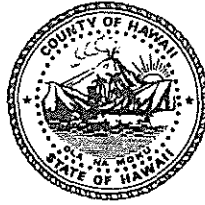


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

## County of Hawai'i

### PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

September 30, 2009

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

Dear Sir/Madam:

**Subject: Ohana Dwelling Unit Permit Application (OHD-09-000126)**  
**Applicant(s): All Aina Services**  
**Land Owner(s): Richard Maila and Anne Farrell**  
**Proposal: Construct An Attached Ohana Dwelling Unit**  
**Tax Map Key: (3) 3-5-008:023**

---

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):

As of this date, no comments have been received from DPW.

2. The Department of Water Supply (DWS) (memorandum received June 9, 2009):

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

Please be informed that an existing 5/8-inch meter services this property and is adequate for only one dwelling unit at 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 Rules and Regulations. However, the Department's existing water system facilities cannot support an additional water meter 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, sufficient funding is not available from the Department for such improvements and no time schedule is set.

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 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, 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 received May 29, 2009):

“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 rules allow one (1) on-site wastewater system per 10,000 square feet. On-site wastewater system is either a cesspool or septic system. Your lot would need 20,000 square feet or more to have two cesspools. If your lot is less than 20,000 square feet, you can use one septic system to serve 2 dwellings provided the total number of bedrooms is no more than 5 bedrooms. EPA rules prohibit one cesspool from serving two dwellings.”

4. The Hawaii County Fire Department (HFD) (Memorandum received June 28, 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 included with the Ohana Dwelling application states:

(Owner's notarized letter dated December 18, 2008):

"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.

Richard Maila & Anne Farrell are title holders for the parcel, TMK (3) 3-5-008:02."

(Richard Maila's notarized letter dated April 6, 2009):

"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) 3-5-008:023. 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."

(Anne Farrell's notarized letter dated April 10, 2009):

"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) 3-5-008:023. 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 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 30, 2011.**

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 21,961 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.

6. The DWS has determined that a County approved water system is not available to support the attached Ohana Dwelling. An Ohana dwelling unit that is not served by an approved water system may be permitted to use a water catchment system in an area that receives an annual rainfall of at least eighty (80) inches of rain per year. A 9,000 gallon water catchment system for drinking and fire fighting purposes will be required for the Ohana Dwelling Unit.
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.

All Aina Services  
Page 6  
September 30, 2009

- 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,

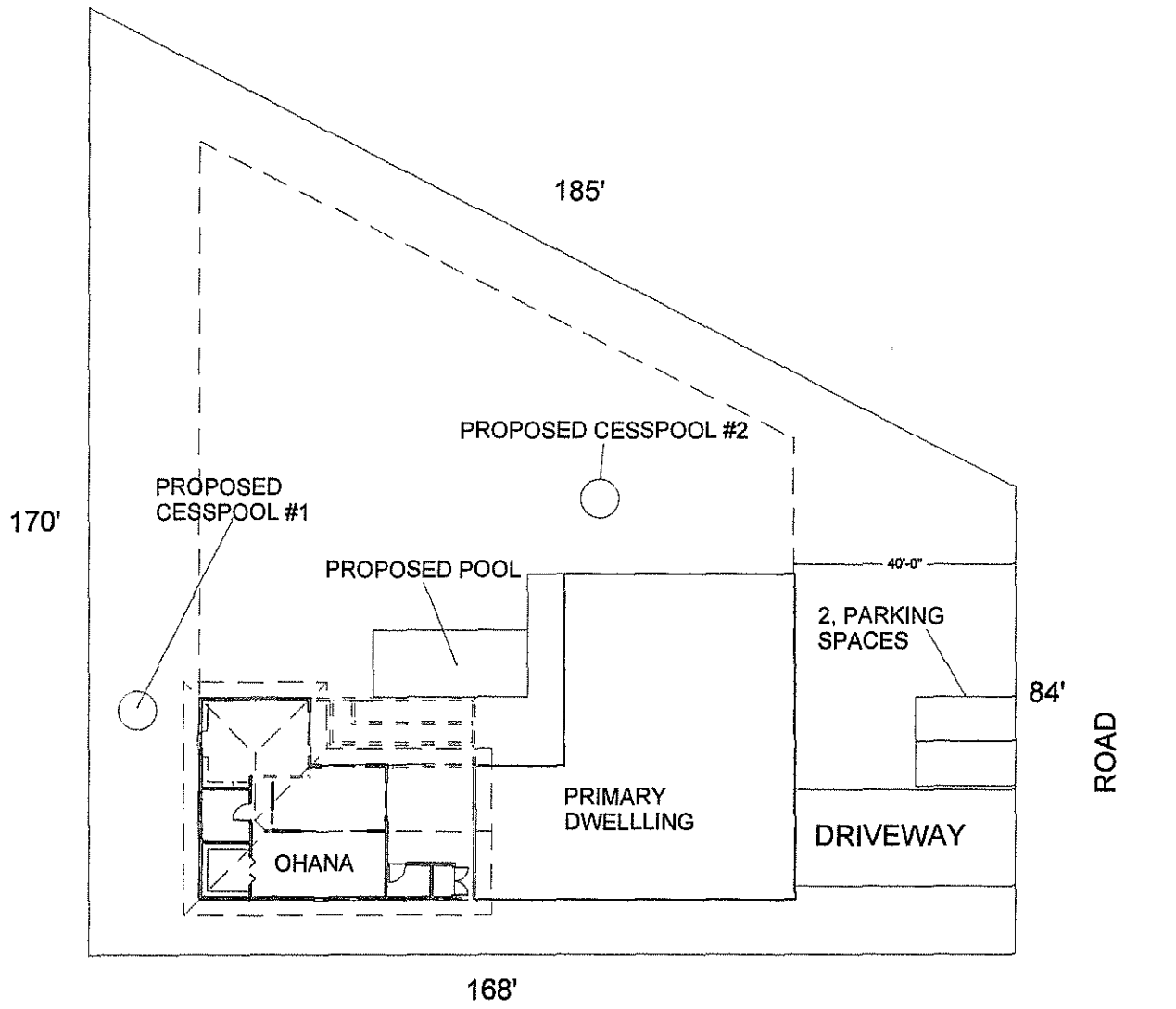


BJ LEITHEAD TODD  
Planning Director

LHN/MM:mm

O:\Ohana\LHNOhana\Apvl\AllAinaSvc-Farrell-Apvl.doc

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



SCALE 1" = 40'