

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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74-5044 Ane Keohokalole Hwy
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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

June 15, 2017

Lori Mikkelson
All Aina Services
P.O. Box 291
Laupāhoehoe, HI 96764

Dear Ms. Mikkelson:

SUBJECT: Application: Ohana Dwelling Unit Permit Application (OHD-17-000180)
Applicant: LORI MIKKELSON, ALL AINA SERVICES
Land Owners: JAMES S. & ASAMI SHIMAZU
Proposal: Construct a Detached Ohana Dwelling Unit
Tax Map Key: (3) 2-4-015:054

Upon review of your application, and as applicable, comments from the public and government agencies for an Ohana Dwelling Unit Permit (OHD), you are hereby **granted** approval to construct a detached OHD subject to conditions set forth below in this letter.

REQUEST

The applicant is requesting an OHD Permit to construct an additional dwelling unit on the subject property.

PROPERTY DESCRIPTION

The subject TMK parcel, comprises of 21,453 square feet, in the Waiākea Homesteads, 1st Series, Hilo, Island of Hawai'i. The property is zoned Residential Single-Family (RS-15) by the County and is situated within the State Land Use Urban district.

AGENCY COMMENTS

The subject Application for an OHD Permit was reviewed by the required agencies and their respective comments are as follows:

1. The Department of Water Supply (DWS): The DWS did not comment on this application as of this date. The subject property likely has an existing water service.

This existing service shall not be interconnected in any way with the proposed OHD. Inquiry should be made with the DWS as to the availability of an additional water service and any applicable fees or other charges for such service, if available.

Should an additional water service not be available, the subject property is located in an area that receives approximately 120 to 160 inches of annual rainfall and is therefore allowed to utilize rainfall catchment for domestic and emergency water supply purposes. It is recommended that the OHD not served by the DWS shall be provided with and maintain a private rainwater catchment system which includes a minimum 6,000-gallon water storage capacity for domestic consumption or potable uses. This private water storage system shall adhere to the University of Hawai'i's College of Tropical Agriculture and Human Resources' "Guidelines on Rainwater Catchment Systems for Hawai'i" as well as the DOH requirements related to water testing and water purifying devices.

In addition to the 6,000-gallon water storage capacity for domestic consumption or potable uses, each permitted dwelling on a lot not served by the DWS shall also be provided with a minimum 3,000 gallon water storage capacity dedicated for firefighting and emergency purposes. The location and capacity of the emergency water supply system, including the necessary compatible fire apparatus connector system and access routes shall meet with the approval of the HFD. The HFD also advises, as a precautionary measure for other uninhabited structures, that consideration be given to the provision of a similar water storage system for firefighting and emergency purposes.

2. The Hawai'i County Fire Department (HFD): See attached memorandum dated May 16, 2016 (**Exhibit A**);
3. The State of Hawai'i Department of Health (DOH): See attached memorandum dated May 22, 2017 (**Exhibit B**); and
4. The Department of Public Works (DPW): See attached memorandum dated May 15, 2017 (**Exhibit C**).

COMMUNITY COMMENTS

There were no comments received from the surrounding property owners or the public.

ADDITIONAL FINDINGS

We note the following documents that accompanied your application:

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The original and notarized affidavits of **James S. & Asami Shimazu**, dated April 12, 2017, which state:

"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)2-4-015:054. 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 that prohibit construction or placement of an "Ohana" dwelling unit."

AND;

"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.

James & Asami Shimazu are the title holders for the subject parcel, TMK: (3) 2-4-015:054."

AND, although not required;

"This affidavit is being submitted, as per the requirement of the County of Hawaii, as a part of an application for an Ohana Dwelling Unit Permit Application.

James & Asami Shimazu have applied for an Ohana Dwelling Unit Permit for their parcel, TMK (3) 2-4-015:054. In compliance with the sign posting requirements, a sign will be posted on the parcel fronting the subject property. The applicants and their agents will not remove the sign until the application has been granted, denied or withdrawn."

ANALYSIS

The proposed building site for the subject OHD application is a legal lot of record of at least 10,000 square feet located within the RS district and is designated Urban by the State Land Use Commission. Additional dwellings are not normally permitted on this lot, and there is no guest house located on the property. There are no pending subdivision actions affecting the subject TMK property, nor has any variance, Planned Unit Development, Cluster Plan Development, or other preemption from requirements of the Hawai'i County Code been granted. There has not been a previously approved variance from the Subdivision Code (Chapter 23) and the Zoning Code (Chapter 25) on the property, nor are there any conditions within a change of zone ordinance that would prohibit an OHD. The applicant has not submitted any OHD applications in the previous two years. Therefore, the application meets the requirements for an OHD Permit.

The DWS has not commented on this application as of this date.

However, the applicant should understand that, should the DWS not be able to provide service to the proposed additional dwelling at this time, and should the application be approved, all dwellings shall not share the existing meter, and the water system plumbing between any dwellings shall not be interconnected in any way.

An Ohana dwelling that is not served by an approved public or private water system may use a water catchment system provided that the area receives an annual rainfall of at least eighty inches and the water catchment system meets the requirements of the DOH and the DWS. The subject area receives from 120" to 160" of annual rainfall and therefore, may utilize a water catchment system.

Therefore, the landowner is advised to get in touch with the DWS for further information.

DECISION AND CONDITIONS

In view of the above, by this letter, you are hereby **granted** permission to construct a detached single-family OHD subject to the following conditions:

1. The proposed OHD 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 OHD's.
2. **Non-transferability:** The permit for the OHD shall be personal to the applicant until construction of the OHD has been completed. The permit shall not be transferable or assignable to any other person prior to completion of its construction to the satisfaction of the Chief Engineer, DPW.
3. **Prohibition of Advertising, Sales, Transfers:** No person shall advertise or represent to the public that a permit to construct an OHD 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, within one (1) year from the date of this approval for the construction of the OHD on or before **June 15, 2018.**

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 OHD 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 OHD 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 OHD shall be **twenty-five** (25'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel, containing 21,423 sq. ft., is zoned Residential Single-Family (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 Hawai'i County Zoning Code, Section 25-6-35 and 25-4-7.

The respective minimum open space, front, rear, side yard and dwelling unit requirements for the proposed attached OHD to be located on the subject TMK property shall be the minimum yard requirements as follows:

- Front yard(s) - minimum **twenty five**-(25) feet required;
 - Rear yard – minimum **twenty five**-(25) feet required; and
 - Side yards – minimum **fifteen** (15) feet required.
 - Between dwelling units – minimum **fifteen** (15) feet required.
- d) Off-Street Parking: The OHD 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. A guest house shall not be permitted or constructed where an ohana dwelling has been permitted or constructed.
7. The applicant shall have a water meter installed if the DWS is able to provide water service to the OHD.

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All Aina Services
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8. This OHD permit is subject to all other applicable rules, regulations and requirements of the Planning Department, DPW, HFD, DOH and DWS and other reviewing agencies/divisions listed on the Building Permit Application.
9. OHD's 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 OHD.
 - b) An OHD 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 at (808) 961-8146 or email jonathan.holmes@hawaiicounty.com.

Sincerely,



MICHAEL YEE
Planning Director

JRH:nci

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Encls: Agency comments - Exhibits A-C

cc: Dept. of Health, Chief Sanitarian
Dept. of Water Supply
Hawai'i Fire Dept.
Dept. of Public Works

James S. & Asami Shimazu
210 Pohakulani Street
Hilo, HI 96720-3158

cc w/encls: GIS Section (via email)

Harry Kim
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

County of Hawai'i
HAWAII FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

2017 MAY 16 PM 9 51
PLANNING DEPARTMENT
COUNTY OF HAWAII

May 16, 2017

TO : MICHAEL YEE, PLANNING DIRECTOR

FROM : DARREN J. ROSARIO, FIRE CHIEF

SUBJECT : Ohana Dwelling Unit Permit Application (OHD-17-000180)
Applicant: Lori Mikkelson, All Aina Services
Land Owners: James S & Asami Shimazu
Proposal: Construct a Detached Ohana Dwelling Unit
Tax Map Key: (3) 2-4-015:054

The Hawai'i Fire Department has no comments or issues with regards to the Ohana Dwelling Unit Permit application as noted above.

A handwritten signature in black ink, appearing to read "Darren J. Rosario".

DARREN J. ROSARIO
Fire Chief

KV:ds

EXHIBIT
A

111597





STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

2017 MAY 24 pm 4 33
PLANNING DEPARTMENT
COUNTY OF HAWAII

MEMORANDUM

DATE: May 22, 2017

TO: Mr. Michael Yee
Planning Director, County of Hawaii

FROM: Eric Honda *EH*
District Environmental Health Program Chief

SUBJECT: Application: Ohana Dwelling Unit Permit Application (OHD-17-000180)
Applicant: LORI MIKKELSON, ALL AINA SERVICES
Land Owner: JAMES S. & ASAMI SHIMAZU
Proposal: Construct a Detached Ohana Dwelling Unit
TMK: 2-4-015:054

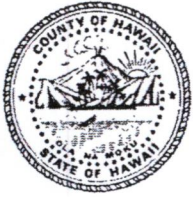
The applicant would need to meet the requirements of our Department of Health Air Pollution Rules, Chapter 60.1, Title 11, State of Hawaii for fugitive dust control. If there is need to discuss these requirements, please contact our Clean Air Branch staff at Ph. 933-0401.

Construction activities must comply with the provisions of Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control."

1. The contractor must obtain a noise permit if the noise levels from the construction activities are expected to exceed the allowable levels of the rules.
2. Construction equipment and on-site vehicles requiring an exhaust of gas or air must be equipped with mufflers.
3. The contractor must comply with the requirements pertaining to construction activities as specified in the rules and the conditions issued with the permit.

Should there be any questions on this matter, please contact the Department of Health at 933-0917.

The project lot is 21,426 square feet. Under the current provisions, a total of 2 individual wastewater systems can be utilized on this lot. The type of individual wastewater system to be used will be determined at the time of building permit application.



BUILDING DIVISION – DPW

COUNTY OF HAWAII – 101 Pauahi Street, Suite 107, Hilo, HI 96740
Hilo Office (808) 961-8331 * Fax (808) 961-8410 Kona Office (808) 323-4720 * Fax (808) 327-3509

Date: May 15, 2017
Owner: James S. & Asami Shimazu
Mailing address: c/o Larry Nakayama, Planning Department
Address location of property:

SUBJECT : OHD – 17 -000180
T.M.K. : (3) 2-4-015: 054

This is to inform you that our records on file, relative to the status of the subject, discloses that:

- Reviewed with no comment
- Reviewed with comments
- Reviewed with objections noted

Should you have any questions regarding matters contained herein, please feel free to contact us.

Neil C. Erickson | Plans Examining Manager
COUNTY OF HAWAII DEPARTMENT OF PUBLIC WORKS BUILDING DIVISION
101 Pauahi Street, Suite 7 Hilo , Hawaii 96720
PH: 808-961-8331 EXT: 808-961-8473
neil.erickson@hawaiicounty.gov

BD-10

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EXHIBIT
C

PLANNING DEPARTMENT
COUNTY OF HAWAII

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