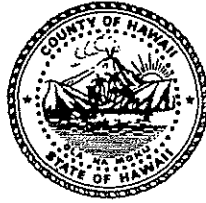


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

September 27, 2004

Mr. David Basque
P.O. Box 135
Kealahou, Hawaii 96750

Dear Mr. Basque:

SUBJECT: Ohana Dwelling Permit Application (2004-0021)
Applicant: David Basque
Land Owner: David Basque
Proposal: Construct a New Detached Ohana Dwelling Unit
Tax Map Key: (3) 6-4-024:031

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

1. The Hawaii County Fire Department (HFD) (Memorandum dated August 11, 2004):

“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 the provisions of 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).

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'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 UFC Section 10.301.

‘(c) **Water Supply.** An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed, in accordance with the respective county water requirements. There shall be provided, when required by the chief, on-site fire hydrants and mains capable of supplying the required fire flow.

‘Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.

‘The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be protected as set forth by the respective county water requirements. All hydrants shall be accessible to the fire department apparatus by roadways meeting the requirements of Section 10.207.’

2. The State of Hawaii Department of Health (DOH) (Memorandum dated September 9, 2004):

“The project lot is 15,000 square feet. Under the current provisions, a total of one (1) individual wastewater system can be utilized on this lot. The type of individual wastewater system to be used will be determined at the time of building permit application.

“The construction of a new individual wastewater system on the property is not allowed as there is insufficient land area to serve both the existing and proposed wastewater systems. The wastewater system is inadequate for the proposed project.”

3. The Department of Public Works (DPW) (Memorandum dated September 9, 2004):

“We have reviewed the subject application forwarded by your letter dated August 17, 2004 and have the following comments.

“A portion of the subject property along Mamalahoa Highway is within Flood Zone A according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone A is the Special Flood

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Hazard Area inundated by the 100-year flood where no base flood elevations are determined.

“From the plot plan attached with the subject application it was unclear if a new driveway will be constructed for the new ohana dwelling unit.

“If a new or additional driveway will be constructed, it shall conform with Chapter 22, County Streets, of the Hawaii County Code and a permit will be required from the Department of Public Works.

“Should you have questions or concerns, please contact Mr. Kelly Gomes of the Engineering Division at 961-8327.”

4. The Department of Water Supply (DWS) (Memorandum dated September 17, 2004):

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

“For your information, an existing 5/8-inch meter services this property and is adequate for only one dwelling unit at an average of 400 gallons per day. Therefore, a second 5/8-inch meter should be installed. Water is available from the 6-inch waterline in Māmalahoa Highway, which fronts the subject parcel.

“Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting the following conditions:

1. Installation by the Department of Water Supply of a second 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to a maximum daily flow of 600 gallons.
 2. Remittance of the following charges, which are subject to change, to our Customer Service Section:
 - a. Facilities Charge (One 2nd service at \$5,500.00 each) \$5,500.00
 - b. Service Lateral Installation Charge
(Install one meter in Māmalahoa Highway, a County road) 2,600.00
- Total (**Subject to Change**) \$8,100.00

“Should there be any questions, please call Ms. Shari Komata of our Water Resources and Planning Branch at 961-8070, extension 252.”

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We note the following documents that accompanied your application:

The original and notarized **Affidavit of David Basque** signed by David Basque and dated July 30, 2004 states:

“Affiant, being first duly sworn on Oath, deposes and says that:

“1. He, David BASQUE, Trustee, David BASQUE TRUST, is the title holder or owner of the real property located at Lalamilo, South Kohala, Waimea, Hawaii.

“The property is comprised of 15,000 square feet, more or less, and further identified as Tax Map Key No. 6-4-024-031 (hereafter ‘Subject Property’).

“2. The Covenants, or any other land use restrictions applicable to the Subject Property do not prohibit the construction or placement of an Ohana/second unit upon the Subject Property.”

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:

“(1) Sewage Disposal System. The building site shall be served by a public or private sewage disposal system. An adequate public sewage disposal system shall meet with the requirements of the department of public works and an adequate private sewage disposal system, cesspool or septic tank shall meet with the requirements of the State department of health.”

The Planning Department’s Rules of Practice and Procedure, Rule 12-4(d)(1) states in part:

“An ohana dwelling unit may be permitted.....provided that:

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

“Sewage disposal system. A lot on which an ohana dwelling unit is proposed shall be served by a public or private sewage disposal system meeting with the requirements of the County Department of Public Works or the State Department of Health, respectively.”

In view of the above, by this letter, we must regretfully **deny** permission to construct the proposed detached Ohana Dwelling Unit, due to the State DOH’s limit of one (1) individual wastewater system on the subject lot. There is already a five-bedroom, single family dwelling building permit approved for that lot. The one individual wastewater system permitted on that lot services that existing dwelling.

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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.”

An application for General Petition for Appeal of Decisions by Planning Director is enclosed for your convenience should you decide to petition to the Board of Appeals.

If you have any questions please call Deborah Chang or Bennett Mark of our West Hawai'i Office at 327-3510.

Sincerely,


CHRISTOPHER J. YUEN
Planning Director

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Encl.

c: Dept of Health, Chief Sanitarian
Dept. of Public Works
Real Property Tax
Dept. of Water Supply
Planning Department - Kona