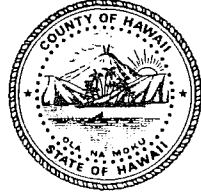


Stephen K. Yamashiro
Mayor



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

April 27, 2000

Ms. Vanessa V. In
66-1279 Ahuli Circle
Kamuela, Hawaii 96743

Dear Ms. In:

Additional Farm Dwelling Agreement

Applicants: Vanessa V. In & Peter A. In

Land Owners: Vanessa V. In, Peter A. In, Shinji Inaba & Robin Inaba

Tax Map Key: 6-4-1:152, Lot 4

Pursuant to authority conferred to the Planning Director in Ordinance 96-160, Chapter 25, Article 5, Division 7, Section 25-5-77 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 Additional 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.
- (e) In support, evidence of a State of Hawaii Department of Taxation's Gross Income License (GE 30117611) has also been presented.

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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** as 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 Farm Plan, GE Tax License, and the agreement to use the dwelling for agricultural or farm-related activity on the building site demonstrate that there is agricultural activity and that income will be taxed.
3. In addition, the following agencies have submitted their comments as stated below:

- a. Department of Water Supply (Memorandum dated January 4, 2000):

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

For your information, an existing 5/8-inch meter services this property and is adequate for only one dwelling at 600 gallons per day. This application is proposing an additional detached dwelling, so the installation of a separate 5/8-inch meter by the applicant is required in accordance with Department regulations.

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 second 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to a maximum daily flow of 600 gallons as the existing service is.
2. Installation of a backflow preventer (reduced pressure type) by a licensed contractor on the applicant's property just after the meter. The installation and assembly of the backflow preventer must be inspected and approved by the Department before the water meter can be installed. The backflow preventer shall be operated and maintained by the customer. A copy of our backflow preventer

Ms. Vanessa V. In
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April 27, 2000

handout is being forwarded to the applicant to help them understand this requirement.

3. Remittance of the following charges, which are subject to change, to our Customer Service Section:

a. Facilities Charge (One 2 nd service at \$3,375.00 each)	\$3,375.00
b. Service Lateral Installation Charge (Install one meter on Hawaii Belt Road, the County section)	<u>1,200.00</u>
Total	\$4,575.00

Should there be any questions, please contact our Water Resources and Planning Branch at 961-8665.

- c. Real Property Tax Office No comment received.
- b. Department of Health (Memorandum dated April 24, 2000):

The proposed Septic Tank System would need to be designed by a Registered Professional Engineer licensed by the State of Hawaii. Please submit the plans to the Wastewater Branch in Honolulu for approval.

Decision:

In view of the above, your request to construct an additional farm dwelling is approved subject to the following conditions:

1. The additional farm dwelling shall be used to provide shelter to only person(s) involved in the agricultural or farm-related activity on the building site.
2. The agreement shall run with the land and apply to all persons who may now or in the future use or occupy the additional farm dwelling.
3. This Farm Dwelling Unit Permit is subject to all other applicable rules, regulations, and requirements of the Planning Department (including but not limited to the Zoning Code, Chapter 25, Ordinance No. 96-160, Effective: December 7, 1996), Department of Public Works, Department of Water Supply, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.
4. In reference to the Department of Water Supply's comments, may we suggest the following:

Ms. Vanessa V. In
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April 27, 2000

- a. Any dwelling not serviced by a County water system should be provided with and maintain a private potable rain catchment system which includes a minimum 6,000 gallon for domestic consumption or potable uses. This catchment system should adhere to the Department of Public Works, Building Division's "Guidelines for Owners of Rain Catchment Water Systems" as well as the State Department of Health requirements related to water testing and water purifying devices.
- b. Any farm dwelling should be provided with and maintain a private water supply system which includes an additional minimum 3,000 gallon water storage capacity for fire fighting and emergency purposes. The emergency water supply system, including the necessary compatible connector system and location of the water storage capacity on the property, should meet with the approval of the Hawaii County Fire Department.

The Planning Director has completed the appropriate portions of the enclosed Additional Farm Dwelling Agreement. You must record this approved Additional 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
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.

Ms. Vanessa V. In
Page 5
April 27, 2000

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

Sincerely,

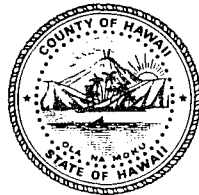

VIRGINIA GOLDSTEIN
Planning Director

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Enclosure

xc: Mr. Milton Pavao, Department of Water Supply
Mr. Kalani Schutte, Finance Department

Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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May 8, 2000

Ms. Vanessa V. In
66-1279 Ahuli Circle
Kamuela, Hawaii 96743

Dear Ms. In:

Additional Farm Dwelling Agreement
Applicants: Vanessa V. In & Peter A. In
Land Owners: Vanessa V. In, Peter A. In, Shinji Inaba & Robin Inaba
Tax Map Key: 6-4-1:152, Lot 4

This is to inform you of a comment that was inadvertently added to our Additional Farm Dwelling Agreement approval letter dated April 27, 2000.

Please disregard Decision Item No. 4, which stated our recommendation in reference to the Department of Water Supply's memorandum.

However, you should abide by their comments as stated below:

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

For your information, an existing 5/8-inch meter services this property and is adequate for only one dwelling at 600 gallons per day. This application is proposing an additional detached dwelling, so the installation of a separate 5/8-inch meter by the applicant is required in accordance with Department regulations.

Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting the following conditions:

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Ms. Vanessa V. In
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May 8, 2000

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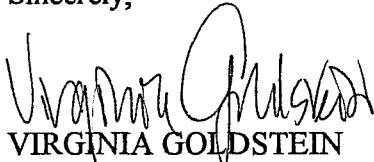
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a. Facilities Charge (One 2 nd service at \$3,375.00 each)	\$3,375.00
b. Service Lateral Installation Charge (Install one meter on Hawaii Belt Road, the County section)	<u>1,200.00</u>
Total	\$4,575.00

Should there be any questions, please contact our Water Resources and Planning Branch at 961-8665.

We apologize for any misunderstanding this may have caused. If you have questions or require further information, please feel free to contact Esther Imamura at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

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xc: Mr. Milton Pavao, Department of Water Supply
Mr. Kalani Schutte, Finance Department