

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

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

April 26, 2018

Ellen H. Nagao (Life Interest/Estate)
Neal M. and Jill A. Nagao Trust (Remainderman)
1000 A Komohana Street
Hilo, Hawai'i 96720

Dear Ms. Ellen Nagao and Mr. & Mrs. Neal Nagao:

SUBJECT: Application: Ohana Dwelling Unit Permit (OHD-18-000183)
Applicant: ELLEN H. NAGAO (LIFE INTEREST/ESTATE)
Land Owner: NEAL M. NAGAO AND JILL A. TRUST (REMAINDERMAN)
Proposal: Conversion of an Existing Single Family Dwelling into a Detached Ohana Dwelling Unit
Tax Map Key: (3) 2-4-022:016

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 allow for the existing single-family dwelling constructed under Building Permit 861107 to remain on the subject property as a detached Ohana Dwelling Unit subject to conditions set forth below in this letter.

REQUEST

The applicant is requesting an OHD Permit to allow for an existing single-family dwelling to remain on the subject property as a detached Ohana Dwelling Unit.

PROPERTY DESCRIPTION

The subject TMK parcel, comprises of 26,752 square feet, Lot 16-B, and is situated within the Waiakea Homestead, Waiakea, South Hilo, Hawai'i. The property is zoned Single-Family Residential – 15,000 square feet (RS-15) by the County and is situated within the State Land Use Urban district. Subject parcel was created by Subdivision-17-001694-Revised on February 14, 2018. **(See Exhibit A)**

AGENCY COMMENTS

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

1. The Hawai'i County Fire Department (HFD): See attached memorandum dated March 9, 2018 (**Exhibit B**);
2. The Department of Water Supply (DWS): See attached memorandum dated March 15, 2018 (**Exhibit C**);
3. The State of Hawai'i Department of Health (DOH): See attached memorandum dated March 15, 2018 (**Exhibit D**);
4. The Department of Environmental Management-Wastewater Division (DEM-Wastewater): See attached memorandum dated March 23, 2018 (**Exhibit E**);
5. The Department of Environmental Management – Solid Waste Division (DEM-Solid Waste): See attached memorandum dated March 23, 2018 (**Exhibit F**);
6. The Department of Public Works (DPW): The DPW did not comment on this application as of this date.

COMMUNITY COMMENTS

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

ADDITIONAL FINDINGS

We note the following documents that accompanied your application:

The original and notarized affidavit of **Ellen H. Nagao (Life Interest Estate; Neal M. Nagao and Wife Jill A. Trust (Remainderman)**, dated February 12, 2018, included with the OHD application states:

"We, Ellen H. Nagao (Life Interest Estate), Neal M. Nagao and Wife Jill A. Trust (Remainderman) dated January 12, being Duly Sworn on Oath Deposes and says:

That we the present owners of lot 16-B portion of Lot 16, Block 516, Waiakea, South Hilo TMK (3) 2-4-022: 016 Lot 16 (See Copy Attached)

Ellen H. Nagao (Life Interest/Estate)
Neal M. and Jill A. Nagao Trust (Remainderman)
Page 3 of 5
April 26, 2018

We are also stating that provisions of any restrictions, covenants or other use restrictions applicable to the lot by deed or lease or other provisions do not prohibit the construction or placement of an Ohana dwelling unit or a second dwelling."

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 a guest house is not 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 indicated that the subject parcel has two (2) existing 5/8 inch meters assigned to the subject parcel (Account No. 150-32995 and Account No. 150-33000). Each 5/8-inch meter is adequate for only one (1) dwelling at an average daily usage of 400 gallons.

DECISION AND CONDITIONS

In view of the above, by this letter, you are hereby **granted** permission to construct an attached 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:** Hawai'i County Real Property Tax Office records indicate that building permit (871689) was issued on September 14, 1987 and finalized on July 16, 1971, to the subject property for a single-family dwelling consisting of 4 bedrooms, 2-1/2 baths, living room, kitchen and dining area. An additional building permit (912189) was issued on October 14, 1991, for an Ohana dwelling consisting of 2 bedrooms, 1 bath, living room, kitchen, dining area and detached water tank that was finalized on July 20, 1995.

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 OHD shall be **twenty-five** (25'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel, containing 26,752 sq. ft., is zoned Single-Family 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 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 - minimum **twenty-five feet** (25) feet required;
 - Rear yard – None, flag lot. **Section 15-4-14. Flag lots.** (4) The minimum yards for a flag lot, excluding the access drive, shall be the minimum side yards required for a building site in the applicable zoning district;
 - Side yards – minimum 15 feet required;
 - Between dwelling units – minimum 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.

Ellen H. Nagao (Life Interest/Estate)
Neal M. and Jill A. Nagao Trust (Remainderman)
Page 5 of 5
April 26, 2018

7. 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.
8. 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 Larry H. Nakayama of this office.

Sincerely,



MICHAEL YEE
Planning Director

LHN:nci

\\COH33\planning\public\Admin Permits Division\Ohana\2018\OHD-18-000183 Nagao\APVL.docx

Encls: Agency comments – Exhibits A-E

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

cc w/encls: GIS Section (via email)

PUAINAKO STREET

PROPOSED PUAINAKO STREET

TRUE NORTH
Scale: 1 in = 40 ft

Lot 20-A-1-B
State of Hawaii
Owner

EXHIBIT
A

ADDITION TO
RESERVOIR LOT

Lot 1-A

RESERVOIR LOT

PUAINAKO STREET (NOT CONSTRUCTED)

PUAINAKO STREET

265'40"

371.20

LOT 16-B
26,752 SQ. FT.
(24,446 SQ. FT.)

LOT 16-A
15,008 SQ. FT.

Lot 8-A-2-A

Lot 8-A-4

85'40"

371.20

Lot 8-A-1

Lot 8-A-3

PLAN SHOWING

THE SUBDIVISION OF LOT 16 INTO
LOTS 16-A AND 16-B

BEING A PORTION OF GRANT 9045 TO GEORGE LOWSON

WAIAKEA, SOUTH HILO, ISLAND OF HAWAII, HAWAII

Survey and Plan by Island Survey, Inc.
P.O. Box 4215, Hilo, Hawaii 96720
January 25, 2017
Revised August 7, 2017
Revised February 12, 2018

SUBDIVISION NUMBER SUB-17-001694 Revised
APPROVED FOR RECORDATION with the Bureau of
Conveyances, State of Hawaii

Jill Yee
Planning Director, County of Hawaii
Date: FEB 14 2019

OWNERS: ELLEN H. NAGAO, Life Interest/Estate
NEAL M. NAGAO AND WIFE JILL A. TRUST, Remainderman
NEAL M. NAGAO
1000A Komohana Street
Hilo, Hawaii 96720



This work was prepared by me
or under my supervision.

Robert T. Shirai
ROBERT T. SHIRAI, PLS
State of Hawaii Cert. No. LS-5985
License Expires April 30, 2018

NOTES:

- As per County of Hawaii, Department of Public Works (DPW), Flood Zones shown hereon are the revised flood zones and has an effective date of September 29, 2017.
- All lots, to include subject lot, are zoned RS-15.
- WMB at the northeast corner of lot will be reserved for the newly created Lot 16-A.
- Both WM#03010530 and WM#81775545 has been relocated fronting the access for Lot 16-B as noted hereon.
- Any sewerage disposal will be by approved methods by the DOH (septic system).

Harry Kim
Mayor



Darren J. Rosario
Fire Chief
Renwick J. Victorino
Deputy Fire Chief

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

March 9, 2018

TO : MICHAEL YEE, PLANNING DIRECTOR

FROM : DARREN J. ROSARIO, FIRE CHIEF

SUBJECT : Ohana Dwelling Unit Permit Application (OHD 18-000183)
Applicant: Ellen Nagao (Life Interest/Estate)
Land Owner: Neal M. Nagao and Jill A Trust (Remainderman)
Proposal: Construct an Attached Ohana Dwelling Unit
Tax Map Key: (3) 2-4-022:016

2018 MAR 9 PM 4 16
PLANNING DEPARTMENT
COUNTY OF HAWAII

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

DARREN J. ROSARIO
Fire Chief

RP:ds

EXHIBIT

B

MAR 12 2018
117192





DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

March 15, 2018

TO: Mr. Michael Yee, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Ohana Dwelling Unit Permit Application (OHD 18-000183)**
Applicant – Ellen Nagao
Tax Map Key 2-4-022:016

PLANNING DEPARTMENT
COUNTY OF HAWAII

2018 MAR 16 PM 1:22

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

Please be informed that there are two (2) 5/8-inch meters assigned to the subject parcel (Account No. 150-32995 and Account No. 150-33000). Each 5/8-inch meter is adequate for only one (1) dwelling at an average daily usage of 400 gallons.

Should the application be approved, both dwellings shall not share a meter, and the water system plumbing between the two (2) dwellings shall not be interconnected in any way.

Therefore, the Department has no objections to the proposed application.

Should there be any questions, please contact Mr. Troy Samura of our Water Resources and Planning Branch at 961-8070, extension 256.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

TS:dfg

copy – Ms. Ellen Nagao
DWS Customer Service (Hilo)

EXHIBIT

 c



... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.



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

MEMORANDUM

EXHIBIT

D

DATE: March 15, 2018

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-18-000183)
Applicant: ELLEN NAGAO (LIFE INTEREST/ESTATE)
LandOwner: NEAL M. NAGAO and JILL A. TRUST (REMAINDERMAN)
Proposal: Construct an Attached Ohana Dwelling Unit
TMK: 2-4-022:016

2018 MAR 20 AM 11 31
PLANNING DEPARTMENT
COUNTY OF HAWAII

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 existing individual wastewater system can continue to serve the existing dwelling. However, wastewater generated from any additional dwelling unit/building must meet the wastewater rules in effect at the time of building permit application.

SCANNED
MAR 20 2018
117343
BZ

Harry Kim
Mayor



William A. Kucharski
Director

Wilfred M. Okabe
Managing Director

Diane A. Noda
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūānāo'a Street, Suite 41 · Hilo, Hawai'i 96720
Ph: (808) 961-8083 · Fax: (808) 961-8086
cohdem@co.hawaii.hi.us
<http://www.hawaiicounty.gov/environmental-management/>

2018 MAR 27 PM 4 26
PLANNING DEPARTMENT
COUNTY OF HAWAII

MEMORANDUM

TO: Michael Yee, Director
Planning Department

FROM: William A. Kucharski, Director
Environmental Management Department *WAK*

DATE: March 23, 2018

SUBJECT: Ohana Dwelling Unit Permit Application (OHD-18-000183)
Applicant: Ellen Nagao (Life Interest/Estate)
Land Owner: Neal M. Nagao and Jill A. Trust (Remainderman)
Proposal: Construct an Attached Ohana Dwelling Unit
Tax May Key: (3) 2-4-022:016

EXHIBIT
E

The Solid Waste Division has reviewed the subject application and offers the following comments and/or recommendations (contact the Solid Waste Division for details):

- (X) No comments.
- () Commercial operations, State and Federal agencies, religious entities and non-profit organization may not use transfer stations for disposal.
- () Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent.
- () Ample and equal room should be provided for rubbish and recycling.
- () Green waste may be transported to the green waste sites located at the West Hawai'i Organics Facility and East Hawai'i Organics Facility, or other suitable diversion programs.
- () Construction and demolition waste is prohibited at all County Transfer Stations.
- () Submit Solid Waste Management Plan in accordance with attached guidelines.
- () Existing Solid Waste Management Plan is to be followed. Provide update to the department on current status.
- () Other: _____

SCANNED
MAR 28 2018
By: 117468

The Wastewater Division has reviewed the subject application and offers the following comments and/or recommendations (contact the Wastewater Division for details):

- (X) No comments.
- () Require connection of existing and/or proposed structures to the public sewer in accordance with Section 21-5 of the Hawai'i County Code.
- () Require Council Resolution to approve sewer extension in accordance with Section 21-26.1 of the Hawai'i County Code. Complete Sewer Extension Application.
- () Require extension of the sewer system to service the proposed subdivision in accordance with Section 23-85 of the Hawai'i County Code.
- () *Check or line out as applicable:* [] If required by the Director of the Department of Environmental Management ("Director of DEM"), [] applicant shall conduct a sewer study in accordance with the then applicable wastewater system design standards prior to approval to connect to the County sewer system. Applicant shall provide such sewer line or other facility improvements as the Director of DEM may reasonably require, which the sewer study may indicate are advisable for mitigation of impacts of the proposed project. Contact Wastewater Division Chief for details.
- () Other: _____

WK:mef

EXHIBIT

 F