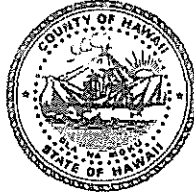


Larry Kim
Mayor



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

April 3, 2007

Mr. Melton and Mrs. Theresa Gamayo
P.O. Box 594
Kurtistown, Hawaii 96760

Dear Mr. and Mrs. Gamayo:

Ohana Dwelling Unit Permit Application (OHD-07-000095)
Applicant(s): Melton and Theresa Gamayo
Land Owner(s): Melton and Theresa Gamayo
Proposal: Construct An Attached Ohana Dwelling Unit
Tax Map Key: (3) 1-7-016:029

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 March 7, 2007):

“We have reviewed the subject application and have the comment to offer.

1. Any additional runoff generated by the proposed ohana dwelling unit shall be disposed within the property and shall not discharged onto adjacent properties or roadways.

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

2. The Department of Water Supply (DWS) (memorandum dated March 8, 2007):

“We have reviewed the subject application and have the following comments and conditions.

For your information, an existing 5/8-inch meter services this property and is adequate for only one dwelling at an average daily use of 400 gallons. 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 Department's Rules and Regulations. However, as this parcel does not front on the Department's water system, a second service is not available for the proposed ohana dwelling unit.

Therefore, the Department has no objection 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 contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at 961-8070, extension 256."

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated March 19, 2007):

"We recommend that you review all of the Standard Comments on our website: www.state.hi.us/health/environmental/env-planning/landuse/landuse.html. Any comments specifically applicable to this project should be adhered to.

An existing cesspool and a proposed septic system require a minimum lot size of 20,000 sq.ft. (10,000 sq.ft. per disposal system). This lot does not meet the minimum lot size criteria. However, a septic system to serve a maximum of 5 bedrooms can be installed and the existing cesspool abandoned."

4. The Hawaii County Fire Department (HFD) (memorandum dated March 12, 2007):

"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 **Melton and Theresa Gamayo**, dated January 26, 2007, included with the Ohana Dwelling application state:

"We, Melton & Theresa Gamayo, hereby on the said date of January 26, 2007 is stating that we are the sole title owners of the said property TMK (3) 1-7-016-029, which is located in Keaau, Puna, Hawaii area."; and

"We, Melton & Theresa Gamayo, hereby on the said date of January 26, 2007 is stating that to the best of our knowledge that there are no provisions, restrictions, or covenants applicable to the said property TMK (3) 1-7-016-029, which includes allowing a second dwelling unit or ohana unit to be constructed on the above-mentioned property."

Mr. Melton and Mrs. Theresa Gamayo

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April 5, 2007

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 April 4, 2008.**

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 thirty-five (35'-0") feet.

- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 15,912 sq.ft. is zoned Residential (RS-20) 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 yards – 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, should additional water not be available from the private water provider 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.

Mr. Melton and Mrs. Theresa Gamayo
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April 5, 2007

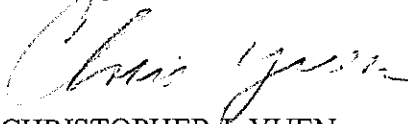
- b. Any dwelling on a water catchment system should be provided with and maintain an additional 3,000 gallon water storage capacity for fire fighting and emergency purposes. The emergency water supply system, including the necessary compatible connector system and location of the water storage facility on the property, should meet with the approval of the Hawaii County Fire Department.
- 8. We note the DOH comment that the total number of bedrooms allowed in the two dwellings shall be limited to five and that they both must be serviced by a single septic system.

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,

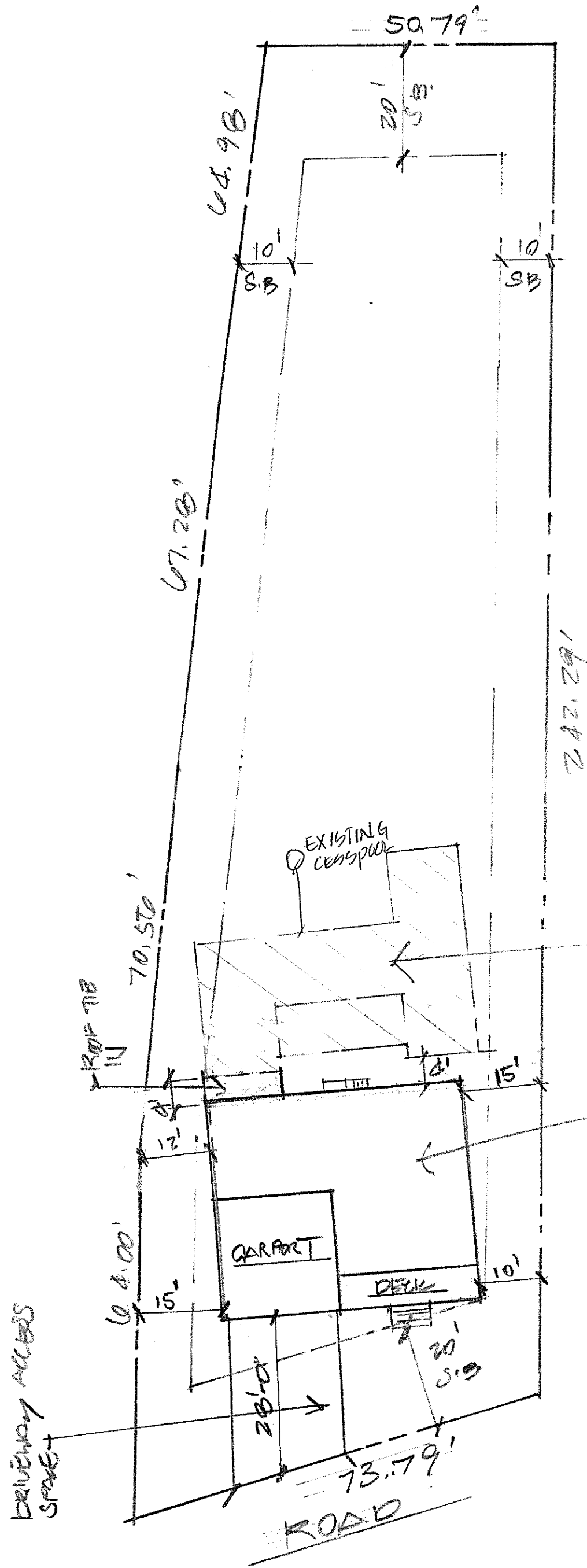


CHRISTOPHER J. YUEN
Planning Director

JRH:cd

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



SITE PLAN
 SCALE: 1" = 20'-0"

EXISTING DWELING 2-BEDRM.

PROPOSED 2-BEDRM. OLANA DWELING

A PROPOSED 2-BEDRM. OLANA DWELING FOR:

HILTON & THERESA GAMAYO

TRAC: (3) L7-016:029
 LOT AREA: 15,913 SQ. FT.
 LOCATION: KEOAN, PUNA, HI.

DRIVEWAY ACCESS SPACE