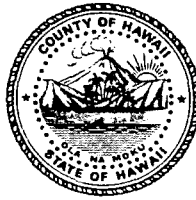


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

March 27, 1998

Mr. and Mrs. Jacob Van Kralingen
P.O. Box 1147
Volcano, HI 96785

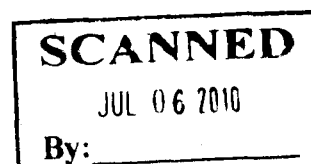
Dear Mr. and Mrs. Van Kralingen:

Additional Farm Dwelling Agreement
Applicant: Jacob & Lissa Van Kralingen
Tax Map Key: 1-1-21:124

Pursuant to authority conferred to the Planning Director in Section 25-5-77(c) of the Zoning Code and Planning Department Rule 13, Farm Dwellings, we have reviewed your request for an additional farm dwelling on the subject property. Your submittal included the following information:

- (a) A notarized affidavit that the additional dwelling shall be used for farm-related purposes in the form of the proposed Farm Dwelling Agreement.
- (b) Name and address of the landowner or lessee, if the latter has a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement.
- (c) Written authorization of the landowner.
- (d) A farm plan of the applicant's continual agricultural productivity or farming operation within the County. The plan shows how the farm dwelling will be utilized for engagement in agricultural productivity or farming operation.

In support, evidence of a State of Hawaii Department of Taxation's Gross Income License (GE 30111886) has also been presented.



MAR 31 1998

Resp to 2294

Mr. and Mrs. Jacob Van Kralingen

Page 2

March 27, 1998

Findings:

1. In Chapter 205, Hawaii Revised Statutes, the State Land Use Law does not authorize residential dwellings as a permitted use in the State Land Use Agricultural district unless the dwelling is related to an agricultural activity or is a farm dwelling. A **farm dwelling** is defined in Section 205-4.5, Chapter 205, HRS, **means a single family dwelling located on and used in connection with a farm, including clusters of single family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling.** (emphasis added)
2. The State Land Use Law does not limit farm dwellings for only full-time farming operations.
3. The Farm Plan, the agreement to use the dwelling for agricultural or farm-related activity on the building site, and the General Excise Tax License demonstrate that there is agricultural activity and income is being/will be taxed.

Decision:

In view of the above, your request to construct an additional farm dwelling is approved.

The Planning Director has completed the appropriate portions of the Farm Dwelling Agreement. You must record this approved Farm Dwelling Agreement with the State Bureau of Conveyances and/or Land Court within thirty days of receipt of this approval.

In sending this document out for recordation, please note the following:

1. The original and one copy of the document must be submitted for recordation.
2. A check in the amount of \$25.00 to cover the recordation fee should be made out to the State of Hawaii, Bureau of Conveyances and attached to the Agreement. Their address is as follows:

State of Hawaii
Bureau of Conveyances
P.O. Box 2867
Honolulu, HI 96803

Mr. and Mrs. Jacob Van Kralingen

Page 3

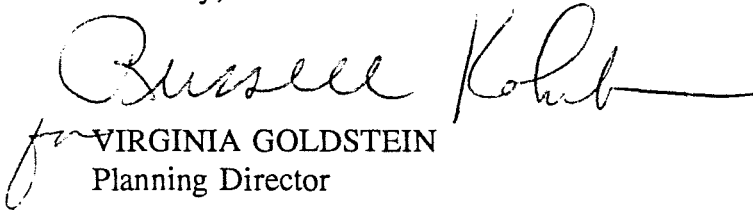
March 27, 1998

3. Also required is a self-addressed stamped envelope to have the recorded document returned to you.

You must submit a copy of the recorded Farm Dwelling Agreement to the Planning Director prior to approval of the building permit for the farm dwelling.

Should you have questions or require further information, please feel free to contact Esther Imamura at 961-8288.

Sincerely,


for VIRGINIA GOLDSTEIN
Planning Director

ETI:jkg

f:\wpwin60\eti\agrmnt\vankrali.boc

Enclosure