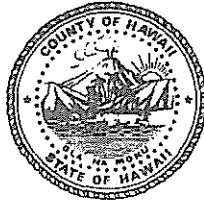


William P. Kenoi  
Mayor



BJ Leithead Todd  
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

March 30, 2009

All Aina Services  
P.O. Box 291  
Laupāhoehoe, Hawai'i 96720

Dear Sir/Madam:

**Subject: Ohana Dwelling Unit Permit Application (OHD-09-000122)**  
**Applicant(s): All Aina Services**  
**Land Owner(s): John and Julia Chinen**  
**Proposal: Construct A Detached Ohana Dwelling Unit**  
**Tax Map Key: (3) 1-7-012:009**

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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 March 19, 2009):

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

Please be informed that an existing 5/8-inch meter serves the subject parcel, which is adequate for only one dwelling unit and limited to 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 regulations. However, the Department's existing water system facilities cannot support additional water meters at this time. Extensive improvements and additions, which may include, but not be limited to source, storage, booster pumps, transmission, and distribution facilities, would be required.

Currently, the Department is developing a new well source as part of our Capital Improvement projects. This well has a potential to increase the capacity of the water system in this area. However, we cannot make a commitment to provide additional water service to the subject parcel until after the well is in operation and we can analyze the performance of the system with the new source in operation. Although we cannot provide a completion date for the project at this time, the Department anticipates completion with the next three (3) years.

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 farm dwelling at this time. Should the application be approved, both dwellings shall not share the existing meter, and the water system plumbing between the two dwellings shall not be interconnected in any way.

Should there be any questions, you may 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 4, 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.

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

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.

What is the lot size? Two sewage disposal systems requires a minimum of 20,000 square feet.

4. The Hawaii County Fire Department (HFD) (memorandum dated March 12 2009):

“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 **John Chinen** dated December 26, 2008, included with the Ohana Dwelling application states:

“This affidavit is submitted, as per the requirement of the County of Hawai‘i, as a part of an application for an “Ohana” permit.

The parcel number is TMK (3) 1-7-012:009. 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, 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 March 30, 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 32,878 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 **thirty** (30) feet required;
- Rear yard – minimum **thirty** (30) feet required;
- Side yard(s) – 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. 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.

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- 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,

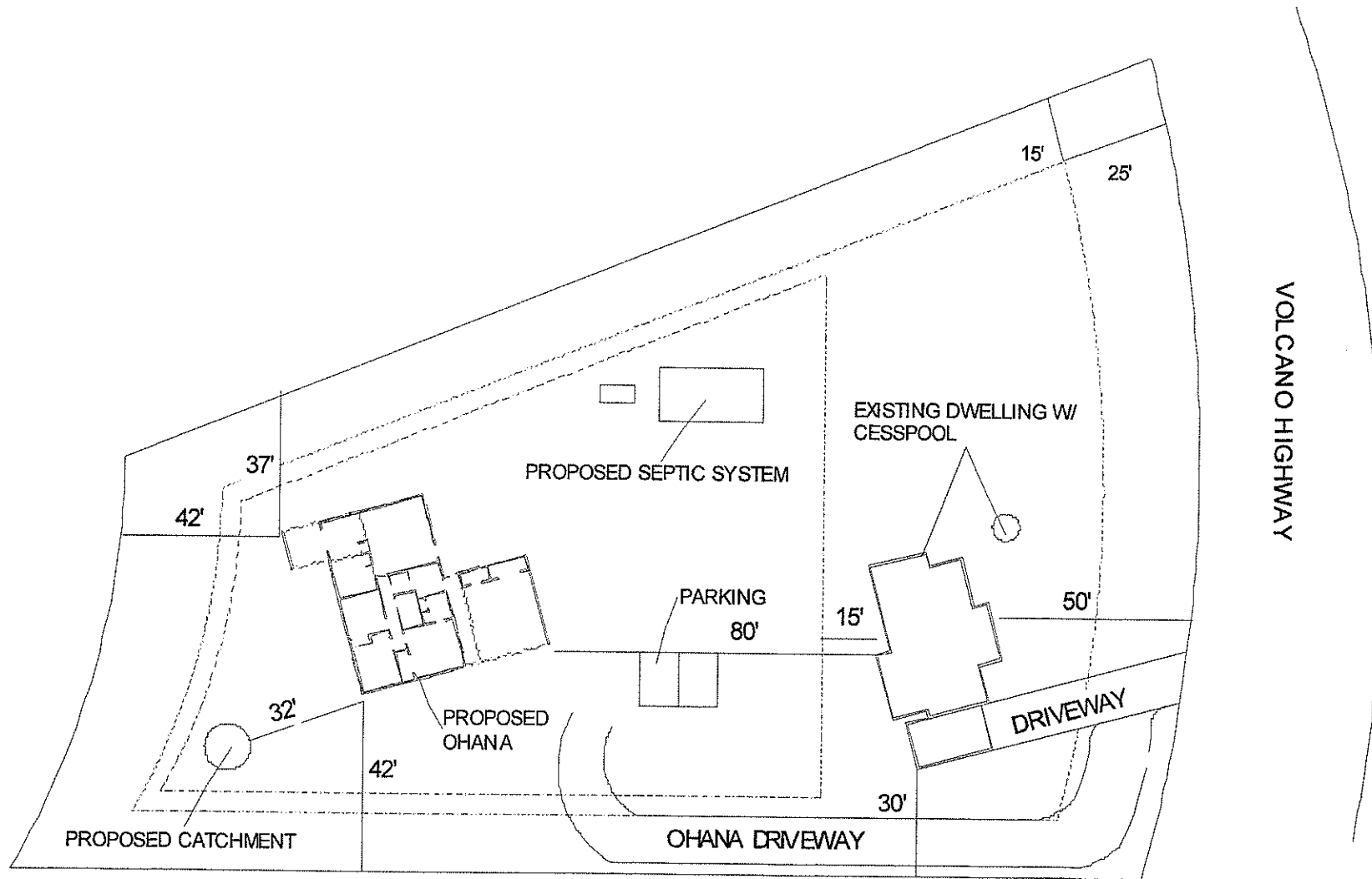


BJ LEITHEAD TODD  
Planning Director

LHN/JG:JG

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



TMK (3) 1-7-012:009

SCALE 1" = 40'