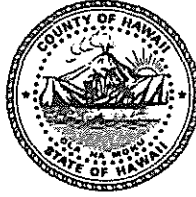


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

CERTIFIED MAIL

P 417 370 179

PLANNING DEPARTMENT

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

November 23, 1998

Mr. Isamu Fujii
P.O. Box 454
Kapaau, Hawaii 96755-0454

Dear Mr. Fujii:

Ohana Dwelling Unit Permit No. 3843 (OHD 98-08)
Detached Ohana Dwelling
Applicant: Isamu Fujii
Tax Map Key: 5-4-011: 094

The subject application for Ohana Dwelling Unit Permit has been reviewed by the following agencies:

1. The State Department of Health memorandum dated October 13, 1998 states:

"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 because of the lack of land area."
2. The Fire Department memorandum dated October 20, 1998 states:

"We have no comments on the above-referenced Ohana Dwelling Unit Application."
3. The Department of Public Works memorandum dated September 25, 1998 states:

"We have reviewed the subject application and have no comments."

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4. The Department of Water Supply memorandum dated October 9, 1998 states:

"We have reviewed the subject application and have the following comments. For your information, an existing 5/8 inch meter services the property, which is adequate for only one dwelling at 600 gallons per day. Inasmuch as this application is proposing an additional detached dwelling, the installation of a separate 5/8 inch meter by the applicant would normally be required in accordance with Department regulations. However, the Department's existing water system facilities cannot support an additional meter for the proposed additional ohana dwelling at this time. A replacement 8-inch ductile iron waterline for Kynnersly Road is under design. We expect construction to be completed by the third quarter of the year 2000. Additional water service would be available at that time. Should there be any questions, please contact our Water Resources and Planning Branch at 961-8660."

5. The notarized affidavit dated August 24, 1998 signed by Isamu Fujii states in part:

"I, Isamu Fujii is the sole title holder of affected property and there are no covenant or other land use restriction."

6. The Real Property Tax Clearance form certified on August 13, 1998 indicates that all real property taxes has been paid up to June 30, 1999.
7. The ohana dwelling unit shall comply with Chapter 25, Article 6, Division 3, Section 25-6-30 thru Section 25-6-39.7 and Rule 12, Planning Department's Rules of Practice and Procedure relating to Ohana Dwelling Units.

In view of the above, by this letter, you are hereby granted permission to construct a duplex dwelling unit subject to the following conditions:

1. The ohana dwelling shall unit comply with Chapter 25, Article 6, Division 3, Section 25-6-30 thru Section 25-6-39.7 and Rule 12, Planning Department's Rules of Practice and Procedure relating to Ohana Dwelling Units.

Non-transferability:

- (a) A permit for an ohana dwelling unit shall be personal to the applicant and shall not be transferable or assignable to any other person until construction of the ohana dwelling unit has been completed and final approval has been issued by the chief engineer.

- (b) 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 building permit for the construction of the ohana dwelling unit shall be applied for and secured from the Department of Public Works, Building Division on or before November 23, 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 unit on the subject parcel.
- a. A one time 30-day 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.
 - b. 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 of relief from the time requirement.
3. Requirements for Height, Building Site Area (Lot size), Yard (Setback) and Off-Street Parking (Parking spaces):
- a. Maximum Height Limitation: The proposed detached ohana dwelling unit shall not exceed a maximum height limit of twenty-five (25) feet regardless of the maximum height limitation of the zoned district.
 - 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 minimum front, rear and side yard requirements for a duplex ohana dwelling shall be as stipulated in the appropriate zoned districts. Minimum setbacks for the proposed detached ohana dwelling are:

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Front and Rear Yard: Twenty-five feet (25'-0") minimum.
Side Yards: Fifteen feet (15'-0") minimum.

- 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 Unit Permit is subject to all other applicable rules, regulations, and requirements of the Planning Department; including but not limited to those of the Zoning Code, Chapter 25, Effective: December 7, 1996, Department of Public Works, Department of Water Supply, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.

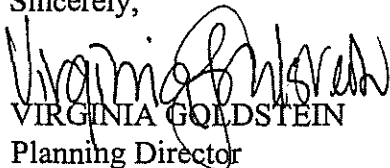
- 5. Variances: Ohana dwelling units are prohibited on a building site which is the subject of an approved variance from the Subdivision Code (Chapter 23), the Zoning Code (Chapter 25), and property where a second dwelling unit is specifically prohibited by a change of zone ordinance.
 - a. No variance 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.

Thank you for your patience and understanding.

Should you have any questions, please feel welcome to contact Royden Yamasato of our Kona office at 327-3510.

Sincerely,

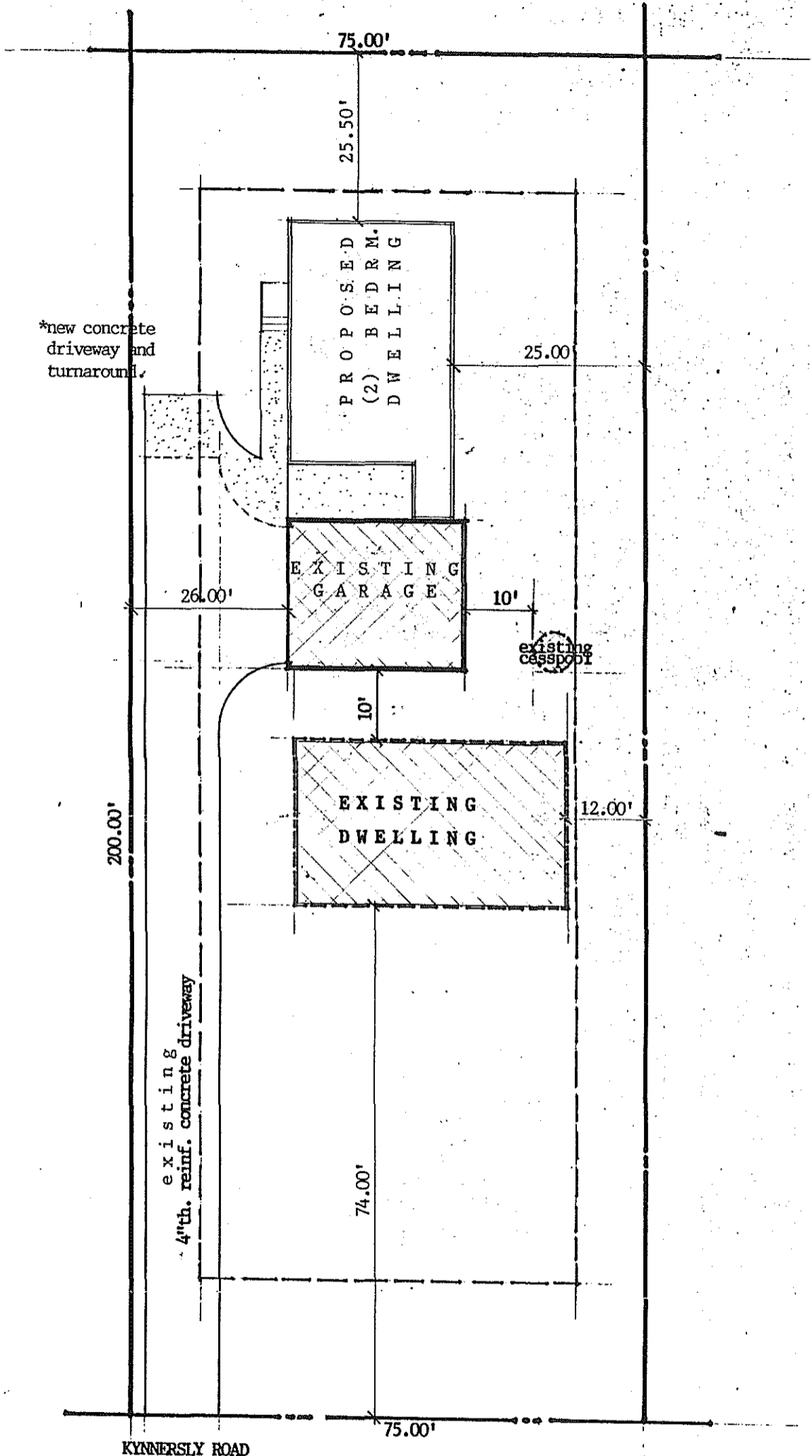

VIRGINIA GOLDSTEIN
Planning Director

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Mr. Isamu Fujii
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xc: Department of Health,
Chief Sanitarian
Department of Public Works
Real Property Tax Division
West Hawaii Office
Department of Water Supply



PLOT PLAN
 sc:1"=20.00'
 TMK: 5-4-11: 94
 Lot# 34
 Lot Area: 15,000 sq. ft.
 "Kymersley Road Tract 2"
 North Kohala, Hawaii