

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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

August 14, 2018

Ross Derek Sorensen
1956 Kilauea Avenue
Hilo, Hawai'i 96720

Dear Mr. Sorensen:

**SUBJECT: Application: Ohana Dwelling Unit Permit
OHD-18-000186**
Applicant: ROSS DEREK SORENSEN
Land Owner: ROSS DEREK SORENSEN
Proposal: Construct an Attached Ohana Dwelling Units
Tax Map Key: (3) 2-2-039:151

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 an attached 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, Lot 3-C, comprises of 10,764 square feet and is situated within the Waiakea Homestead House Lots, Waiakea, South Hilo, Hawai'i. The property is zoned Single-Family Residential - 10,000 square feet (RS-10) by the County and is situated within the State Land Use Urban district. **(See Exhibit A)**

SUBDIVISION

The subject property was created by Subdivision 11-001095 (SUB 11-001095) approved on August 20, 2014. **(See Exhibit B)**

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): See attached memorandum dated June 27, 2018 (**Exhibit C**);
2. The State of Hawai'i Department of Health (DOH): See attached memorandum dated July 10, 2018 (**Exhibit D**);
3. The Department of Environmental Management-Wastewater Division (DEM-Wastewater): See attached memorandum dated June 27, 2018 (**Exhibit E**);
4. The Department of Environmental Management – Solid Waste Division (DEM-Solid Waste): See attached memorandum dated June 27, 2018 (**Exhibit F**);
5. The Hawai'i County Fire Department (HFD): The Hawaii County Fire Department did not comment on this application as of this date.
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, dated July 6, 2018, included with the OHD application states:

"I Ross D. Sorensen swear this day the 6th of July, 2018 this affidavit is true to the best of my knowledge that said parcel of land situated at 1956 Kilauea Ave., Hilo, Hi. Lot C, TMK (3) 2-2-039-151 is free from any restrictions, covenant or other land use restriction applicable to lot, and does not prohibit a second dwelling thereon according to the warranty deed, doc # A-44840274 State of Hawaii "Bureau of Conveyance" recorded."

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 Department of Water Supply has stated in its memorandum dated June 27, 2018:

"Please be informed that there is an existing service lateral assigned to the subject parcel which is adequate for only one (1) dwelling at an average daily usage of 400 gallons. Inasmuch as the 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 Kilauea Avenue, fronting the subject property."

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:** 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 **August 14, 2019.**

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 attached OHD shall be **thirty-five (35'-0")** feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel, containing 10,764 sq. ft., is zoned Single-Family Residential – 10,000 square feet (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, 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 and Rear yards – not applicable,

Section 25-4-30. Minimum street frontage. (e) No street frontage shall be required for any building site where access to the building site is by means of a roadway easement.

- Side yards – minimum 10 feet required;
 - Between dwelling units – none required; attached Ohana dwelling
- 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. 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. Applicant shall comply with all conditions stated in County of Hawaii, Department of Water Supply memo dated June 27, 2018.
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 Larry H. Nakayama of this office.

Sincerely,



MICHAEL YEE
Planning Director

Ross Derek Sorensen
Page 6 of 6
August 14, 2018

Encls: Agency comments - Exhibits A-F

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)

BDIVISION OF LOT 3, BLOCK 402,
RTION OF GRANT 10953 TO IZUN MIYASHIRO,
TO LOTS 3-A, 3-B, 3-C & 3-D
IAKEA HOMESTEAD HOUSE LOTS
 IAKEA, SOUTH HILO
 AND OF HAWAII

WAIL
 NUMBER **SUB-11-001095**
 FOR RECORDATION with the Bureau of
 Land Management, State of Hawaii

[Signature]
 County of Hawaii
 28 2014

7,441.80' S
 9,359.10' E
 REF. Δ "HALAI"

PIPE FND.

(75.41')

LOT 19
 OWNER: LEILANI R. NISHIYAMA TRUST

161'55"00"

PIPE SET

150'82"

(75.41')

PIPE FND.

LOT 2-B
 OWNER: EARL M. MIYAGIFAMILY TRUST

129.38'

LOT 3-C
 10,764 Sq. Ft.

247'20"00"

129.38'

LOT 3-D
 10,764 Sq. Ft.

150'82"

(75.41')

PIPE SET

150'82"

(75.41')

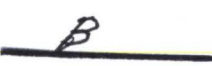
PIPE FND.

LOT 4
 OWNER: EDWARD CHARLES DOUGLAS TRUST
 SHALEEN LEILANI YAMAGUCHI DOUGLAS TRUST

242.00'

112.62'

EXHIBIT



PLANTING, SCREENING,
 NO VEHICULAR ACCESS,
 (10 FT. WIDE)

LOT 3-A
 10,000 Sq. Ft.

EASEMENT 3-A
 1,391 Sq. Ft.

CH=14.29'
 26'18'27"
 R=10.00'

CH=25.21'
 341'18'27"
 R=1185.80'

CH=25.21'
 342'31'33"
 R=1185.80'

CH=14.29'
 297'31'33"
 R=10.00'

CH=69.63'
 344'49'02"
 R=1185.80'

CH=69.63'
 339'00'58"
 R=1185.80'

CH=14.29'
 297'31'33"
 R=10.00'

CH=25.21'
 341'18'27"
 R=1185.80'

CH=25.21'
 342'31'33"
 R=1185.80'

CH=14.29'
 26'18'27"
 R=10.00'

CH=69.63'
 339'00'58"
 R=1185.80'

CH=69.63'
 344'49'02"
 R=1185.80'

LEGEND
 ○ = UTILITY POLE
 ⊗ = WATER METER

10 FT. FUTURE ROAD WIDENING

10 FT. FUTURE ROAD WIDENING

0' 30' 60' 90'
 FEET

60' R/W

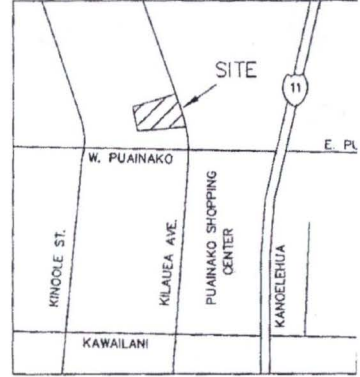
10 FT. FUTURE ROAD WIDENING

10 FT. FUTURE ROAD WIDENING

FINAL MAP - REPLACEMENT
 REVISED: August 21, 2014
 Drawing: JOB9607B.dwg
 TMK: (3) 2-2-39: 28

NOTES:

1. Zoning: RS-10 (10,000 sq. ft. minimum)
2. Owner: Hale Kauai, Ltd. PO Box 1749, Lihue, HI 9
3. Total Square Footage: 41,528 Sq. Ft., one lot subdivided into four lots.
4. Easement 3-A over and across Lot 3-A in favor of Lots 3-B, 3-C & 3-D and Easement 3-B over and across Lot 3-B in favor of Lots 3-A, 3-C & 3-D for the purpose of common access and utilities.
5. The water meter box in front of Lot 3-B has no meter in it.



VICINITY MAP
 NOT TO SCALE



This work was prepared
 or under my direct supervision

[Signature]

Niels Christensen
 Licensed Professional Land Surveyor
 License Number 9

The Independent Hawaii Survey
 P.O. Box 100
 Hilo, HI 96720
 Phone 808-935-1111
 FAX 808-935-1112
 info@theindependenthawaii.com



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAI'I 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

June 27, 2018

TO: Mr. Michael Yee, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Ohana Dwelling Unit Permit Application
(OHD 17-000188)
Applicant – Ross Sorensen
Tax Map 2-2-039:151**

EXHIBIT

C

2018 JUN 28 pm 2 25
PLANNING DEPARTMENT
COUNTY OF HAWAII

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

Please be informed that there is an existing service lateral assigned to the subject parcel which is adequate for only one (1) 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 Kīlauea Avenue, fronting the subject parcel.

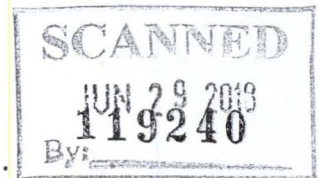
Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting the following conditions:

1. Installation of a 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to a maximum daily flow of 400 gallons.
2. Submit construction plans, prepared by a professional engineer licensed in the State of Hawai'i, for review and approval.
3. Remittance of the following charges, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):

<u>2nd service to the parcel</u>	\$5,500.00
Total (Subject to Change)	\$5,500.00

This is due and payable upon completion of the installation of the required water system improvements and prior to water service being granted.



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

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

Mr. Michael Yee, Director
Page 2
June 27, 2018

Should there be any questions, please contact Mr. Troy Samura of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Okamoto', written in a cursive style.

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

TS:dfg

copy – Mr. Ross Sorensen
DWS Customer Service (Hilo)



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

MEMORANDUM

EXHIBIT

D

2018 JUL 12 AM 10 49
PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: July 10, 2018

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

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

SUBJECT: Application: Ohana Swelling Unit (OHD-18-000188)
Applicant: ROSS SORENSEN
LandOwner: ROSS SORENSEN
Proposal: Construct an Attached Ohana Dwelling Units
TMK: 2-2-039:151

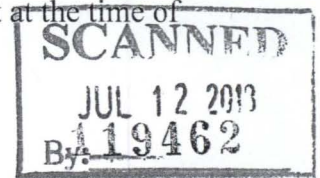
The applicant would need to meet the requirements of our Department of Health Air Pollution Rules, Chapter 60.1, Title 11, State of Hawaii for fugitive dust control. If there is need to discuss these requirements, please contact our Clean Air Branch staff at Ph. 933-0401.

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 use of individual wastewater systems is allowed. The type and number of individual wastewater systems to be used will be determined by the wastewater rules in effect at the time of building permit application.



Harry Kim
Mayor

Wilfred M. Okabe
Managing Director



William A. Kucharski
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 JUN 29 PM 2 32
PLANNING DEPARTMENT
COUNTY OF HAWAII

EXHIBIT

MEMORANDUM

TO: Michael Yee, Director
Planning Department

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

DATE: June 27, 2018

SUBJECT: Application: 'Ohana Dwelling Unit Permit (OHD-18-000188)
Applicant: Ross Sorensen
Land Owner: Ross Sorensen
Proposal: Construct an Attached 'Ohana Dwelling Unit
Tax Map Key: (3) 2-2-039:151

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: _____



Mr. Michael Yee, Director
June 27, 2018
Page 2

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

- 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
R
