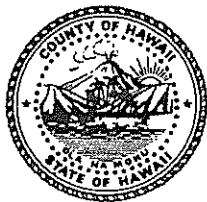


Harry Kim  
Mayor



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

August 9, 2005

Paul Bleck  
P.O. Box 4771  
Kailua-Kona, Hawaii 96745

Dear Mr. Bleck:

**SUBJECT: Ohana Dwelling Permit Application (OHD-05-000046)**  
**Applicants: Agent: Paul Bleck**  
**Land Owners: Kevin O'Conner**  
**Kinuko O'Conner**  
**Proposal: Construct an Attached Ohana Dwelling Unit**  
**Tax Map Key: (3) 7-8-012:077**

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):

No Comment were received.

2. The Department of Water Supply (DWS) (Memorandum dated July 21, 2005):

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

For your information, the parcel has a service lateral for a 5/8-inch meter with the Department, which is adequate for only one dwelling unit at an average of 400 gallons per day.

Inasmuch as this application is proposing an additional attached dwelling, the installation of a separate 5/8-inch meter by the applicant would normally be required in accordance with the Department's regulations as there is an additional dwelling unit. However, the Department's existing water system facilities cannot support an additional meter for the proposed ohana dwelling at this time. Waterline upgrades are necessary; and currently, sufficient funding is not available and no time schedule is set.

Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting that the Department cannot provide water service to the proposed ohana dwelling. Further, should the application be approved, both dwellings must not share the existing meter.

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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) (Memorandum dated August 5, 2005):  
"Wastewater Branch does not concur with the ohana dwelling application because the existing dwelling is 4 bedrooms and the proposed ohana dwelling is 2 bedrooms for a total of 6 bedrooms. Wastewater rules allows the existing cesspool to serve one dwelling with a total of five (5) bedrooms only. If the number of bedrooms is reduced to a total of five (5) bedrooms, and the existing cesspool wastewater system is upgraded to a septic system with the capacity of 5 bedrooms, Wastewater Branch will not have any objections and will concur with the application."
4. The Hawaii County Fire Department (HFD) (memorandum dated July 5, 2005):  
"We have no comments to offer at this time in reference to the above-mentioned Ohana dwelling permit application."

We note the following comments received from the surrounding property owners:

"In the matter of petitioner Paul Bleck and owner Kevin O'Conner, their request for a permit to add a second story addition at 78-144 Holua Rd; I have no objection to an ohana addition, providing that it is stipulated on title that usage will truly be for family only, as ohana is intended. Otherwise, I would object to the increased density and all the problems inherent in building a rental unit in a single family residential area.

Thank you for your efforts to improve quality of life in Hawaii County through enlightened planned development and restraint in permitting exploitive development requests."

We note the following document that accompanied your application. The original statement of **Applicant and Owners** of the subject property included with the Ohana Dwelling application states:

"The existing carport will be removed, reference Demolition Permit # B2005-0742K. The area where the carport is will continue to be used for parking."

We note the following documents that accompanied your application. The original and notarized affidavits of **Applicant and Owners** of the subject property dated March 10, 2005 and August 3, 2005 included with the Ohana Dwelling application states:

1. "Kevin O'Connor has authorized me to sign for County of Hawaii Documents in his absence.

I hereby attest that Kevin O'Connor is the titleholder of the property located at TMK# (3)-7-8-12:77."

2. "Kevin O'Connor has authorized me to sign for County of Hawaii Documents in his absence.

There are no applicable provisions by way of deed or lease that prohibit the construction for an Ohana dwelling unit at the above-referred residence."

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: ...

**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.

**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)(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."

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

Paul Bleck for Kevin O'Conner  
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Department of Health and the Department of Water Supply must also be met.” (emphasis added).

Our research indicates that the area in which the subject parcel is located, Keauhou 1 & 2 Beach Sec., North Kona, receives only 40 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, we must regretfully **deny** permission to construct the proposed detached Ohana Dwelling Unit. The premise of approval for Ohana Dwellings are that the water availability is sufficient and assured, either through a public or private water system or through the utilization of a water catchment system and that the wastewater system is sufficient.

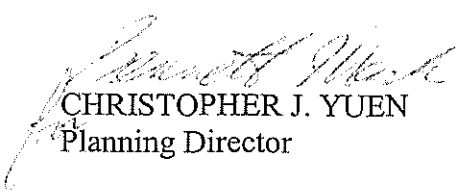
Please be aware that decisions by the Planning Director may be appealed to the Board of Appeals per Section 25-6-39.7:

“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

DEB:deb

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

Scanned Map  
Unavailable  
Due to Size

See File

