is sufficient annual rainfall in the area to accommodate a water catchment system** and water catchment system meets the requirements of the department of health and the department of water supply. (emphasis added).

Mr. & Mrs. Robert Jablonski
Page 5
December 12, 2001

The Planning Department's Rules of Practice and Procedure, Rule 12-4(d)(2) states in part:

"An ohana dwelling unit that is not served by an approved water system may be permitted to use a water catchment system **in an area which receives an annual rainfall of at least eighty inches** (The University of Hawaii Water Resources Research Center construction guideline of eighty inches of annual rainfall for catchment systems is being used for this purpose). In the event that an annual rainfall requirement is adopted in a future amendment to the Hawaii County Code, then the annual rainfall as reflected in the code amendment shall be used for this purpose. The requirements of the State Department of Health and the Department of Water Supply must also be met." (emphasis added).

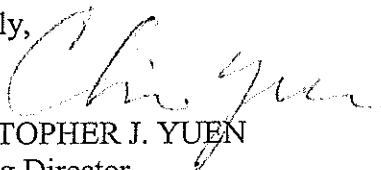
Our research indicates that the area of the subject parcel, the Kona Coastview Subdivision, Kailua-Kona, receives between 40 and 60 inches of rainfall annually. This information was obtained from the Water-Resources Investigations Report 95-4212 disseminated by The U.S. Department of the Interior U.S. Geological Survey and prepared in cooperation with the State of Hawaii Commission on Water Resource Management, Department of Land and Natural Resources.

Please be aware that decisions by the Planning Director may be appealed per Section 25-6-39.7:

"Any person aggrieved by the decision of the director in the issuance of an ohana dwelling permit decision, except for a decision regarding the duration of a permit under section 25-6-39.2, may appeal the director's action to the board of appeals, in accordance with this chapter, within thirty days after the date of the director's written decision."

Should you have any questions regarding the above, please contact Jonathan Holmes of this office at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

JRH:cps

P:\ohana\jr\ohana\jablonski73028021 den.doc

xc: Department of Health, Chief Sanitarian
Department of Public Works
Real Property Tax Division
Department of Water Supply
Planning Department - Kona