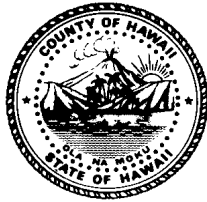


Mitchell D. Roth
Mayor

Lee E. Lord
Managing 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

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

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

September 26, 2022

Mrs. Donna Maxine Y. Malson
26 Kūpa'a St.
Hilo, Hi 96720

Dear Ms. Malson:

SUBJECT: Application: 'Ohana Dwelling Unit Permit (PL-OHD-2022-000008)
Applicant(s): Donna Maxine Y. Malson
Land Owner: Donna Maxine Y. Malson TTEE
Proposal: Construct Proposed attached 'Ohana Dwelling Unit
Tax Map Key: (3) 2-4-021:070 (Lot 1) Waiākea, S. Hilo, Hawai'i

Upon review of your application and as applicable, comments from the public and government agencies for an 'Ohana Dwelling Unit (OHD) Permit, you are hereby **granted approval** to construct an 'Ohana Dwelling 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. The proposed additional dwelling is attached to the existing single-family dwelling.

PROPERTY DESCRIPTION

The subject TMK parcel, comprises of 15,122 square feet, Lot 1, and is situated within Waiākea Homesteads 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 No. 2140 dated June 4, 1964.

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 September 16, 2022 (Exhibit A);

2. State of Hawai‘i Department of Health (DOH): See attached memorandum dated September 21, 2022 (Exhibit B);
3. Hawai‘i Fire Department (HFD): See attached email response attached dated September 12, 2022 (Exhibit C).

COMMUNITY COMMENTS

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

ADDITIONAL FINDINGS

We note the following documents that accompanied your application:

- a. *Donna Maxine Yaeko Malson is the title holder for the subject parcel, TMK (3) 2-4-021:070.*
- b. *The Parcel is TMK (3) 2-4-021:070. There are no covenants or any other land use restrictions that are applicable to the lot by way of deed or lease or other provision that prohibit construction or placement of an “Ohana” dwelling unit.*

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. There is a pre-existing dwelling on the property built December 28, 1978. 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 is currently served by a 5/8-inch meter (Account 130-58250), which is adequate for only one (1) dwelling at an average of 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 Kūpa‘a Street, fronting the subject parcel.

The (DOH) Wastewater Branch records indicate that there is an existing 3-bedroom dwelling that is served by a cesspool. An ‘Ohana 2-bedroom dwelling may be constructed, however, the existing cesspool will be required to be upgraded to serve a total of 5-bedrooms between two homes, before the Wastewater branch will sign the building permit for the 2-bedroom ‘Ohana Dwelling.

DECISION AND CONDITIONS

In view of the above, by this letter, you are hereby **granted** permission to construct a single-family 'ohana dwelling to replace a pre-existing dwelling, 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. The proposed OHD shall comply with the State of Hawai'i Department of Health's Hawai'i Administrative Rules, Chapter 11-20 (HAR 11-20), and titled "Rules to Public Water Systems." The proposed site plan indicate that the existing 3-bedroom dwelling is serviced by cesspool. The existing cesspool will be required to be upgraded to serve a total of 5-bedrooms. A proposed septic system is shown on site plan to also service the proposed OHD. Should the DOH require another septic system for the OHD, the applicant must revise the proposed site plan to reflect the requirements of the DOH.
3. **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.
4. **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.
5. **Building Permit:** Hawai'i County records indicate that one dwelling structure was built in 1978, (Building Permit No. 783296).
6. **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 15,122 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 feet (25') feet required;
 - Rear yard – minimum feet (25') feet required;
 - Side yards – minimum feet (15') feet required
 - Between dwellings 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.
7. A guest house shall not be permitted or constructed where an 'Ohana dwelling has been permitted or constructed.
8. This OHD permit is subject to all other applicable rules, regulations and requirements of the Planning Department, DPW, HFD, DOH, DWS and other reviewing agencies/divisions listed on the Building Permit Application.
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 zoning 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 of 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, amended.

Should you have any questions regarding the above, please contact Terri Napeahi of this office, at (808) 961-8288 or email terri.napeahi@hawaiicounty.gov.

Sincerely,

Zendo Kern
Zendo Kern (Oct 4, 2022 16:34 HST)
ZENDO KERN
Planning Director

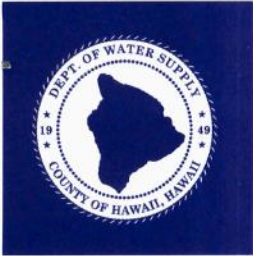
TLN:ta

\\COH01\planning\public\Admin Permits Division\Ohana\2022\PL-OHD-2022-000008 Malson Apvl Ltr.doc

Encl: Exhibit A, B, C, Revised Site/Plot plan

Donna Maxine Y. Malson
'Ohana Dwelling Approval Letter
PL-OHD-2022-000008
September 26, 2022
Page 5

cc: Dept. of Health, Chief Sanitarian w/revised site plan
Dept. of Water Supply w/revised site plan
Hawai'i Fire Dept. w/revised site plan
Dept. of Public Works w/revised site plan
GIS Section (via email) w/enclosure



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 16, 2022

COH PLANNING DEPT
SEP 16 2022 PM 2:03
REC'D HAND DELIVERED

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Ohana Dwelling Unit Permit**
Applicant – Donna Maxine Y. Malson
Tax Map Key 2-4-021:070 (PL-OHD-2022-000008)

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 (Account 130-58250), 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 Kūpa'a Street, 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 by the Department of Water Supply, 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. Remittance of the following charges, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):

2nd service to the parcel \$6,095.00

SERVICE LATERAL INSTALLATION CHARGE:

Install one (1) meter on Kūpa'a Street, a County road \$3,000.00

Total (subject to change) \$9,095.00

EXHIBIT A


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

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

Mr. Zendo Kern, Director
Page 2
September 16, 2022

Should there be any questions, please contact Mr. Troy Samura of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,


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

TS:dfg

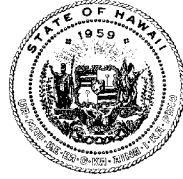
copy – Ms. Donna Maxine Y. Malson
DWS Customer Service (Hilo)

Mori, Ashley

From: Honda, Eric T. <Eric.Honda@doh.hawaii.gov>
Sent: Wednesday, September 21, 2022 2:01 PM
To: Planning Internet Mail
Subject: PL-OHD-2022-000008
Attachments: PL-OHD-2022-000008 TMK2-4-021--070.doc

Eric Honda
District Environmental Health Program Chief
Hawaii District Health Office
(808) 933-0917
Eric.honda@doh.hawaii.gov

EXHIBIT B



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

MEMORANDUM

DATE: September 21, 2022

TO: Mr. Zendo Kern
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Application: OHANA DWELLING UNIT PERMIT (PL-OHD-2022-000008)
Applicant: Donna Maxine Y. Malson
Landowner: Donna Maxine Y. Malson TTEE
SLU: Urban
CZ: RS-15 (Single-Family Residence)
LA: 15122sf
TMK: 2-4-021:070 (Lot 1)

Wastewater Branch records indicate there is an existing 3-bedroom dwelling that is served by a cesspool. An Ohana 2-bedroom dwelling may be constructed, however, the existing cesspool will be required to be upgraded to serve a total of 5-bedrooms between two homes.

The existing cesspool will be required to be upgraded before the Wastewater Branch will sign the building permit for the 2-bedroom Ohana dwelling. Please contact Mark Tomomitsu of our office at (808) 586-4294 should you have any questions.

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.

Zendo Kern
September 22, 2022
Page 2 of 2

Should there be any questions on this matter, please contact the Department of Health at 933-0917.

Mori, Ashley

From: Baybayan, Clinton
Sent: Monday, September 12, 2022 2:48 PM
To: Planning Internet Mail
Subject: Subject: Request for Comments | TMK: 2-4-021:070 | PL-OHD-2022-000008: 'Ohana Application - Malson

Good Afternoon,
HFD has no comments for the proposed Ohana Application. Please let me know if you have any questions.

Thank You,

Clinton K. Baybayan
Fire Captain
Hawaii Fire Department
Fire Prevention Branch
(W) 808-323-4761

EXHIBIT C

