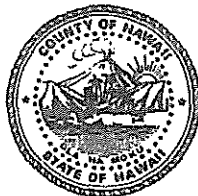


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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

June 19, 2006

Mr. Randy and Mrs. Donna Rinkleib
5251 Consumnes Mine Road
Somerset, California 95684

Dear Mr. and Mrs. Rinkleib:

Ohana Dwelling Unit Permit Application (ohd-06-000078)
Applicant(s): Randy and Donna Rinkleib
Land Owner(s): Randy and Donna Rinkleib
Proposal: Construct An Attached Ohana Dwelling Unit
Tax Map Key: (3) 1-5-078:036

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 May 15, 2006)

“We have reviewed the subject application and have no comments to offer.”

2. The Department of Water Supply (DWS) (memorandum dated May 22, 2006):

“Please be informed that the water system in the area is privately owned and operated. Therefore, the Department has no objections to the proposed application, subject to the applicant accepting and understanding that the Department cannot support the additional dwelling.

Should there be any questions, please call Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.”

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated May 17, 2006):

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“Wastewater rules allow two (2) dwellings with a total of five (5) bedrooms only being served by one septic system.”

4. The Hawaii County Fire Department (HFD) (memorandum dated May 17, 2006):

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

The following comments were received from the surrounding property owners:

“Subject:

Variance for ohana at TMK (3) 1-5-078:036 for Randy and Donna Rinkleib.

I object to this high density housing on this street (Aweoweo). Miller and Lieb have suspended water hookups. That means 2 water tanks, 2 houses, 2 septic, that means very tiny houses

Already we run the gauntlet of kids using the road for a playground – bikes – basketball court, etc. This subdivision was layed (sic) out for 1 house per lot. Why don't those speculators go to Paradise Park one acre. Or is it greed. 2 rents instead of one.

2 more family's (sic) in such small houses means spill over canvas carports 4 or more cars 4 or more barking dogs.

We were very content here until this speculation boom – when its over this density will turn into a slum area – don't do this to us – please.

Don Vallance”

We note the following documents that accompanied your application. The original and notarized affidavits of **Randy and Donna Rinkleib**, dated March 22, 2006, included with the Ohana Dwelling application state:

“This affidavit is being submitted, as per the requirement of the County of Hawaii, as a part of an application for an ‘Ohana’ permit.

Randy & Donna Rinkleib are the title holders for the parcel, TMK (3) 1-5-078:036.”

And

“This affidavit is being submitted, as per the requirement of the County of Hawaii, as a part of an application for an ‘Ohana’ permit.

Randy & Donna Rinkleib, whose parcel is TMK (3) 1-5-078:036, are the applicants. The parcel has no provisions of any restriction, covenant, or other land use restrictions applicable to the parcel by way of deed, lease, or other provisions do not prohibit the construction or placement of an ohana dwelling unit or second dwelling unit.”

In view of the above, by this letter, you are hereby **granted** permission to construct an attached 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. 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 June 20, 2007.**

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.
5. Requirements for Height, Site Area (Lot size), Yard (Setback) and Off-Street Parking (Parking spaces):

- a) Height limit: The height limit for the proposed attached Ohana Dwelling Unit shall be twenty-five (35'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 16,105 sq.ft. is zoned Agricultural (A-1a) 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 yard - minimum **twenty** (20) feet required;
 - Rear yard – minimum **twenty** (20) feet required;
 - Side yard(s) – minimum **ten** (10) feet required;
 - Open space from other main structure(s) – not applicable, attached dwelling unit.
- 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.
6. 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.
 7. In reference to the DWS comment, and should additional water not be available from the private water supplier, we have the following to offer:

This Department's research indicates that the area in which the subject parcel is located, Waiakahiula, Puna, receives 120 to 160 inches of rainfall annually, which, according to the Zoning Code and the Planning Department's Rules of Practice and Procedure is sufficient for an ohana dwelling to be served by a water catchment system.

Mr. Randy and Mrs. Donna Rinkleib
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- a) Any dwelling not serviced by a County water system should be provided with and maintain a private potable rain catchment system which includes a minimum 6,000 gallons for domestic consumption or potable uses. This catchment system should adhere to the Department of Public Works, Building Division's "Guidelines for Owners of Rain Catchment Water Systems" as well as the State Department of Health requirements related to water testing and water purifying devices.
- b) Any dwelling on a water catchment system should be provided with and maintain an additional 3,000 gallon water storage capacity for fire fighting and emergency purposes. The emergency water supply system, including the necessary compatible connector system and location of the water storage facility on the property, should meet with the approval of the Hawaii County Fire Department.

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

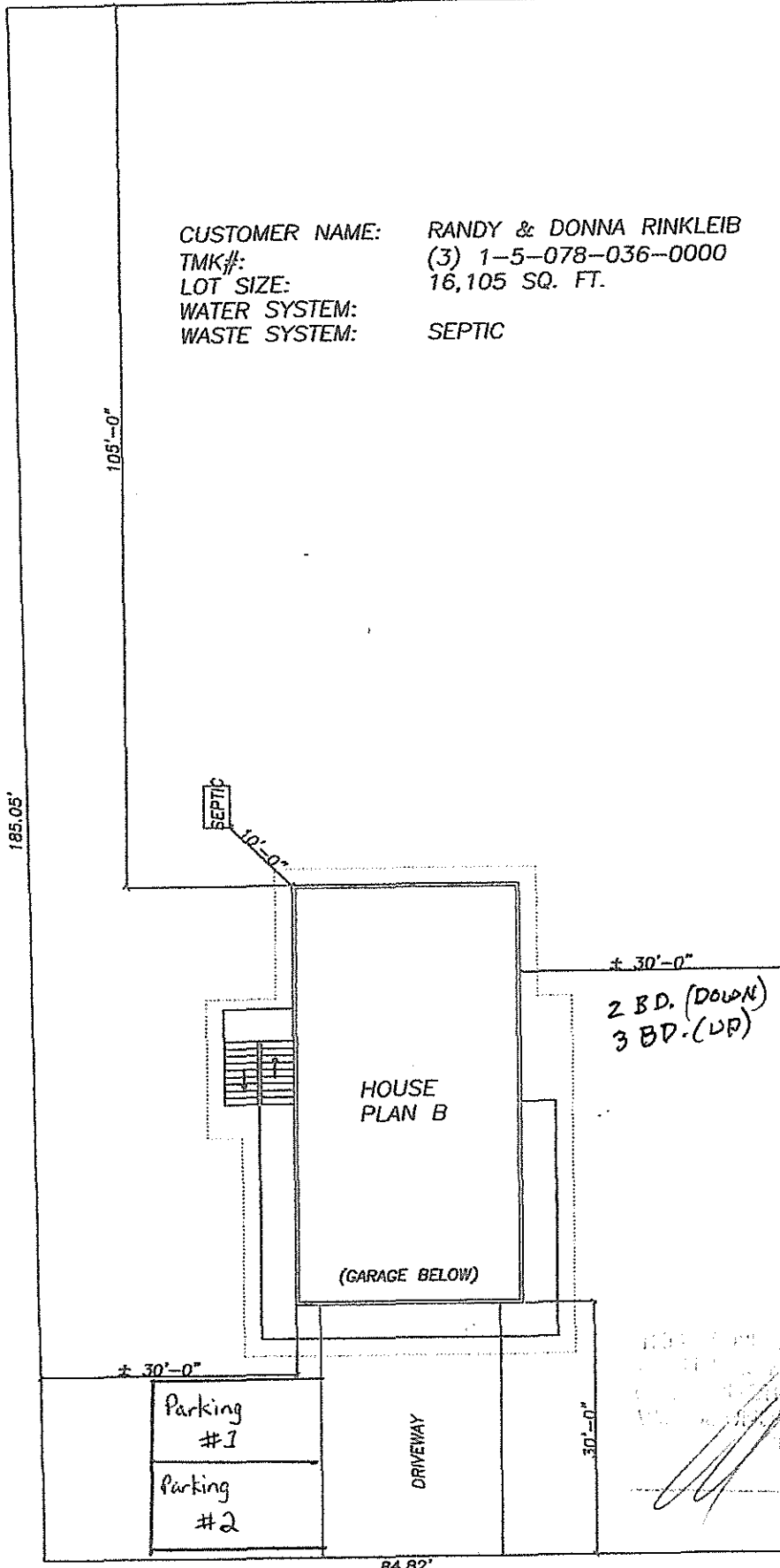
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xc: Dept. of Health, Chief Sanitarian
Dept. of Public Works
Real Property Tax
Dept. of Water Supply

89.25'

CUSTOMER NAME: RANDY & DONNA RINKLEIB
 TMK#: (3) 1-5-078-036-0000
 LOT SIZE: 16,105 SQ. FT.
 WATER SYSTEM:
 WASTE SYSTEM: SEPTIC



± 30'-0"
 2 B.D. (DOWN)
 3 B.D. (UP)

HOUSE
 PLAN B

(GARAGE BELOW)

Parking
 #1

Parking
 #2

DRIVEWAY

DESIGNED BY ME
 FOR THE PROJECT
 AND CONSTRUCTION.

LOT 7 AWEOWEO ST., PAHOA, HI 96778
 SCALE: 1" = 20'-0"