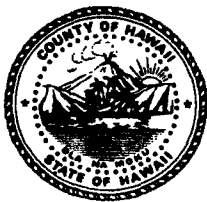


Harry Kim
Mayor

Roy Takemoto
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
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County of Hawai'i
PLANNING DEPARTMENT

Michael Yee
Director

April Surprenant
Acting Deputy Director

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

July 28, 2020

Kathrin G. Kohler, Trustee
P.O. Box 358
Kamuela, HI 96743-0358

Dear Ms. Kohler:

SUBJECT: Application: Ohana Dwelling Unit Permit (OHD-20-000202)
Applicant: REVOCABLE TRUST OF KATHRIN G. KOHLER
Land Owner: REVOCABLE TRUST OF KATHRIN G. KOHLER
REVOCABLE TRUST OF ADI W. KOHLER
Proposal: Construct a Detached Ohana Dwelling Unit
Tax Map Key: (3) 6-5-007:033 Lot D

Upon review of your application and as applicable, comments from the public and government agencies for a detached 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 55,000 square feet, Lot D, and is situated within the "Waterhouse Subdivision", Waimea Homesteads, South Kohala, Hawai'i. The property is zoned Agricultural – minimum building site of one acre (A-1a) by the County and is situated within the State Land Use Urban district. Subject parcel was created by Subdivision-376 on January 8, 1951. (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 (DEM): See attached memorandum dated June 26, 2020 (**Exhibit B**);
2. The State of Hawai'i Department of Health (DOH): See attached memorandum dated June 18, 2020 (**Exhibit C**);
3. The Hawai'i County Fire Department (HFD): See attached memorandum dated June 16, 2020 (**Exhibit D**);
4. The Department of Public Works (DPW): See attached memorandum dated June 2, 2020 (**Exhibit E**);
5. The Department of Water Supply (DWS): See attached memorandum dated June 8, 2020 (**Exhibit F**).

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 **Kathrin Kohler** dated June 24, 2019, included with the OHD application states:

"This document shall serve as an affidavit stating that there is no known 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 of an Ohana dwelling unit." of an application for an "Ohana Dwelling" permit.

ANALYSIS

The building site for the subject OHD application is a legal lot of record of at least 55,000 square feet located within the A-1a 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 Opelo Road fronting the subject parcel, per DWS memo dated June 8, 2020. (See Exhibit F)

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 30297 was issued on December 9, 1964, to the subject property for a single-family dwelling consisting of 3 bedrooms, 2 baths for a total count of 7 rooms and a carport.
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 50,000 sq. ft., is zoned Agricultural (A-1a) 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:

- Side yards – minimum 25 feet required and
 - 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. 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.

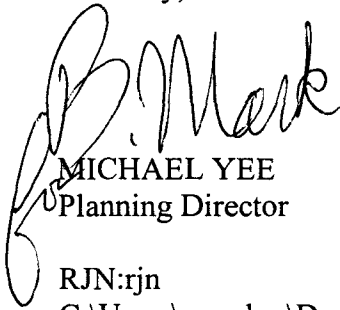
- c. Remittance of the following charge, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):	
<u>2nd service to the parcel</u>	<u>\$5,500.00</u>
SERVICE LATERAL INSTALLATION CHARGE:	
<u>Install one (1) meter on Opelo Road, a County road</u>	<u>\$4,000.00</u>
Total (Subject to Change)	\$9,500.00

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

Should you have any questions regarding the above, please contact Rosalind Newlon of this office at (808) 323-4770.

Sincerely,



MICHAEL YEE
Planning Director

RJN:rjn

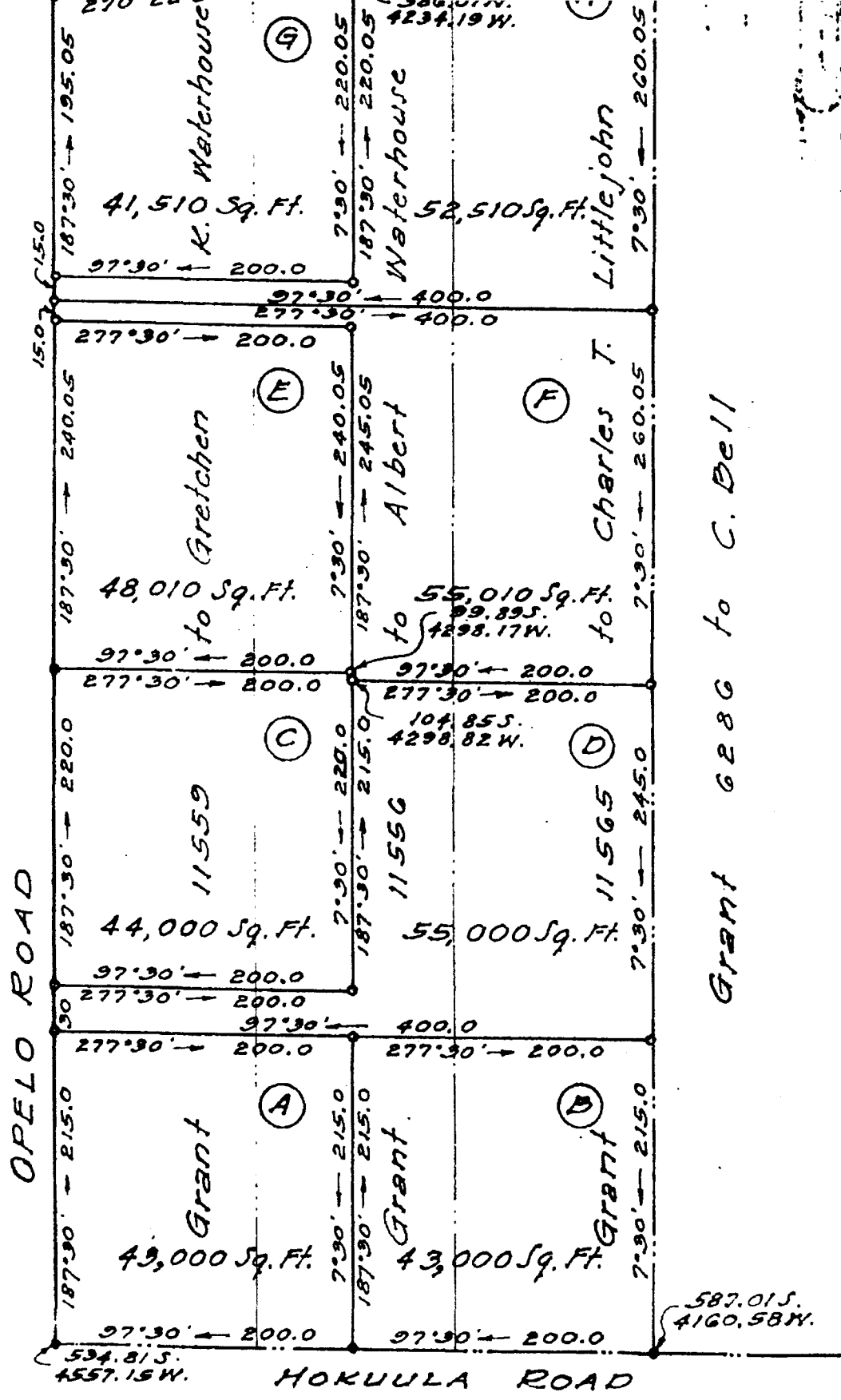
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Encls: Agency comments – Exhibits A-F

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)

True North
Scale: 1 in. = 100 ft.



NOTE:
All corners are marked with pipes
Coordinates are referred to "West Base" Δ
Tax Map Key G-5-02

OPELO ROAD

HOKUULA ROAD

Grant 6286 to C. Bell

(Revised December, 1950)
WATERHOUSE SUBDIVISION
Wainea Homesteads, S. Kohala, Hawaii
Scale: 1 in. = 100 ft.
EXHIBIT A
Plan by Chas. L. Murray Dec., 1950

Chairman
By W. H. H. H. H.
Director
Date: JAN 8 1951

"EXHIBIT A"