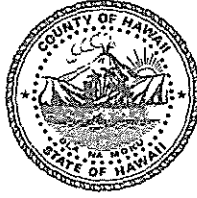


Stephen K. Yamashiro  
Mayor



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 101 317 953

September 20, 1999

Mr. and Mrs. Curtis Yamamoto  
P. O. Box 6346  
Kamuela, Hawaii 96743

Dear Mr. and Mrs. Yamamoto:

OHANA DWELLING PERMIT NO. 3845 (OHD 99-003)  
Applicants: CURTIS YAMAMOTO, ETAL.  
Titleholders: CURTIS YAMAMOTO, ETAL.  
Proposed Additional Dwelling Unit  
Tax Map Key: (3) 6-5-011:017

The subject Application For Ohana Dwelling Unit Permit was reviewed by the agencies and includes the following respective comments:

1. To date, no comments were received from the Hawaii County Fire Department (HFD).
2. The Department of Public Works (DPW) memorandum dated July 28, 1999, states in part:  
  
"NO COMMENTS"
3. The Department of Water Supply (DWS) memorandum dated September 15, 1999, states in part:

008460

SEP 21 1999

Mr. and Mrs. Curtis Yamamoto

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

For your information, there is an existing service lateral installed for the subject parcel and is adequate for only one dwelling at 600 gallons per day. This application is proposing an additional detached dwelling, so the installation of a separate 5/8-inch meter by the applicant is required in accordance with Departmental regulations.

Therefore, the Department has no objection to the proposed application subject to the applicant understanding and accepting the following conditions:

1. Installation, by the Department of Water Supply, of a second 1-inch service lateral to service a 5/8-inch meter, which shall usage restricted to a maximum daily flow of 600 gallons as the existing service is.
2. Remittance of the following charges, which are subject to change, to our Customer Service Station:
  - a. Facilities Charge (One 2nd service at \$3,375.00) \$3,375.00
  - b. Service Lateral Installation Charge 1,200.00

Total \$4,575.00

Should there be any questions, please call our Water Resources and Planning Branch at 961-8665."

4. The State of Hawaii Department of Health (DOH-HILO) memorandum dated August 4, 1999, states:

"By current rules, the subject lot is located in a Critical Wastewater Disposal Area. Only one (1) cesspool would be allowed on the lot. A septic tank system would be needed if an additional wastewater disposal system is needed on this lot."

5. The original and notarized affidavit dated May 20, 1999, included with the Ohana Dwelling application states that:

"We, CURTIS YAMAMOTO and JODIE YAMAMOTO, being first duly sworn under oath, hereby depose and say:

Mr. and Mrs. Curtis Yamamoto  
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- 1) We are the sole titleholders in fee simple of that parcel of land known as T.M.K. No. (3) 6-5-11-017, also that known as Lot 1-B, being a portion of Lot 1, Block 1 of Waimea Homesteads, situate at Waimea, South Kohala, Island and County of Hawaii.
- 2) To the best our knowledge and as indicated on the Deed conveying the property to us, there are no restrictions, covenant, or land use restrictions applicable to the lot that prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit.

Further affiant sayeth naught."

In view of the above, by this letter, you are hereby granted permission to construct a single family dwelling 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.

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 September 20, 2000.

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.

Mr. and Mrs. Curtis Yamamoto

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- a. The applicant shall contact the DWS and pay any required facilities charge and service lateral installation charges to the DWS.
  - b. 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.
  - c. 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):
- a. Height limit: The height limit for the proposed ohana dwelling unit shall be twenty-five (25'-0") feet.
  - b. Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 1.033 acres is zoned Agricultural (A-1a) by the County and Urban "U" by the State. The subject lot (Lot 1-B) exceeds the minimum building site area (lot size) of 10,000 square feet.
  - c. Minimum Yards (Setbacks): The proposed Ohana Dwelling unit shall be located on property exceeding an acre in size. The proposed dwelling unit is required to 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-five (35'-0") feet and side yards - minimum twenty-five (25'-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. All existing and additional parking spaces shall be arranged so as to be individually accessible.

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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.
5. Variations: 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.

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

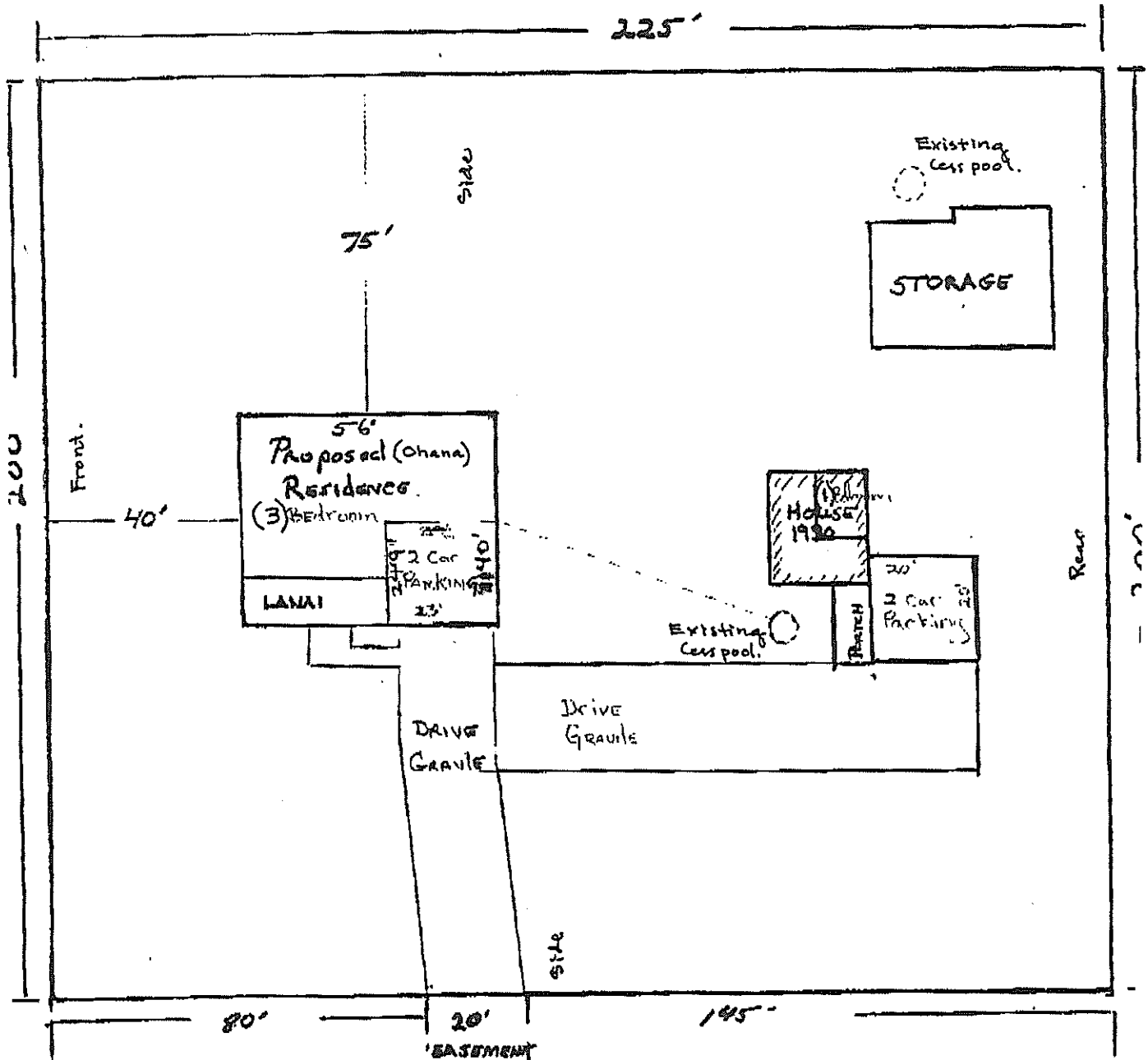
Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

WRY:gp

F:\WP60\WRY\FORMLETT\OD651117.CY1

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



TMK: 6-5-011-017, Lot 1-B.  
 SCALE: 1=30  
 0000-001

Area: 1.033 acs.  
 Zn: A-1a SLU: "U"

Christie & Indio YAMAMOTO