

Harry Kim
Mayor



Michael Yee
Director

Roy Takemoto
Managing Director

April Surprenant
Acting Deputy Director

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74-5044 Ane Keohokālole Hwy
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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

November 30, 2020

Love Lee & Clarity Trust
65-1120 Puu Opelu Place
Waimea, HI 96743

Dear Love Lee & Clarity Trust:

Ohana Dwelling Permit Application (OHD-20-000205)
Applicant: Love Lee & Clarity Trust
Owner: Love Lee & Clarity Trust
State Land Use: Urban
County Zoning: Single-Family Residential (RS-7.5)
Land Area: 13,154 s.f.
TMK: (3) 6-5-009:097

Please accept our apologies for the delay regarding this applications. 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, comprised of 13,154 s.f. situated within the Waimea Homesteads, South Kohala, Island of Hawai'i. The property is zoned Single-Family Residential (RS-7.5) 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 Hawaii County Department of Public Works (DPW): See attached memorandum dated September 17, 2020 (**Exhibit A**);
2. The Department of Water Supply (DWS): See attached memorandum dated September 29, 2020 (**Exhibit B**);
3. The Hawai'i County Fire Department (HFD): The HFD did not comment on this application as of this date;
4. The State of Hawai'i Department of Health (DOH): The DOH did not comment on this application as of this date.

5. The Department of Environmental Management (DEM): The DEM did not comment on this application as of this date

COMMUNITY COMMENTS

Notice were sent to surrounding property owners on September 4, 2020 and October 5, 2020. .

ADDITIONAL FINDINGS

We note the following documents that accompanied your application:

The original and notarized affidavits of Love Lee & Clarity Trust, dated August 16, 2020, included with the OHD application states:

- 1) *This affidavit confirms that the applicant, Lee, Love/Clarity Tr, is a titleholder of the affected property for "Application for Ohana Dwelling Unit Permit" regarding the property at 65-1120 Pu'u Opelu Place, Kamuela, HI 96743.*
- 2) *This affidavit confirms that the provisions of any restriction, covenant or other land use restriction applicable to the lot by way of deed or lease or other provision do not prohibit the construction or placement of an Ohana dwelling unit or second unit for "Application for Ohana Dwelling Unit Permit" regarding the property at 65-1120 Pu'u Opelu Place, Kamuela, HI 96743.*

ANALYSIS

The proposed building site for the subject OHD application is a legal lot of record greater than 10,000 square feet located within the Single Family Residential 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 Department of Water Supply has stated in its memorandum dated September 29, 2020, "*that there is an existing service 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 4-inch waterline within Puu Opelu Place, fronting the subject parcel...*"

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 November 30, 2021.

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) The applicant shall consult with the DPW to conform with driveway requirements and to address potential runoff issues with the placement of the OHD.
 - b) The applicant shall contact the DWS and pay any required facilities charge and service lateral installation charges to the DWS.
 - c) The applicant shall correspond with the DOH to determine the number and type of individual wastewater systems allowed.
 - d) The applicant shall consult with the HFD to verify the accessibility of the premises for emergency/fire fighting purposes.
 - e) 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.
 - f) 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 **thirty-five (35'-0")** feet.
 - b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel, containing 13,154 s.f., is zoned Single-Family Residential (RS-7.5) 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:

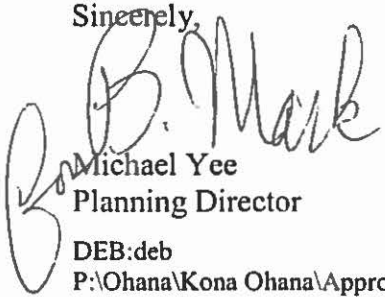
- i) Front yard - minimum **fifteen** (15) feet required;
- ii) Rear yard – minimum **fifteen** (15) feet required;
- iii) Side yards – minimum **eight** (8) feet required; and

- 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 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.

If you have any questions please call Deanne Bugado of our West Hawai'i Office at 323-4770.

Sincerely,


Michael Yee
Planning Director

DEB:deb
P:\Ohana\Kona Ohana\Approval\OHNap-6-5-9-97_Clarify Trust

Encls: Agency & Public comments – Exhibits A,B

xc: Chief Sanitarian, DOH

Love Lee & Clarity Trust

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November 30, 2020

Manager, DWS

Chief, HFD

Chief Engineer, DPW

GIS Section (via email)



BUILDING DIVISION – DPW

COUNTY OF HAWAII – 74-5044 Ane Keohokalole HWY. BLDG E 1st Floor KAILUA
Hilo Office (808) 961-8331 * Fax (808) 961-8410 Kona Office (808) 323-4720 * Fax (808) 323-4720
RCVD COH PLANNING DEPT
OCT 1 '20 AM 10:52
VIA EMAIL

RCVD COH PLANNING DEPT
OCT 1 '20 AM 10:52

Date of Notice: September 17, 2020
Owner: Donna Love Lee & Charity Trust
Mailing address: 65-1120 Puu Opelu Place, Kamuela, Hawaii 96743

VIA EMAIL

Address location of property: 65-1120 Puu Opelu Place, Kamuela, Hawaii 96743

SUBJECT: Ohana Dwelling Permit Application (OHD-20-000205)

T.M.K.: (3) 6-5-009:097-0000

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

- No Building, Electrical and Plumbing permit was issued for work done on the premise.
- No building permit was issued for the change of occupancy.
- At the time of completion, the subject complied to all building regulations that were in effect.
- Variance from any building regulation (Building, Electrical, Plumbing, or Sign) was/was not granted.
- The following violation(s) still outstanding:
 - Building Electrical Plumbing Sign
- Others: Fences & Accessory Structures, Projections into Building Setbacks

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

Currently existing permits show complete in our files except for recently issued Building and Electrical for new PV installation. New Building, Electrical and Plumbing Permit are required for the proposed Ohana and shall meet the requirements for a duplex per the current codes at time of application.

Kelly Wilson, Plans Examiner
County of Hawaii Department of Public Works Building Division

SCANNED
OCT 1 2020
By: 136439

BD-10



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

September 29, 2020

COPY RECEIVED DEPT
 SEP 30 2020 9-21:5

TO: Mr. Michael Yee, Director
 Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Ohana Dwelling Unit Permit Application
 (OHD 20-000205)
 Applicant – Love Lee and Clarity Trust
 Tax Map 6-5-009:097

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

Please be informed that there is an existing service 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 4-inch waterline within Puu Opele 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.

Please be informed that the existing 4-inch waterline within Puu Opele Place is inadequate to provide the required 1,500-gallons per minute of flow for fire protection, as per the Department's Water System Standards.

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

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

136600

Mr. Michael Yee, Director
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September 29, 2020

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

Sincerely yours,



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

TS:dfg

copy – Love Lee and Clarity Trust
DWS Customer Service (Hilo)