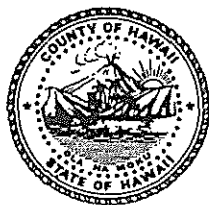


Harry Kim  
Mayor



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

January 31, 2005

Thomas Keegan  
78-6982 Walua Rd.  
Kailua-Kona, Hawaii 96740

Dear Mr. Keegan:

**SUBJECT: Ohana Dwelling Permit Application (2004-0030)**  
**Applicants: Thomas Keegan**  
**Land Owners: Thomas Keegan**  
**Proposal: Construct An Attached Ohana Dwelling Unit**  
**Tax Map Key: (3) 7-8-018:032**

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 14, 2004):

“No Comments.”

2. The Department of Water Supply (DWS) (Memorandum dated December 29, 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 for the attached ohana dwelling unit. Water is available from the 4-inch waterline in Walua Road, 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 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to a maximum daily flow of 600 gallons.

FEB 08 2005

2. Remittance of the following charges, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):

One 2<sup>nd</sup> service @ \$5,500.00 each \$5,500.00

SERVICE LATERAL INSTALLATION CHARGE:

Install one meter on Walua Road, 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.”

3. The State of Hawaii Department of Health (DOH-HILO) (Memorandum dated January 7, 2005):

“Wastewater Branch does not concur with the ohana dwelling application unless an upgrade to a septic system is done.”

4. The Hawaii County Fire Department (HFD) (memorandum dated December 21, 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 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 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.’”

There were no comments received from the surrounding property owners.

We note the following document that accompanied your application. The original and notarized affidavit of **Applicant and Owners** of the subject property dated December 2, 2004 included with the Ohana Dwelling application states:

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

1. He, Thomas Keegan, is the title holders or owners of the real property located at 78-6982 Walua Rd. Kailua-Kona, HI. The property is comprised of 15,525 square feet, more or less, and further identified as Tax Mapp Key No. 7-8-018-032 (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 dwelling 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

Thomas Keegan  
January 31, 2005  
Page 5

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 attached Ohana Dwelling Unit, due to the State DOH’s comment that the existing private sewage disposal system is not adequate without an upgrade.

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 Deanne Bugado of our West Hawaii Office at 327-3510.

Sincerely,

  
CHRISTOPHER J. YUEN  
Planning Director

Enclosure: General Petition for Appeal of Decisions by Planning Director

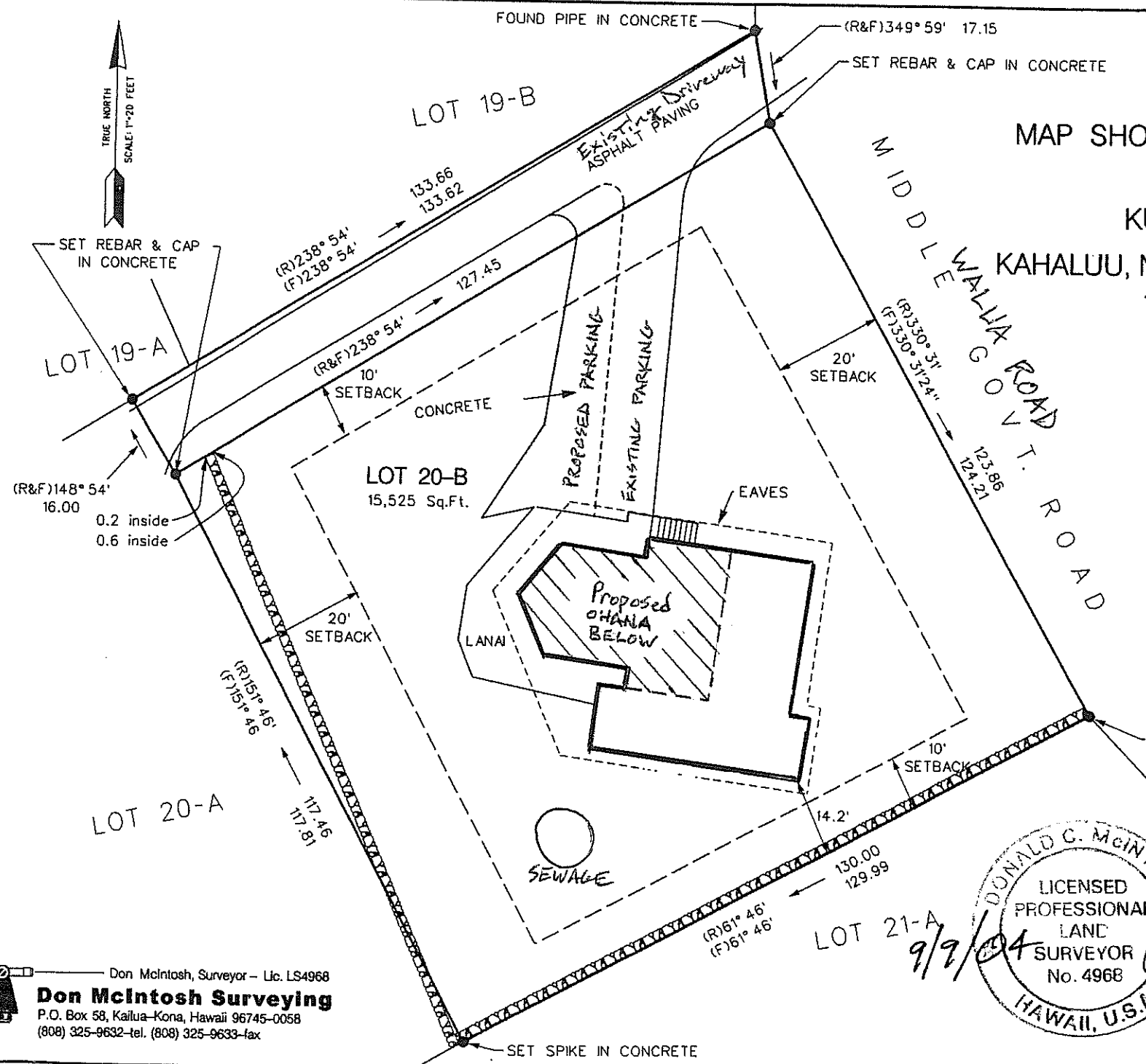
BM:deb

P:\Ohana\Kona Ohana\Denial\OHNAAd-7-8-18-32 Keegan.doc

Thomas Keegan  
January 31, 2005  
Page 6

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

MAP SHOWING EXISTING CONDITIONS  
UPON LOT 20-B  
KUAKINI HOUSE LOTS  
KAHALUU, NORTH KONA, HAWAII, HAWAII  
TMK: (3) 7-8-18:32



- NOTES:
1. No boundary encroachments were found except as shown.
  2. No violations of County zoning setback codes were found.
  3. The distances shown between the property lines and the features, shown hereon, are based on selected found boundary monuments and acceptable tolerances for properties of this type.
  4. The features shown hereon, were located by an actual survey on the ground done on October 17, 1995.
  5. See attached letter pertaining to setbacks and encroachments.

The undersigned hereby certifies to the best of his professional knowledge, information and belief, that this map and the survey on which it is based correctly shows the boundary lines and major improvements upon the property.



*Donald C. McIntosh*  
Donald C. McIntosh, L.P.L.S.

Don McIntosh, Surveyor - Lic. LS4968  
**Don McIntosh Surveying**  
P.O. Box 58, Kailua-Kona, Hawaii 96745-0058  
(808) 325-9632-tel. (808) 325-9633-fax

JOB# 359504 F.B.\*7:28  
DATE: 08/31/04  
DGN: 171695.S00