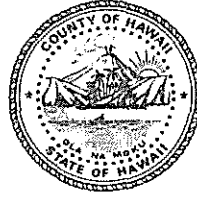


Harry Kim
Mayor



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

March 8, 2002

Mr. Thomas W. Davis
73-1202 Ahikawa Street
Kailua-Kona, Hawaii 96740

Dear Mr. Davis,

Ohana Dwelling Permit (OHD 2002-02)

Applicant: Thomas W. Davis

Land Owner: Thomas W. Davis

Proposal: Construct A New Detached Ohana Dwelling Unit

Tax Map Key: 7-3-022:012

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 February 7, 2002):

“No comments.”

2. The Department of Water Supply (DWS) (memorandum dated November 21, 2001):

“The Department’s records show that the applicant currently receives water from Matsumoto Water Company (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 applicant understands that the department and MWC cannot provide water service for the additional dwelling unit.

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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 February 7, 2002):

“The existing Septic Tank System needs to be evaluated by a licensed engineer to show that it can handle the expected additional wastewater flow. Please submit a report at time of building permit application.”

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

No comment was received to date.

The following comments were received from the surrounding property owner(s) regarding this application for an Ohana Dwelling Unit Permit:

“I am a property owner in Coast View Subdivision and am concerned with the number of Ohana dwellings that have been built to date and the number of new applications being currently considered for approval.

The latest letter I received was from Thomas W. Davis indicating that he will be building another dwelling on his property that is identical to the current two story structure on property only with a larger three car garage. It appears to me that this will, like many of the other Ohana dwellings in the subdivision, be used as a single or multifamily rental dwelling.

While I am not opposed to Ohana dwellings being built for occupancy by family members or used as a small guest cottage, I do have objections to people taking advantage of the program to build large rental units, many of them being built by absentee owners. They are taxing our already inferior infrastructure and transforming our neighborhood into a cluttered rental slum.

Primary concern is that the water system, roads, and other infrastructure in Coast View is inadequate and can barely sustain/support single family dwellings on each lot. Compounding the problem are surrounding subdivisions planned or being built that may be connected to Ahikawa Street (the narrow main street of subdivision) creating a much more hazardous situation.

Mr. Brown, my spouse and I have been concerned with the developments within and surrounding Coast View for some time now; and after receiving this last Ohana letter

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felt compelled to voice our opinion and perhaps make a difference in future Ohana permit decisions.

Respectfully Submitted,
Wayne K. Watanabe”

The original and notarized affidavit of **Thomas W. Davis** dated January 14, 2002 included with the Ohana Dwelling application states:

“I, Thomas W. Davis, am the title holder of the property at 73-1202 Ahikawa St., Kailua Kona, Hawaii 96740 Tax Key #7-3-22-12.

There are no provisions of any restrictions, covenant or other land use restriction applicable to the above lot by way of deed or lease or other provision prohibiting the construction or placement of an ohana dwelling unit or a second dwelling unit.”

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).

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).

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Our research indicates that the area of the subject parcel, the Coast View 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.

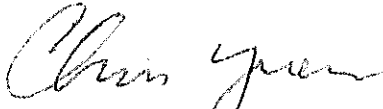
In view of the above, by this letter, you are hereby **denied** permission to construct a detached Ohana Dwelling Unit.

Please be aware that decisions by the Planning Director may be appealed to the Board of Appeals 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

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