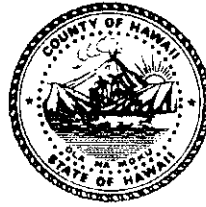


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalohe Hwy
Kailua-Kona, Hawai'i 96740
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County of Hawai'i
PLANNING DEPARTMENT

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

July 27, 2012

Ms. Bethany Morrison
Mr. Michael Morrison
P.O. Box 32
Laupahoehoe, Hawai'i 96764

Dear Ms. and Mr. Morrison:

Subject: Ohana Dwelling Unit Permit Application (OHD-12-000144)
Applicant(s): BETHANY MORRISON and
MICHAEL MORRISON
Land Owner(s): BETHANY JOY MORRISON and
MICHAEL EDWARD MORRISON
Proposal: Construct a Detached Ohana Dwelling Unit
Tax Map Key: (3) 3-5-006:016, Pāpa'aloa, North Hilo, Hawai'i

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) (memorandum dated July 9, 2012):

"We have reviewed the subject application forwarded by your letter dated June 29, 2012 and have the following comment for your consideration.

Two driveways are permitted if they meet the minimum setback and separation requirements of Chapter 22 of the Hawai'i County Code. The driveways require permits from the Department of Public Works.

Should you have any questions, please contact Mr. Carter Romero at 961-8327."

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2. The Department of Water Supply (DWS) (memorandum dated July 17, 2012):

“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 made available from the Department’s existing 6-inch waterline within Oha Place, fronting the subject parcel.

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-inch 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 nd service to the parcel	\$5,500.00
SERVICE LATERAL INSTALLATION CHARGE:	
<u>Install one meter on Oha Place, a County road</u>	<u>\$4,000.00</u>
Total (Subject to change)	\$9,500.00

Should there be any questions, you may contact 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 July 5, 2012):

“The wastewater system is inadequate for the proposed project. Have your engineer submit to DOH a revision to the existing system.

Lands formerly used for sugarcane production are now being developed into communities where residential homes, schools and commercial businesses are being constructed. Chemicals associated with the sugarcane industry persist in soil today and may be a threat to public health and the environment. Elevated arsenic levels were discovered in soil at former sugarcane production areas on the islands. The HEER Office

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has identified former sugarcane production areas for assessment throughout the state and plans to work with property owners to conduct environmental assessments to identify and address elevated soil arsenic levels prior to finalizing development plans for the properties.

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.”

4. The Hawai‘i Fire Department (memorandum dated July 11, 2012):

“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 affidavit of **Bethany Morrison**, dated June 16, 2012, included with the Ohana Dwelling application states:

“I declare that there are no restrictions, covenants, or other land use restrictions applicable to the subject property by way of a deed or lease or other provisions that prohibit the construction or placement of an ohana dwelling or a second dwelling unit on the subject property.”

Further, the original and notarized affidavit of **Bethany Morrison**, dated June 16, 2012, included with the Ohana Dwelling application states:

“I declare that the applicants are titleholders of the subject property.”

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:

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1. 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.
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 July 27, 2013.**

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 Unit 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 10,010 sq. ft., is zoned Residential (RS-10) 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:

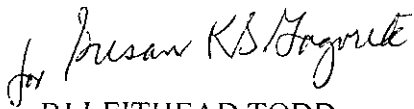
- Front yard - minimum **twenty five (25)** feet required;
 - Rear yard – minimum **twenty five (25)** feet required;
 - Side yards – minimum **fifteen (15)** feet required;
 - Open space from other main structure(s) – **fifteen (15)** feet required.
- d) Off-Street Parking: The Ohana Dwelling Unit shall 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. 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.
7. 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, Hawai‘i 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, Hawai'i 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

JRH/KWR:kwr

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