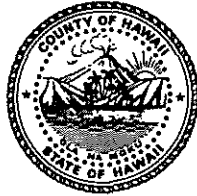


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

February 6, 1995

Mr. James Gregory
P. O. Box 502
Kailua-Kona, HI 96745

Dear Mr. Gregory:

Ohana Dwelling Permit (OD 90-207)
Ohana Dwelling Permit (OD 94-284)
James and Jeffrey Gregory
TMK: 7-3-07:8 7-3-27:15

TMK: 7-3-27:15

This letter is to confirm your recent telephone conversation with Rodney Nakano of my staff regarding your Ohana Permit Application (94-284) and your extension request to Ohana Permit 90-207. The Ohana Permit has a statutory base relating to Chapter 46, Hawaii Revised Statutes (HRS), and Chapter 25, of the Hawaii County Code, the Zoning Code. Zoning also has a statutory base which includes Chapter 205, HRS as well. Obtaining an Ohana Permit (OD 94-284) or obtaining an extension to your Ohana Permit (OD 90-207) does not relieve you from compliance with Chapter 205.

Chapter 205, HRS, does not authorize residential dwellings as a permissible use in the Agricultural District as classified by the State Land Use Commission, unless the dwelling is related to an agricultural activity or is a "farm dwelling." Again, with or without an Ohana Dwelling Permit you must comply with Chapter 205, HRS.

Farm dwelling is defined in Section 205-4.5(a)(4) as "a single family dwelling located on and used in conjunction with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling."

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Mr. James Gregory
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Penalty for violation of Section 205-4.5, Hawaii Revised Statutes, is a fine of not more than \$5,000. If any person who is cited for a violation of the law fails to remove the violation within six (6) months of such citation and the violation continues, such person is subject to a citation for a new and separate violation. There shall be a fine of not more than \$5,000 for any additional violation.

Ohana Permit was issued on August 21, 1990 with a condition that you obtain a building permit within two years or by August 21, 1992. Article 25 of the Zoning Code (Sections 25-270 through 25-277) are the regulations for Ohana Dwellings. There are no provisions in the existing Sections 25-270 through 25-277 which authorize the Planning Director to set a time limit on the Ohana Permit. Thus, Ohana Permit 90-207 is currently active and there is no need to issue Ohana Permit 94-284.

Please note that when you secure a building permit to construct the ohana dwelling, you must comply with the rules and regulations of the Department of Health and the Department of Public Works as well as other government agencies that are currently in effect.

Should you have any questions, please feel free to contact Rodney Nakano of this office at 961-8288.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

RKN:pak
Lgregory.rkn

cc: Mayor Stephen K. Yamashiro
Kona Office

FEB 14 1995