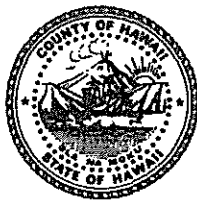


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224
(808) 961-8288 • FAX (808) 961-8742

August 14, 2008

All Aina Services
P.O. Box 291
Laupahoehoe, Hawaii 96764

Dear All Aina Services:

Ohana Dwelling Unit Permit Application (OHD-08-000111)
Applicant(s): All Aina Services
Land Owner(s): Edmonds Family Trust
Proposal: Construct A Detached Ohana Dwelling Unit
Tax Map Key: (3) 3-5-004:008

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):

The DPW had no comments on this application.

2. The Department of Water Supply (DWS) (memorandum dated June 24, 2008):

"We have reviewed the subject applications.

Water can be made available from the end an existing 8-inch waterline along Nanu Street within Papaaloa Subdivision fronting the property.

Therefore, pursuant to Rule 5 of the Department's Rules and Regulations, a copy of which is being forwarded to the applicant, a water commitment may be issued. Based on the two (2) additional units requested in the proposed 2-unit development, the required water commitment deposit is \$300.00.

AUG 18 2008

Remittance by the applicant of the \$300.00 is requested as soon as possible so that a water commitment may be formally issued. The commitment will be in writing with specific conditions and effective dates stated. Please keep in mind that this letter shall not be construed as a water commitment. In other words, unless a water commitment is officially effected, water availability is subject to change without notice, depending on the water situation.

For the applicant's information, final subdivision approval will be subject to the following requirements:

1. Construct necessary water system improvements, which shall include, but not be limited to:
 - a. service laterals that will accommodate appropriately-sized meters to each lot, and
 - b. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

Submit construction plans and design calculations prepared by a professional engineer, architect, or land surveyor, registered in the State of Hawai'i, for review and approval.

2. Remit the prevailing facilities charge, which is subject to change, as shown below:

FACILITIES CHARGE (FC):

FC paid and service laterals installed for a 1-inch meter	
<u>2 additional units @ \$5,500.00/unit</u>	<u>\$11,000.00</u>
Total Facilities Charge	\$11,000.00

This is due and payable upon completion of the installation of the required water system improvements.

3. Should it be necessary submit the appropriate documents, properly prepared and executed, to convey the water system improvements and necessary easements to the Water Board of the County of Hawai'i prior to water service being granted. A registered land surveyor shall stamp and certify the metes and bounds description within the conveyance documents. However, prior to water meter services being granted to the development, or any lots within, the conveyance documents shall be accepted by the Water Board.

For the applicant's information, water usage through the existing 1-inch meter shall not exceed 3 units of water or an average of 1,200 gallons per day.

Should there be any questions, please call Mr. William Atkins of our Water Resources and Planning Branch at 961-8070, extension 254."

3. The State of Hawai'i Department of Health (DOH-HILO) (memorandum dated May 13, 2008):

"We recommend that you review all of the Standard Comments on our website:

<http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html>. Any comments specifically applicable to this project should be adhered to.

Wastewater Branch has no objection to the additional farm dwelling."

4. The Hawaii County Fire Department (HFD) (memorandum dated June 23, 2008):

"In that the catchment system will also be used for fire protection, it is recommended that the fire department connection to the tank be located in an area accessible by fire apparatus with approved fire connection."

We note the following documents that accompanied your application. The original and notarized affidavits of **James Edmonds and Harvest Edmonds, Trustees of the Edmonds Family Trust**, dated April 22 and April 24, 2008, included with the Ohana Dwelling application state:

“To whom it may concern:

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

James & Harvest Edmonds trustees for the Edmonds Family Trust, the title holder for the parcel, TMK (3) 3-5-004:008.”; and

“To whom it may concern:

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

The parcel number is TMK (3) 3-5-004:008. There are no covenants or any other land use restrictions that are applicable to the lot by way of deed or lease or other provision do not prohibit construction or placement of an ‘Ohana’ dwelling unit.”

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 July 30, 2009.**

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 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 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 10.459 acres is zoned Agricultural (A-10a) 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 five (25)** feet required;
 - Rear yard – minimum **twenty five (25)** feet required;
 - Side yard(s) – minimum **fifteen (15)** 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.

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.

Although a water variance (VAR 1196) was issued on April 16, 2001 to allow a subdivision of this property without a water supply system meeting with the requirements of the subdivision code, the variance did not affect this lot (Lot 10) because a water meter and a unit of water was available to this parcel.

All Aina Services
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Should you have any questions regarding the above, please contact Jonathan Holmes of this office.

Sincerely,

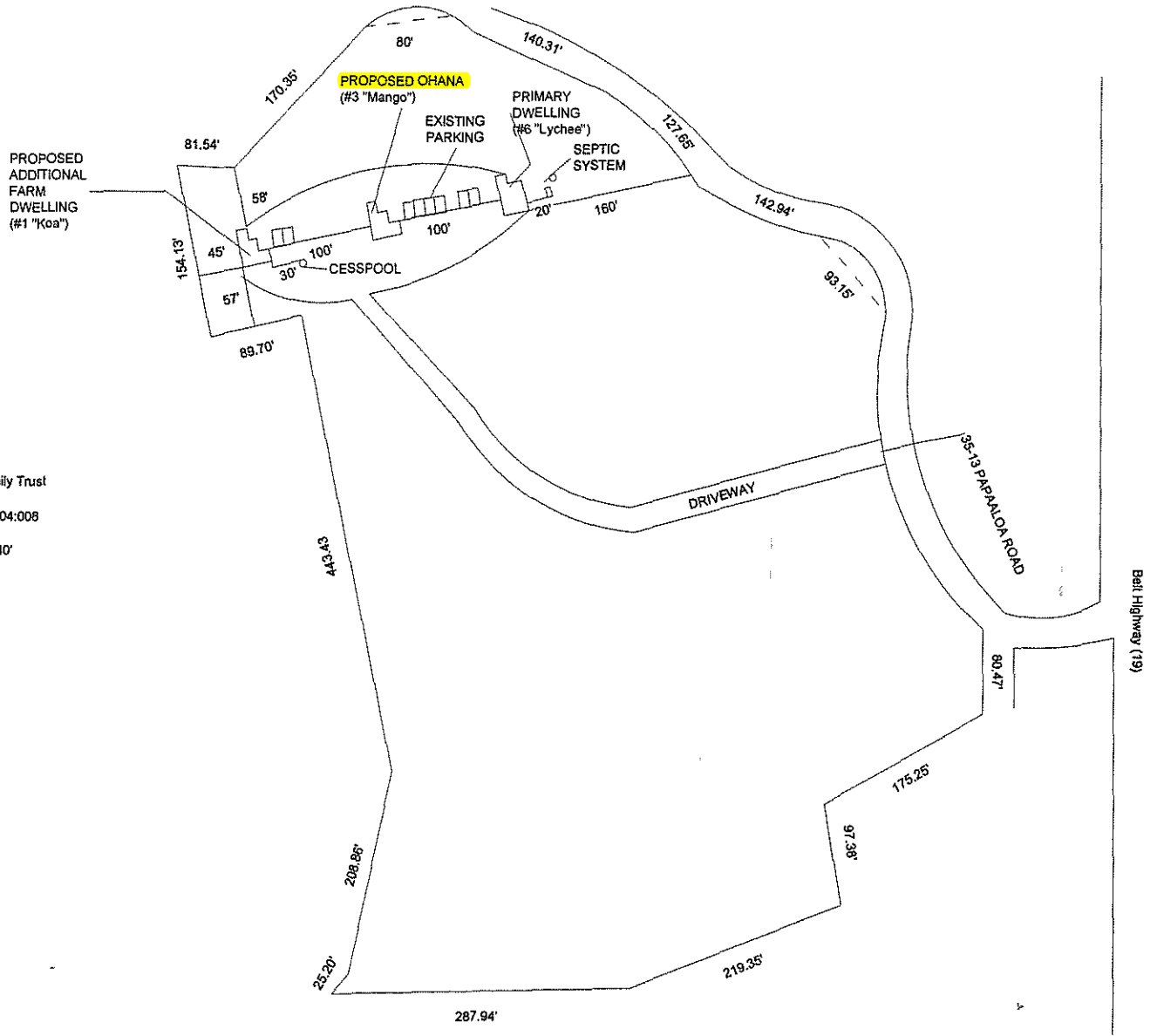


CHRISTOPHER J. YUEN
Planning Director

JRH:cs

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



Edmonds Family Trust
 TMK (3) 3-5-004:008
 Scale 1/4" = 40'