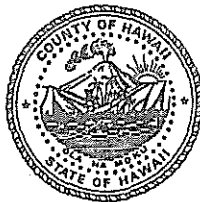


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

December 8, 2005

Mr. Jason and Mrs. Emily Coombs
P.O. Box 636
Kurtistown, Hawaii 96760

Dear Mr. and Mrs. Coombs:

Ohana Dwelling Unit Permit Application (ohd-05-000053)

Applicant(s): Jason and Emily Coombs

Land Owner(s): Jason and Emily Coombs

Proposal: Construct A Detached Ohana Dwelling Unit

Tax Map Key: (3) 5-4-005:068

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): (memorandum dated September 29, 2005)

"No Comments."

2. The Department of Water Supply (DWS) (memorandum dated October 14, 2005):

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

For your information, the parcel has an existing 5/8-inch service 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 detached dwelling, the installation of a separate 5/8-inch meter by the applicants 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 ohana dwelling at this time.

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However, it is our understanding that the applicants will use a catchment system for their water. Therefore, the Department has no objections to the application.

Should there be any questions, please call Ms. Shari Komata of our Water Resources and Planning Branch at 961-8070, extension 252.”

In light of the above, the following excerpts of the various relevant Planning Department rules and regulations are cited as they pertain to Ohana Dwelling Units and the lack of sufficient County or Private water supply systems:

The County Zoning Code in Article 6, Division 3 Section 25-6-30 states, in part:

“Ohana dwellings shall be permitted ... provided that: ...

The following public facilities are adequate to serve the ohana dwelling unit: ...

d(2) 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)(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 Department of Health and the Department of Water Supply must also be met.” (emphasis added).

This Department’s research indicates that the area in which the subject parcel is located, Honopueo North Kohala, receives between 40 and 60 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.

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3. The State of Hawaii Department of Health (DOH-HILO): (memorandum dated October 19, 2005)

“The wastewater system is inadequate for the proposed project. Have your engineer submit to DOH revision to the existing wastewater system or plans for an additional individual wastewater system.”

4. The Hawaii County Fire Department (HFD) (memorandum dated October 11, 2005):

“We have no comments to offer at this time in reference to the above-mentioned Ohana dwelling permit application.”

We note the following documents that accompanied your application. The original and notarized affidavits of **Jason Coombs and Emily Coombs**, dated September 6, 2005, included with the Ohana Dwelling application state:

“The titleholders indicated above are the true and correct titleholders of the subject property, the same being also the above-named applicants.”

and

“Under penalty of perjury I hereby affirm that there is no restriction, covenant, or other land use restriction applicable to the subject lot that would prohibit the construction or placement of an ohana dwelling unit or second dwelling unit.”

We further note the copy of the “Application for a well construction/pump installation permit” that was submitted to this Department on November 28, 2005 in response to the DWS comments and the afore-mentioned Planning Department rules and regulations.

In view of the above, by this letter, you are hereby **granted** permission to construct a detached single-family 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.
2. 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 to the satisfaction of the Chief Engineer, Department of Public Works.
3. 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.

4. Water System Construction: Prior to, or at the time of, application for a building permit for the Ohana Dwelling Unit, applicant shall provide this Department with the proper certifications from the Department of Land and Natural Resources that the construction of the private water well has been completed satisfactorily and that a pump installation permit has been granted.
5. Building Permit: **The applicant is required to secure a building permit from the Department of Public Works, Building Division, for the construction of the Ohana Dwelling Unit on or before December 9, 2006.**

Please bring or attach a copy of this Permit to assist the reviewing agencies in understanding and expediting the review and processing of the building construction plans and building permit application for the additional building improvements necessary to establish the Ohana Dwelling Unit on the subject parcel.

- a) A one time 30-day time extension to obtain the building permit may be granted by the Planning Director. A written request for a time extension 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 request for a time extension 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 for relief from the time requirement.
6. Requirements for Height, Site Area (Lot size), Yard (Setback) and Off-Street Parking (Parking spaces):
 - a) Height limit: The height limit for the proposed detached Ohana Dwelling Unit shall be twenty-five (25'-0") feet.
 - b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 24,186 sq.ft. is zoned Agricultural (RS-15) by the County and is situated within the State Land Use Urban district.
 - c) Minimum Yards (Setbacks) and Open Space: The proposed dwelling unit is required to comply with the yards and open space requirements of the Hawaii County Zoning Code.

The respective minimum open space, front, rear, and side yard requirements for the proposed detached Ohana Dwelling Unit to be located on the subject TMK property shall be as follows:

- Front yards - minimum **twenty five (25)** feet required;

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- Rear yard – not applicable, through lot;
- Side yard(s) – not applicable, lot surrounded by roadways;
- Open space from other main structure(s) – minimum **fifteen** (15) feet required.

d) Off-Street Parking: The Ohana Dwelling Unit shall be provided with a minimum of two (2) off-street parking spaces that comply with the requirements of Section 25-4-53 of the Zoning Code. All existing and additional parking spaces shall be arranged so as to be individually accessible.

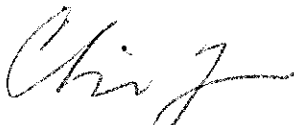
7. This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements of the Planning Department, Department of Public Works, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.

Ohana Dwelling Units are prohibited on a building site that 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 contact Jonathan Holmes of this office.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

JRH:cd

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

Draft Map of Building Site and
Setbacks for TMK (3) 5-4-5:68
Revision to Building Permit #
B2005-0897K and Permit for
Addition of Ohana Dwelling
for Jason and Emily Coombs
(808) 381-5946 (949) 903-3368

