

Harry Kim
Mayor

Wil Okabe
Managing Director

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



County of Hawai'i
PLANNING DEPARTMENT

Michael Yee
Director

Duane Kanuha
Deputy Director

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

January 30, 2019

Rayson Noguchi
731 W. Kawaihina Street
Hilo, Hawai'i 96720

Dear Mr. Noguchi:

SUBJECT: Application: Ohana Dwelling Unit Permit (OHD-18-000188)
Applicant: RAYSON NOGUCHI
Land Owner: ESTHER NOGUCHI
Proposal: Construct an Attached Ohana Dwelling Unit
Tax Map Key: (3) 2-4-011:186 (Lot 2-A)

Upon review of your application and as applicable, comments from the public and government agencies for an attached 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 allow for an additional dwelling unit on the subject property.

PROPERTY DESCRIPTION

The subject TMK parcel, comprises of 15,921 square feet, Lot 2-A, and is situated within the Waiākea, 1st Series, Waiākea, 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-2942 on March 10, 1971. **(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. Department of Environmental Management-Solid Waste Division (DEM-Solid Waste): See attached memorandum dated August 29, 2018 (**Exhibit B**);
2. The Department of Environmental Management –Wastewater Division (DEM-Wastewater): See attached memorandum dated August 29, 2018 (**Exhibit C**);
3. The State of Hawai‘i Department of Health (DOH): See attached memorandum dated Sept. 5, 2018 (**Exhibit D**);
4. The Hawai‘i County Fire Department (HFD): See attached memorandum dated Sept. 10, 2018 (**Exhibit E**);
5. The Department of Public Works (DPW): See attached memorandum dated Sept. 10, 2018 (**Exhibit F**);
6. The Department of Water Supply (DWS): See attached memorandum dated Sept. 10, 2018 (**Exhibit G**);

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 **Esther K. Noguchi** dated August 3, 2018, included with the OHD application states:

“The undersigned declare under the penalty of perjury that I am the sole owner of the Property located at 30 Kimo Place, Hilo, Hawaii, 96720 (TMK-22-4-013-16-0000). I further solemnly swear that there are no provisions of any restriction, covenant or other land use restriction applicable to the lot by way of a deed or lease or other provision to prohibit the construction or placement of an ohana dwelling or second dwelling unit and as such no notices are required to be sent to any person or entity.”

ANALYSIS

The 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 water can be made available from the Department's existing 6-inch waterline within Kimo Place fronting the subject parcel, per DWS memo dated September 10, 2018. **(See Exhibit G)**

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 BH2019-00288 was issued on March 16, 2018, 1971, to the subject property for a single-family dwelling consisting of 3 bedrooms, 2-1/2 baths, living room, kitchen and dining area.
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 15,921 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.
 - d. 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** (20) feet required;
 - Rear yard – None, corner lot. **Section 25-4-42. Corner Building sites.** (a) On any corner building site, the interior lines shall be side lot lines and all rear yard regulations shall be inapplicable.
 - Side yards – minimum 10 feet required;
- e. 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. 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 Hawai'i County Code Chapter 23 and Chapter 25, 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 Hawai'i County Code, Chapter 23 and Chapter 25, as amended.
9. The applicant shall comply and accept the following Department of Water Supply conditions:
- a. Installation of a 1-inch service lateral to service 5/8-inch meter, which shall be restricted to a maximum daily flow of 400 gallons.
 - b. Submit construction plans, prepared by a professional engineer licensed in the State of Hawai'i for review and approval.
 - c. Remittance of the following charge, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):

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

10. The applicant shall conform to Chapter 22 of the Hawaii County Code. shall comply to the following Department of Public Works condition:

Driveways shall conform to Chapter 22 of the Hawaii County Code.

Should you have any questions regarding the above, please contact Larry H. Nakayama of this office.

Sincerely,



MICHAEL YEE
Planning Director

LHN:



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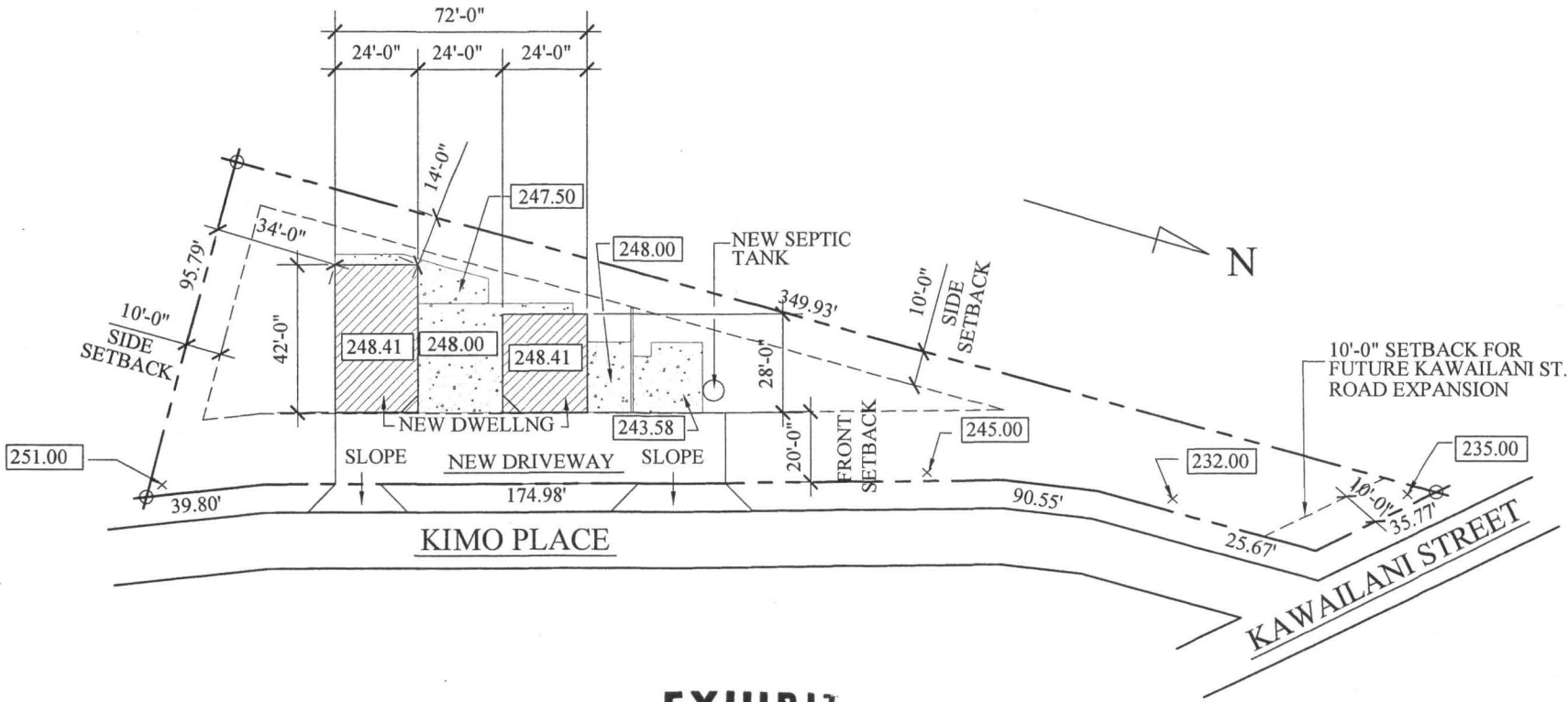
Encls: Agency comments – Exhibits A-G

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)

LEGEND

-  EXISTING CONC. SLAB
-  NEW DWELLNG



SITE PLAN

SCALE: 1/32" = 1'-0"

EXHIBIT

A

THIS WORK WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ARCHITECT IN THE STATE OF HAWAII.

NOGUCHI, ESTHER K.
 30 KIMO PLACE, HILO, HAWAII 96720
 T.M.K.: 2-4-01-186

PROPOSED HOME FOR OWNER:
 ARCHITECT:

ROBERT C. SMELKER, AIA
 820 HILANI STREET, #202
 HILO, HAWAII 96720

SITE PLAN
 LEGEND

DRAWING NO:

OF SHEETS

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/>

MEMORANDUM

TO: Michael Yee, Director
Planning Department

FROM: William A. Kucharski, Director 
Environmental Management Department

DATE: August 29, 2018

SUBJECT: Application: Ohana Dwelling Unit Permit (OHD-18-000188)
Applicant: Rayson Noguchi
Land Owner: Esther Noguchi
Proposal: Construct an Attached Ohana Dwelling Unit
Tax Map Key: (3) 2-4-011:186 (Lot 2-A)

EXHIBIT

B

2018 AUG 30 PM 2 NS
PLANNING DEPARTMENT
COUNTY OF HAWAII

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
AUG 30 2018
120199

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

 c



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

MEMORANDUM

EXHIBIT

D

2018 SEP 6 PM 11 22
PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: September 5, 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 (OHD-18-000188)
Applicant: RAYSON NOGUCHI
LandOwner: ESTHER NOGUCHI
Proposal: Construct an Attached Ohana Dwelling Unit
TMK: 2-4-011:186 (Lot 2-A)

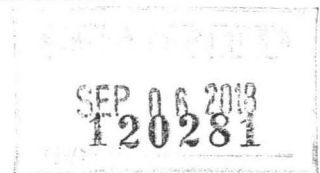
The applicant would need to meet the requirements of our Department of Health Air Pollution Rules, Chapter 60.1, Title 11, State of Hawaii for fugitive dust control. If there is need to discuss these requirements, please contact our Clean Air Branch staff at Ph. 933-0401.

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.

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.



Harry Kim
Mayor



Darren J. Rosario
Fire Chief

Lance S. Uchida
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

September 10, 2018

TO : MICHAEL YEE, PLANNING DIRECTOR

FROM : DARREN J. ROSARIO, FIRE CHIEF

SUBJECT : Ohana Dwelling Unit Permit Application (OHD 18-000188)
Applicant: Rayson Noguchi
Land Owner: Esther Noguchi
Proposal: Construct an Attached Ohana Dwelling Unit
Tax Map Key: (3) 2-4-011:186 (lot 2-A)

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PLANNING DEPARTMENT
COUNTY OF HAWAII

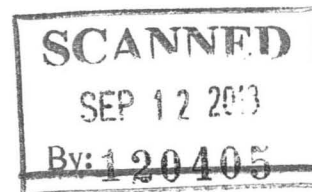
The Hawai'i Fire Department has no comments or issues with regards to the Ohana Dwelling Unit Permit Application as noted above.

DARREN J. ROSARIO
Fire Chief

EXHIBIT

E

RP:ds




2018 SEP 11 AM 10 16

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: September 10, 2018

Memorandum

TO: Planning Department

FROM:  Department of Public Works

SUBJECT: OHANA DWELLING UNIT PERMIT APPLICATION (OHD-18-000188)

Applicants: Rayson Noguchi

Land Owners: Esther Noguchi

Proposal: Construct an Attached Detached Ohana Dwelling Unit

Tax Map Key: 2-4-011:186 (Lot 2-A)

We have reviewed the subject application forwarded by your letter dated August 21, 2018 and have the following comment for your consideration.

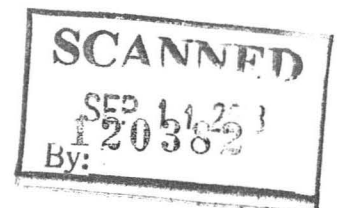
Driveways shall conform to Chapter 22 of the Hawaii County Code.

Should you have any questions, please contact Ms. Robyn Matsumoto at 961-8327.

RM

EXHIBIT

7





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

September 10, 2018

2018 SEP 11 PM 2 16
PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Mr. Michael Yee, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Ohana Dwelling Unit Permit
(OHD 18-000188)
Applicant – Rayson Noguchi
Tax Map Key 2-4-011:186

EXHIBIT

G

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 at a minimum.

Water can be made available from the Department's existing 6-inch waterline within Kimo 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 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):

2 nd service to the parcel	\$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
September 10, 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 'Keith K. Okamoto', with a stylized flourish at the end.

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

TS:dfg

copy – Mr. Rayson Noguchi
DWS Customer Service Section (Hilo)