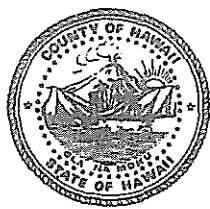




William P. Kenoi  
Mayor



BJ Leithead Todd  
Acting Deputy Planning Director

County of Hawaii  
**PLANNING DEPARTMENT**  
Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

February 20, 2009

Ms. Audrey Wilson  
P.O. Box 355  
Volcano, Hawaii 96785

Dear Ms. Wilson:

**Subject: Ohana Dwelling Unit Permit Application (OHD-08-000119)**  
**Applicant(s): Audrey Wilson**  
**Land Owner(s): Audrey Wilson and Reid Shigeoka**  
**Proposal: Construct A Detached Ohana Dwelling Unit**  
**Tax Map Key: (3) 2-4-004:065 TMK: 2-4-40:65**

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 January 7, 2009):  
  
“We have reviewed the subject application and have the following comments and conditions.

Please be informed that the subject parcel is currently served by a 5/8-inch meter, which is adequate for only one dwelling at an average daily usage of 400 gallons. Inasmuch as this application is proposing an additional dwelling, the installation of a separate 5/8-inch meter will be required. Water can be

**FEB 23 2009**

made available from the Department's existing 6-inch waterline within Alohala Drive, fronting the subject parcel.

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

1. Installation, by the Department of Water Supply, of a second 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to a maximum daily flow of 600 gallons.
2. Remittance of the following charges, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):

2<sup>nd</sup> service to the parcel \$5,500.00

SERVICE LATERAL INSTALLATION CHARGE:

Install one meter on Alohala Drive, a County Road  
\$2,600.00

**Total (Subject to Change) \$8,100.00**

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

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated January 14, 2009):

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 provides 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 Hawai'i 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 microbiological and chemical contaminations 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.

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We recommend that you review all of the Standard Comments on our website: <http://hawaii.gov/health/envgironmental/env-planning/landuse/landuse.html>. Any comments specifically applicable to this project should be adhered to.

This lot is allowed only one sewage disposal system. Two dwellings must be connected to a septic system. Environmental Protection Agency (EPA) doesn't allow two homes connected to one cesspool. Maximum number of bedrooms connected to a septic system is five

4. The Hawaii County Fire Department (HFD) (memorandum dated December 31, 2008);

“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 **Audrey J. Wilson**, dated November 20, 2008, included with the Ohana Dwelling application state:

“Part a:

I am a titleholder for the affected property.

Part 2:

no covenants, restrictions, or other provisions have been placed on my deed or the by agreement with any community subdivision that would prevent addition or construction of a second dwelling...”

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 February 20, 2010.**

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 15,000 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 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. 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.

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- 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 at (808) 961-8288.

Sincerely,

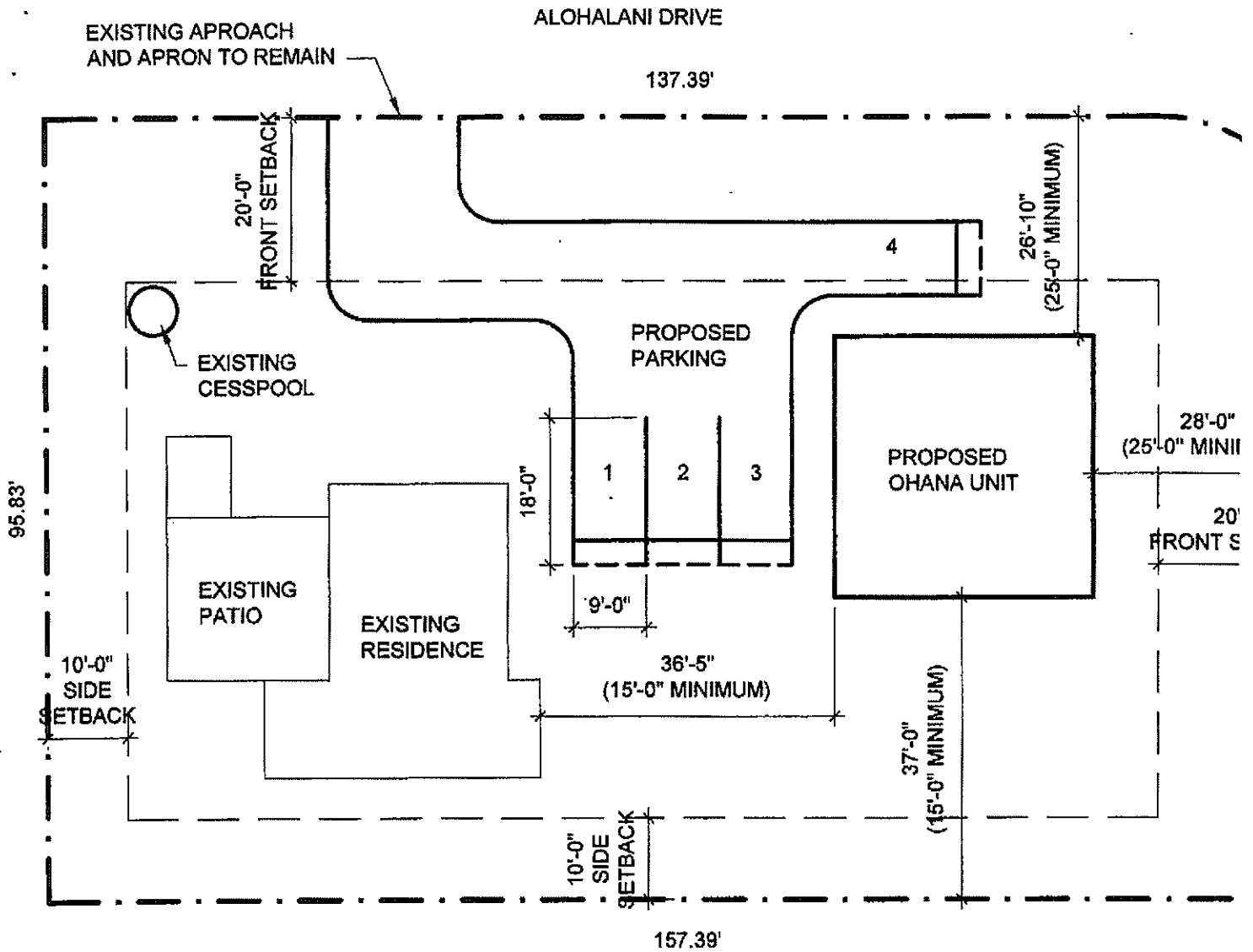


BJ LEITHEAD TODD  
Acting Deputy Planning Director

LHN/JG:jg

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



## SITE PLAN

1" = 20'-0"

OWNER: AUDREY WILSON & REID SHIGEOKA  
 SITE ADDRESS: 615 HAIHAI STREET, HILO, HI 96720

TMK: (3) 2 - 4 - 040 : 065

### NOTE:

1. PROPOSED OHANA UNIT TO BE CONNECTED TO
2. HEIGHT LIMIT OF PROPOSED OHANA UNIT NOT
3. PROPERTY SERVED BY COUNTY WATER SYSTEM