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

January 25, 2002

Mr. William H. Greenhalgh III
c/o Remax Pacific
65-1323 Kawaihae Rd.
Kamuela, Hawaii 96743

Dear Mr. Greenhalgh,

Ohana Dwelling Permit Application (2001-10)

Applicant:	**William H. Greenhalgh III**
Land Owners:	**Gerald B. Cargman**
	Steven & Charlotte Rodrigues
Proposal:	**Construct A New Detached Ohana Dwelling Unit**
Tax Map Key:	**4-5-010:115**

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 December 20, 2001):

   "No Comments."

2. The Department of Water Supply (DWS) (memorandum dated December 24, 2001):

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

   For your information, the parcel has an existing 5/8-inch service with the Department, which is adequate for only one dwelling unit at 600 gallons per day.

   Inasmuch as this application is proposing an additional dwelling unit, the installation of a separate 5/8-inch meter by the applicant would normally be required in accordance with Department regulations. However, the Department's existing water

014002

JAN 31 2002

system facilities cannot support an additional meter for the proposed ohana dwelling at this time. Extensive improvements and additions, including source, storage, transmission, booster pumps, and distribution facilities, must be constructed. Currently, sufficient funding is not available and no time schedule is set.

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 December 20, 2001):

   "The subject lot(s) are located in a Non-Critical Wastewater Disposal Area where cesspools are allowed under the current rules. More than one cesspool is allowed provided 10,000 sq. ft. per cesspool is available. Each cesspool can dispose of 1,000 gallons per day of wastewater."

4. The Hawaii County Fire Department (HFD) (memorandum dated December 19, 2001):

   "Fire apparatus access roads shall be in accordance with UFC Section 10.207:

   'Fire Apparatus Access Roads

   'Sec. 10.207. (a) **General.** Fire apparatus access roads shall be provided and maintained in accordance with this section.

   '(b) **Where Required.** Fire apparatus access roads shall be required for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire department vehicle access as measured by an unobstructed route around the exterior of the building.

   'EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of this section may be modified.

   '2. When access roadways cannot be installed due to topography, waterways, nonnegotiable grades or other similar conditions, the chief may require additional fire protection as specified in Section 10.301 (b).

   '3. When there are not more than two Group R, Division 3 or Group M Occupancies, the requirements of this section may be modified, provided, in

the opinion of the chief, fire-fighting or rescue operations would not be impaired.

'More than one fire apparatus road may be required when it is determined by the chief that access by a single road may be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

'For high-piled combustible storage, see Section 81.109.

'(c) **Width.** The unobstructed width of a fire apparatus access road shall meet the requirements of the appropriate county jurisdiction.

'(d) **Vertical Clearance.** Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

'EXCEPTION: Upon approval vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

'(e) **Permissible Modifications.** Vertical clearances or widths required by this section may be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

'(f) **Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.' (20 tons)

'(g) **Turning Radius.** The turning radius of a fire apparatus access road shall be as approved by the chief.' (45 feet)

'(h) **Turnarounds.** All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

'(i) **Bridges.** When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and using designed live loading sufficient to carry the imposed loads of fire apparatus.

'(j) **Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief.' (15%)

'(k) **Obstruction.** The required width of any fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times.

'(l) **Signs.** When required by the fire chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.'

Water supply shall be in accordance with NFPA 1231."

Surrounding property owners submitted no comments regarding this Ohana Dwelling Permit Application.

The original and notarized affidavits of **Steven A. & Charlotte K. Rodrigues** dated July 30, 2001, **Gerald P. Cargman** dated July 11, 2001 and **William H. Greenhalgh III** dated July 9, 2001 included with the Ohana Dwelling application states in part:

"The undersigned parties hereto state that they are title holders of the subject parcel, and/or the applicant in the attached Ohana Dwelling Unit Permit for TMK# 3 / 4-5-10-115.

The undersigned further state that there are no provisions or any restrictions, covenants or other land use restrictions applicable to the lot, by way of deed or lease or other provisions, that would prohibit the placement or construction of an ohana dwelling unit or a second dwelling unit on the subject property."

In view of the above, by this letter, you are hereby **granted** permission to construct a detached single-family Ohana Dwelling Unit with the following understandings and conditions:

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).

"Fire protection. A lot on which an ohana dwelling unit would be permitted shall be served by adequate fire protection measures meeting with the requirements of the Fire Department."

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).
>
> "Fire protection. A lot on which an ohana dwelling unit would be permitted shall be served by adequate fire protection measures meeting with the requirements of the Fire Department."

Our research indicates that the area of the subject parcel, Namoku, Hamakua, Hawaii, **receives at least 80 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.

We find that there is sufficient rainfall to meet the Planning Department requirements for utilization of a catchment system provided that the requirements of the State Department of Health, the Department of Water Supply and the Fire Department are met. Please contact those respective agencies for said requirements.

1. The proposed Ohana Dwelling unit shall comply with Ordinance No. 96 47 and Rule 12, the County of Hawaii Planning Department's Rules of Practice and Procedure relating to Ohana Dwelling Units.

2. Non-transferability: The permit for the Ohana Dwelling unit shall be personal to the applicant until construction of the Ohana Dwelling unit has been completed. The permit shall not be transferable or assignable to any other person prior to its completion.

3. Prohibition of Advertising, Sales, Transfers: No person shall advertise or represent to the public that a permit to construct an Ohana Dwelling unit is transferable with the sale of the property on which the permit has been granted.

4. Building Permit: **The applicant is required to secure a building permit from the Department of Public Works, Building Division, for the construction of an ohana dwelling unit duplex conversion on or before Current Date Plus One Day, 2003.**

   Please bring or attach a copy of this Permit to assist the reviewing agencies in understanding and expediting the review and processing of the building construction plans and building permit application for the additional building improvements necessary to establish the Ohana Dwelling on the subject parcel.

   a) The applicant is required to comply with the State Department of Health requirements for sewerage and water catchment standards.

   b) The applicant shall contact the DWS and verify the requirements for private water catchment systems.

   c) The applicant shall comply with the Fire Department requirements for fire apparatus accessibility and minimum water catchment capacity and accessories for fire fighting purposes.

   d) A one time 30-day time extension to obtain the building permit may be granted by the Planning Director. A written request for a time extension shall be filed with the Planning Director not less than forty-five (45) days prior to the expiration date of the ohana dwelling unit permit. The Planning Director shall render a decision on the request for a time extension prior to the expiration date of the permit.

   e) The applicant shall not be able to obtain further extensions beyond the initial 30-day time extension. Further, such failure to conform to the time requirement shall not be cause to petition the Planning Director, Board of Appeals or any other governmental body for relief from the time requirement.

5. Requirements for Height, Site Area (Lot size), Yard (Setback) and Off-Street Parking (Parking spaces):

a) Height limit: The height limit for the proposed ohana dwelling unit shall be twenty-five (25'-0") feet

b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 5 acres is zoned Agricultural (A-5a) by the County and is situated within the State Land Use Urban district.

c) Minimum Yards (Setbacks) and Open Space: The proposed dwelling unit is required to comply with the yards and open space requirements of the Hawaii County Zoning Code. The respective minimum front, rear, and side yard requirements for the proposed detached ohana dwelling unit to be located on the subject TMK property shall be as follows:

- Front yard –minimum **thirty-five** (35) feet required;
- Rear yard – minimum **thirty-five** (35) feet required;
- Side yard(s) – minimum **twenty five** (25) feet required;
- Open space from other main structures minimum **fifteen** (15) feet required

d) Off-Street Parking: The Ohana Dwelling unit shall be provided with a minimum of two (2) off-street parking spaces that comply with the requirements of Section 25-4-53 of the Zoning Code. All existing and additional parking spaces shall be arranged so as to be individually accessible.

This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements of the Planning Department, Department of Public Works, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.

6. Ohana dwelling units are prohibited on a building site that is the subject of an approved variance from the Subdivision Code (Chapter 23), the Zoning Code (Chapter 25), and property where a second dwelling unit is specifically prohibited by a change of zone ordinance.

   a) No variance from the requirements of Chapter 23 and Chapter 25, Hawaii County Code, as amended, shall be granted to permit the construction or placement of an Ohana Dwelling unit.

b) An Ohana Dwelling unit shall not be permitted on a lot which has been the subject of a previously granted variance from any provision of Chapter 23 and Chapter 25, Hawaii County Code, as amended.

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

Sincerely,

CHRISTOPHER J. YUEN
Planning Director

JRH:pak
P:\ohana\jrhohana\cargman45010115apvl.doc

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