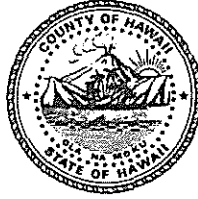


Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Russell Kokubun  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-8742

**CERTIFIED MAIL**  
**P 364 305 239**

February 6, 1998

Mr. Troy J. Mokuhalii  
15-786 Kahakai Boulevard  
Pahoa, Hawaii 96778

Dear Mr. Mokuhalii:

OHANA DWELLING PERMIT NO. 3836 (OHD 98-001)  
Applicant: TROY K. MOKUHALII  
Titleholders: TROY K. MOKUHALII, ET AL  
ADDITIONAL SINGLE FAMILY DWELLING  
Tax Map Key: (3) 1-5-074:021, Lot 7

The subject Application For Ohana Dwelling Unit Permit has been reviewed by the following agencies:

1. The memorandum from the Department of Public Works dated January 22, 1998, states in part:

"No comments"

2. The applicant shall comply with the State of Hawaii Department of Health (DOH-HILO) memorandum dated January 23, 1998, which states:

"The subject proposal is located in a Critical Wastewater Disposal Area. The existing cesspool may service a total of 1,000 gallons per day of wastewater. A total of five bedrooms are allowed in the two dwelling units. A second cesspool is not allowed. A septic tank system may be utilized as a second Individual Wastewater System."

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3. The Department of Water Supply (DWS) memorandum dated January 29, 1998, states:

"Please be informed that the water system in the area is privately owned and operated. Therefore, the private water purveyor should be contacted for water concerns."

4. The Hawaii County Fire Department (HFD) memorandum dated January 28, 1997 (sic) states:

"We have no comments on the above-referenced Ohana Dwelling application."

5. The original and notarized affidavit dated January 5, 1998 included with the Ohana Dwelling application states:

"Troy Mokuhalii being duly sworn on oath, deposes and says:

1. I hereby certify that my wife Diane Mokuhalii and along with June Kropfelder are the owners of record of lot 7 at Hawaiian Beaches Island and County of Hawaiian Beaches Island and County of Hawaii. State of Hawaii, also identified by Tax Map Key Number: 3-1-5-74-21 and
2. I also certify that there are no restrictions, covenants or other land uses restrictions applicable to said lot by way of a deed or lease or other provisions that prohibits the construction or placement of an Ohana dwelling unit or a second dwelling unit on the subject property."

In view of the above, by this letter, you are hereby granted permission for the Ohana Dwelling Unit subject to the following conditions:

1. The proposed Ohana Dwelling unit shall comply with Ordinance No. 96 47 and Rule 12, the County of Hawaii Planning Department's Rules of Practice and Procedure relating to Ohana Dwelling Units.

Non-transferability: The permit for the Ohana Dwelling unit shall be personal to the applicant until construction of the Ohana Dwelling unit has been completed. The permit shall not be transferable or assignable to any other person prior to its completion.

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Prohibition of Advertising, Sales, Transfers: No person shall advertise or represent to the public that a permit to construct an Ohana Dwelling unit is transferable with the sale of the property on which the permit has been granted.

2. Building Permit: The applicant is required to comply with the State Department of Health requirements in Hilo and secure a building permit from the Department of Public Works, Building Division, to construct the proposed ohana dwelling unit on or before February 6, 1999.

Please bring or attach a copy of this Permit to help the reviewing agencies to understand and expedite the review and processing of the building construction plans and building permit application to construct the additional building improvements and establish the Ohana Dwelling on the subject parcel.

- a. The existing cesspool shall be maintained and limited to 1,000 gallons per day of wastewater. A total of five (5) bedrooms are allowed. Pursuant to the DOH comments stated above, a second cesspool is not allowed.
  - b. The applicant shall contact and pay any required facilities charge and service lateral installation charges to the privately owned water purveyor.
  - c. A one time 30-day time extension to obtain the building permit may be granted by the Planning Director. A written time extension request shall be filed with the Planning Director not less than forty-five (45) days prior to the expiration date of the ohana dwelling unit permit. The Planning Director shall render a decision on the time extension request prior to the expiration date of the permit.
  - d. The applicant shall not be able to obtain further extensions beyond the initial 30-day time extension. Further, such failure to conform to the time requirement shall not be cause to petition the Planning Director, Board of Appeals or any other governmental body for relief from the time requirement.
3. Requirements for Height, Site Area (Lot size), Yard (Setback) and Off-Street Parking (Parking spaces):

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- a. Height limit: The height limit for the proposed ohana dwelling unit shall be twenty-five (25'-0").
  - b. Minimum Building Site Area (Lot Size): The subject lot exceeds the minimum building site area (lot size) of 10,000 square feet.
  - c. Minimum Yards (Setbacks): The "detached Ohana Dwelling unit" on the subject property zoned (A-1a) and designated Urban "U" by the State Land Use Commission shall comply with the minimum building yards of the Zoning Code, dated December 7, 1996. The minimum building yards are as follows: front/rear yards- minimum thirty (30'-0") feet and side yards- minimum twenty (20'-0") feet.
  - d. Off-Street Parking: An Ohana Dwelling unit shall be provided with a minimum of two (2) off-street parking spaces which comply with the requirements of Section 25-4-53, Chapter 25, Effective: December 7, 1996.
4. This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements of the Planning Department, Department of Public Works, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application. The water requirements are subject to the requirements of the privately owned water company or purveyor.
  5. Variances: Ohana dwelling units are prohibited on a building site which is the subject of an approved variance from the Subdivision Code (Chapter 23), the Zoning Code (Chapter 25), and property where a second dwelling unit is specifically prohibited by a change of zone ordinance.
    - a. No variance from the requirements of Chapter 23 and Chapter 25, Hawaii County Code, as amended, shall be granted to permit the construction or placement of an Ohana Dwelling unit.
    - b. An Ohana Dwelling unit shall not be permitted on a lot which has been the subject of a previously granted variance from any provision of Chapter 23 and Chapter 25, Hawaii County Code, as amended.

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Should you have any questions regarding the above, please feel free to contact this office at 961-8288.

Sincerely,



VIRGINIA GOLDSTEIN  
Planning Director

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xc: Department of Health,  
Chief Sanitarian  
Department of Public Works  
Real Property Tax Division  
Department of Water Supply  
Mr. Donald Vallance

DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

RIVEWAY: IN ACCORDANCE WITH CHAPTER 22 OF THE HAWAII COUNTY CODE, A PERMIT SHALL BE OBTAINED FOR DRIVEWAY CONSTRUCTION WORK WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

GRADING: ALL EARTHWORK AND GRADING SHALL CONFORM TO CHAPTER 10 OF THE HAWAII COUNTY CODE. A PERMIT MAY BE REQUIRED FOR LOT GRUBBING AND/OR GRADING.

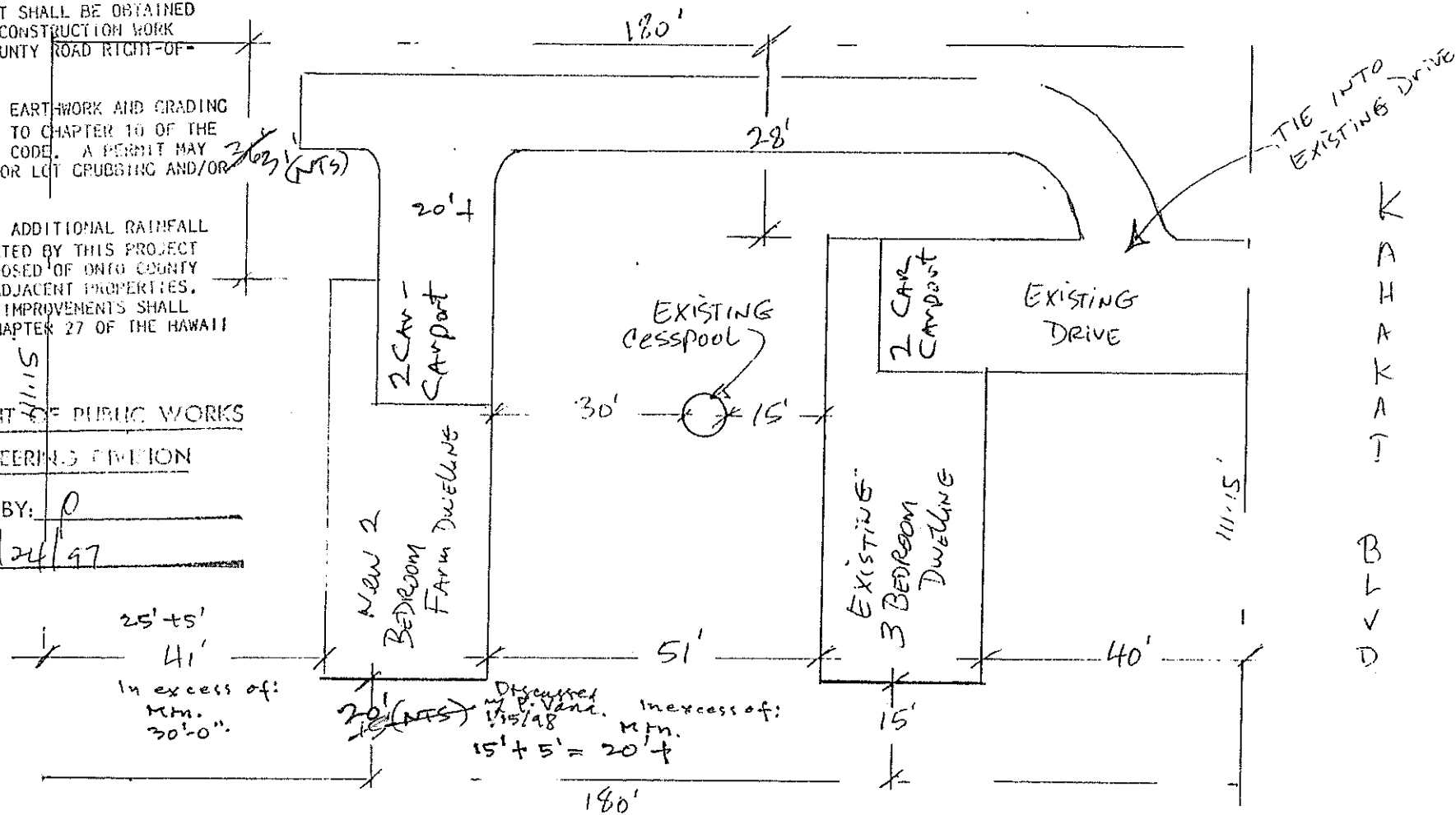
DRAINAGE: NO ADDITIONAL RAINFALL RUNOFF GENERATED BY THIS PROJECT SHALL BE DISPOSED OF ONTO COUNTY ROADWAYS OR ADJACENT PROPERTIES. ALL DRAINAGE IMPROVEMENTS SHALL CONFORM TO CHAPTER 27 OF THE HAWAII COUNTY CODE.

DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

REVIEWED BY: 0

DATE: 11/24/97



SCALE: 1/8" = 3'-0"

OWNER: TROY & DIANE WOKUTAHII  
TRK: 1-5-74:21