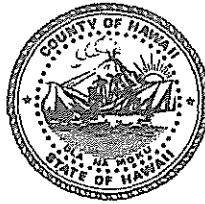


William P. Kenoi
Mayor



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

March 15, 2010

Ms. Melody Lee Lopez and
Ms. Felina M. K. Silva
1604 Kuahale Street
Kapaa, Hawai'i 96764

Dear Ms. Lopez and Ms. Silva:

Subject: Ohana Dwelling Unit Permit Application (OHD-10-000130)
Applicant(s): Melody Lee Lopez and Felina M. K. Silva
Land Owner(s): Melody Lee Lopez
Proposal: Construct A Detached Ohana Dwelling Unit
Tax Map Key: (3) 1-1-007:048

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 dated March 8, 2010):

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

Please be informed that the subject property is not within the Department's existing service limits. The nearest point of connection is from an existing 4-inch waterline within Volcano Highway approximately 9 miles north of the subject parcel.

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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 February 18, 2010):

“Wastewater Branch found no record of a septic system in the files. Is the main dwelling an existing structure?”

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 Hawaii 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.

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 same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that state and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects. We also ask you to share this list with others to increase community awareness on healthy community design. ”

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4. The Hawai'i County Fire Department (HFD):

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

We note the following document that accompanied your application. The notarized affidavit signed and dated January 15, 2010 included with the Ohana Dwelling application states:

"To Whom It May Concern:

This Affidavit is being 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 3-1-1-007-048-0000-000. 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.

Melody L. Lopez and Felina M. K. Silva (Custodian) are the title holders for the parcel TMK 3-1-1-007-048-000-000."

County of Hawai'i parcel history data indicates that Land Court Document No. 179090 dated May 28, 2009 transferred ownership of this parcel from the Custodian Felina Moana Kay Silva to Melody Lee Lopez upon attaining the age of twenty-one.

It is the understanding of this office that the applicant intentions are to obtain building permits for the main dwelling and the ohana dwelling at the same time.

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:

The proposed Ohana Dwelling Unit shall comply with Ordinance No. 96-47 and Rule 12, the County of Hawai'i Planning Department's Rules of Practice and Procedure relating to Ohana Dwelling Units.

1. 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.

2. 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.
3. 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 15, 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.
4. 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 20,000 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 Hawai'i 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** (30) feet required;
- Rear yard – minimum **twenty** (30) feet required;
- Side yard(s) – minimum **ten** (20) 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.
5. The DWS has determined that a County approved water system is not available to support the detached 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 domestic 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.

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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 Jonathan Holmes of this office.

Sincerely,

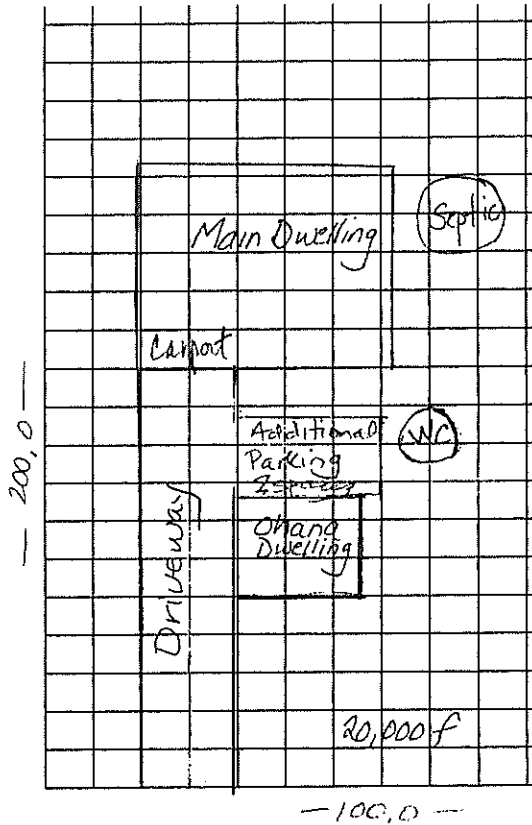


BJ LEITHEAD TODD
Planning Director

JH/MM:mm

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

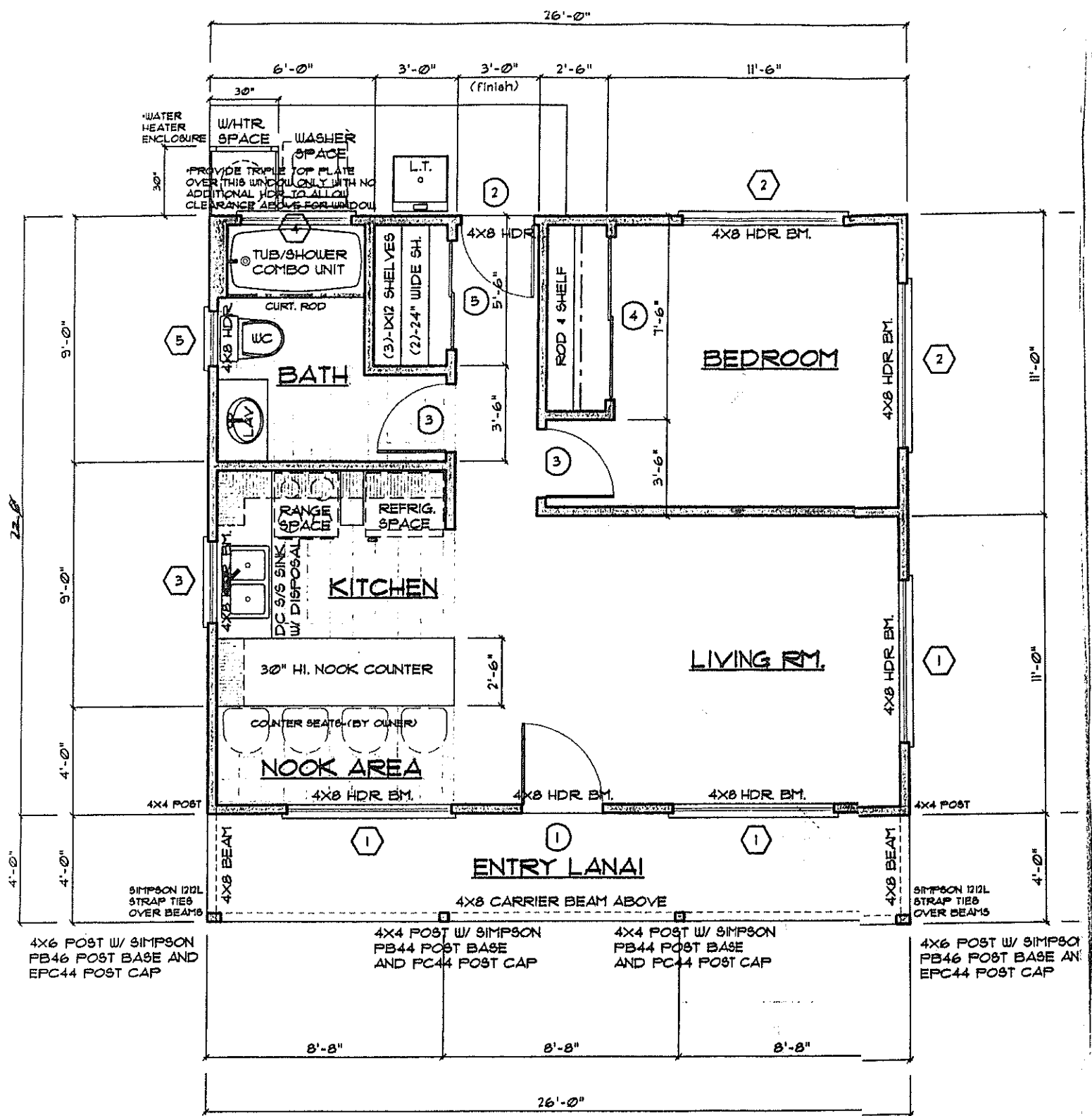


$\frac{1}{4}'' = 10 \text{ ft.}$

(WC) = water catchment

Main Dwelling = $42' \times 42'$

Other Dwelling = $26' \times 26'$



FLOOR PLAN