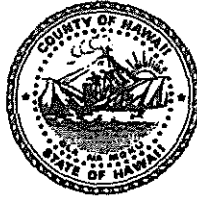


Harry Kim
Mayor



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

September 19, 2008

Newton K.H.P. Miller
265 Kanoelani Street
Hilo, Hawaii 96720

Dear Mr. Miller:

Subject: Ohana Dwelling Unit Permit Application (OHD-08-000115)
Applicant(s): Newton K.H.P. Miller
Land Owner(s): Newton K.H.P. Miller
Proposal: Construct An Attached Ohana Dwelling Unit
Tax Map Key: (3) 2-5-027:031

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):
"Driveway permit required"
2. The Department of Water Supply (DWS) (memorandum dated September 3, 2008):

"This is a follow-up to our previous memorandum to you.

We have confirmed with the applicant that the proposed building will have an attached ohana dwelling for a total of two dwelling units.

Pursuant to our Rules and Regulations, each dwelling unit shall use a separate 5/8-inch meter at a minimum. However, given that the proposed building will have two dwelling units, the installation of a 1-inch meter will be required.

Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting the following conditions:

1. Installation, by the Department of Water Supply, of a 1 ½ -inch service lateral to service a 1-inch meter, which shall be restricted to a maximum daily flow of 1,200 gallons.
2. Remittance of the following charges, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):

1-inch meter service to the parcel	\$13,750.00
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TEMPORARY DEPOSIT FOR SERVICE LATERAL INSTALLATION:

Install one 1-inch meter on Kaumana Drive, a County road \$ 3,000.00

Total (Subject to Change) \$16,750.00

Please keep in mind that if the actual labor and material costs to install the meter amount to more than \$3,000.00, the applicant will be billed for the balance. If the costs amount to less than \$3,000.00, then the applicant will be refunded.

Should there be any questions, please contact Mr. Ryan Quitariano of our Water Resources and Planning Branch at 961-8070, extension 256.”

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated August 22, 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.

The use of a septic is allowed. Only one septic system is allowed on this property which can serve two dwellings with a maximum of 5 bedrooms.”

4. The Hawaii County Fire Department (HFD) (memorandum dated August 11, 2008):

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

Newton K.H.P. Miller
Page 3
September 19, 2008

5. Hawaii County Department of Public Works (DPW) (memorandum dated August 1, 2008):

“Driveway permit required.”

We note the following documents that accompanied your application. The original and notarized affidavits of Newton K.H.P. Miller dated June 30, 2008, included with the Ohana Dwelling application states:

“I, Newton K.H.P. Miller (RWM Kaumana Estate LLC), hereby on the said date of June 30, 2008 is stating that I am the sole title owner of the said property TMK (3) 2-5-027-031, which is located in Kaumana, Hilo, Hawaii area.”

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, and 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 September 19, 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 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 15,935 sq. ft. is zoned Residential (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 attached 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;
- 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.

Newton K.H.P. Miller
Page 5
September 19, 2008

6. The DWS requires that an additional meter be installed for the Ohana Dwelling Unit. Prior to, or at the time of, submitting an application for a building permit for this dwelling, present proof of conformance with that condition. The building permit application will not be approved by the Planning Department without said proof.
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 Larry Nakayama of this office.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

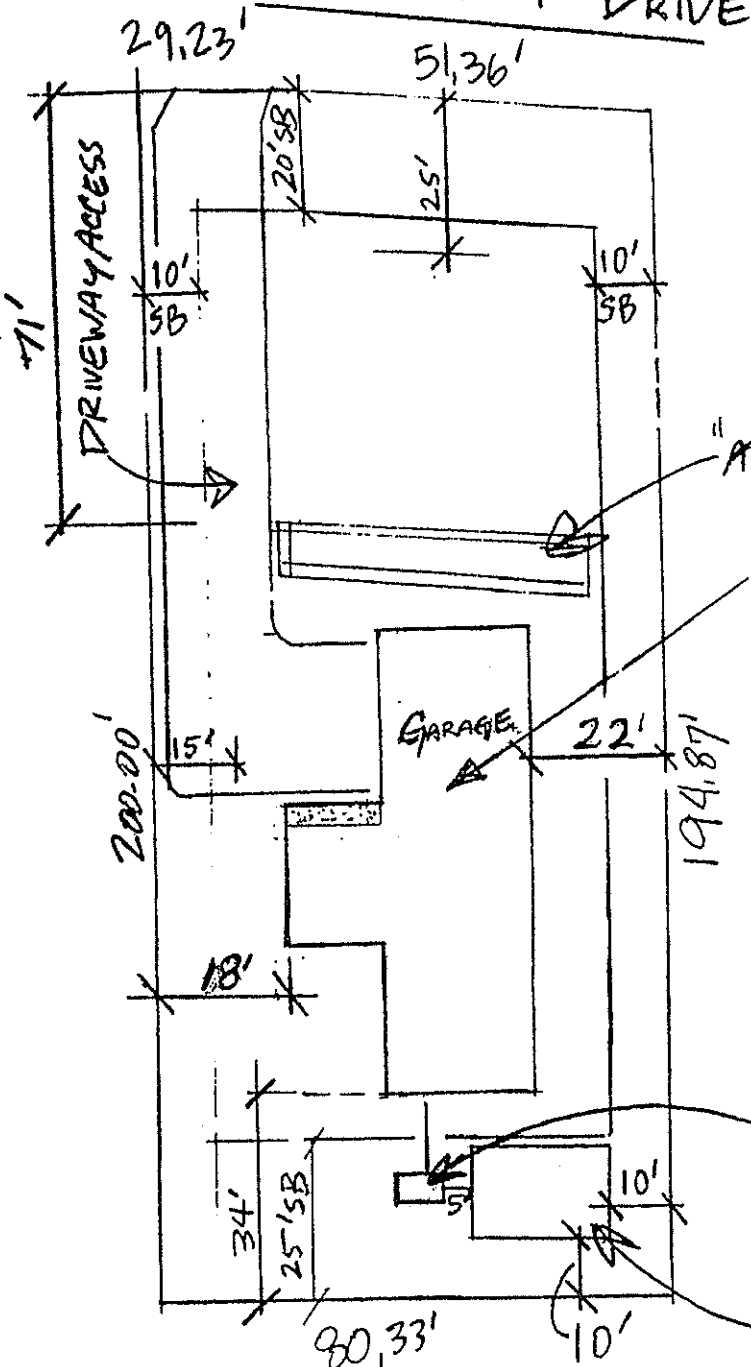
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xc: Dept. of Health, Chief Sanitarian
Dept. of Public Works
Real Property Tax

N
SITE PLAN
SCALE: 1" = 30'-0"

KAUMANA DRIVE



"AS BUILT" ROCK WALLS L 7-18-08

OHANA
PROPOSED 5 BEDRM DWELL'G

OHANA
A PROPOSED 5 BEDRM DWELL'G FOR

RWM KAUMANA ESTATE L.L.C.

TAX MAP KEY: (3) 2-5-027:031

LOT AREA: 15,935 sq ft

LOCATION: EGS OF PONAHAWAI & KAUMANA, HILLO, HI.

PROP. SEPTIC TANK

PROP SEPTIC TANK ABSORPTION FIELD



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.