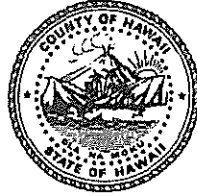


Harry Kim
Mayor



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

August 4, 2006

Ms. Imelda Ellazar
P.O. Box 115
Kurtistown, Hawaii 96760

Dear Ms. Ellazar:

Ohana Dwelling Unit Permit Application (ohd-06-000082)

Applicant(s): Imelda Ellazar

Land Owner(s): Richard Nelson Ellazar and Imelda Cuaresma Ellazar

Proposal: Construct A Detached Ohana Dwelling Unit

Tax Map Key: (3) 1-7-014:008

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 June 30, 2006)

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

Questions may be referred to Cres Rambayon at 961-8327.”

2. The Department of Water Supply (DWS) (memorandum dated July 5, 2006):

“An existing 5/8-inch meter services this property and is adequate for only one dwelling unit at an average of 400 gallons per day. Inasmuch as this application is proposing an additional dwelling, the installation of a separate 5/8-inch meter would normally be required in accordance with the Department’s Rules and Regulations. However, the Department’s existing water system facilities cannot support an additional water meter at this time. Extensive improvements and additions, including source, storage, booster pumps, transmission, and distribution facilities, must be constructed. Currently, sufficient funding is not available from the Department for such improvements and no time schedule is set.

Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting that the Department cannot provide service to the proposed additional ohana dwelling. Further, should the application be approved, both dwellings shall not share the existing meter.

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 June 30, 2006):

“The use of individual wastewater systems is allowed. The type and number of individual wastewater systems to be used will be determined by the wastewater rules in effect at the time of building permit application.”

4. The Hawaii County Fire Department (HFD) (memorandum dated June 29, 2006):

“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 **Richard Nelson Ellazar and Imelda Cuaresma Tabilisima**, dated May 30, 2006, included with the Ohana Dwelling application state:

“To whom it may concern:

We, Richard Nelson Ellazar and Imelda Cuaresma Tabilisima, hereby on said date May 30, 2006, are stating that we are the sole title owners of the said property TMK: (3) 1-7-014:008 which is located in Keaau, Puna, Hawaii.”

and

“To whom it may concern:

We, Richard Nelson Ellazar and Imelda Cuaresma Tabilisima, hereby on said date May 30, 2006, are stating that to the best of our knowledge that there are no provisions, restrictions or covenants applicable to the said property TMK: (3) 1-7-014:008, which includes allowing a second dwelling unit or ohana unit to be constructed on the above-mentioned property.”

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. 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 August 5, 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 (25'-0") feet.
 - b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 2.008 acres is zoned Residential and Agricultural (RA-.5a) by the County and is situated within the State Land Use Rural 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 **thirty** (30) feet required;
- Rear yard – not applicable, corner lot;
- Side yards – minimum **twenty** (20) feet required;
- 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.

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. This Department's research indicates that the area in which the subject parcel is located, Happy Homes Tract, Kea'au, Puna, receives 160 to 200 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 should additional water not be available from the area water provider.

In reference to the DWS comment, since additional water is not available from the existing water system and considering that there is sufficient annual rainfall to satisfy the minimum Planning Department requirements, may we suggest the following:

- 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.
8. The Department of Health's Safe Drinking Water Branch authority on drinking water quality is based on the definition of a 'public water system'. A 'public water system' means a system which provide water for human consumption through pipe or other constructed conveyance if such system has fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. All public water systems are regulated by the Department of Health and shall be in compliance with the Hawaii Administrative Rules, Title 11, Chapter 20. Recommend the subdivision lots be connected to an existing public water system.

Concerns on water quality for lead, copper, algae and microbial and chemical contamination in private water systems have identified the need for self monitoring. The Department of Health does not support the use of these private rain catchment systems for drinking purposes since the quality may not meet potable water standards."

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

Ms. Imelda Ellazar

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August 4, 2006

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

Scanned Map
Unavailable
Due to Size

See File

