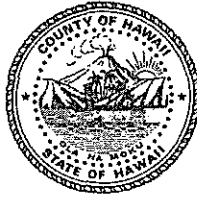


Stephen K. Yamashiro
Mayor



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

December 6, 1999

Mr. Larry R. Smith
77-6500 Akai Street
Kailua-Kona, Hawaii 96740

Dear Mr. Smith:

Additional Farm Dwelling Agreement
Applicant: LARRY R. SMITH
Landowner: LARRY R. SMITH
Tax Map Key: 7-7-004:069

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. The Real Property Tax Clearance form certified on September 22, 1999, that the owners of record have paid all property taxes up to and including August 20, 1999.

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DEC 15 1999

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 farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling.**
2. The Farm Plan 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 is being/will be taxed.
3. In addition, the following agencies have submitted their comments as stated below:

- a. The Department of Health Memorandum dated October 14, 1999, states:

"The subject lot is located in the Critical Wastewater Area where cesspools are not allowed. Any development on this lot would require all wastewater be disposed into a Septic Tank System or into public sewer when accessible."

- b. The Department of Water Supply Memorandum dated October 21, 1999, states:

"The subject property is part of a private water system that has a 1½-inch meter with the Department and, therefore, does not have an existing water service. This 1½-inch meter is a master meter and entitles the lots it services to one unit of water at 600 gallons per day per unit. This application is proposing an additional detached dwelling, so the purchase of an additional unit of water by the applicant is required in accordance with Department regulations. A unit of water is equal to a daily maximum use of 600 gallons.

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

- "1. Since this is a private system and the developer intends to dedicate it to the Department in the near future, the applicant shall submit construction plans for our review and approval. A professional engineer, architect, or land surveyor, registered in the State of Hawaii, shall prepare these plans and show the installation of a 1-inch service lateral for a 5/8-inch

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meter. This service shall be restricted to a maximum daily flow of 600 gallons as the existing service is.

- "2. Hire a licensed contractor to perform the work detailed on the construction drawings once they have been approved.
- "3. Hire a licensed contractor to install a backflow preventer (reduced pressure type) 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 handout is being forwarded to the applicant to help them understand this requirement.
- "4. Remittance of the following charges, which are subject to change, to our Customer Service Section:

a.	Facilities Charge (One 2nd service at \$3,375 each)	\$3,375.00
b.	Capital Assessment Fee (One 2nd service in N. Kona water system at \$500.00 each)	<u>500.00</u>
	Total	\$3,875.00

"Lastly, by a copy of this letter, we are notifying the applicant (Willocks Construction Corporation) of our requirements for the master meter. They may want to review the private system to determine if it has adequate capacity for this additional volume of water. They also need to know that this Department will review any future requests for additional units of water. At some point in the future, we may require the installation of a larger meter and the payment of appropriate facilities charges, assuming that water is available at the time of the request.

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

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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 Planning Department, including but not limited to those of the Zoning Code, Chapter 25, Ordinance No. 96-160, Effective: December 7, 1996; Department of Public Works; Department of Water Supply; Fire Department; State Department of Health; and other reviewing agencies/divisions listed on the Building Permit Application.

The Planning Director has completed the appropriate portions of the 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

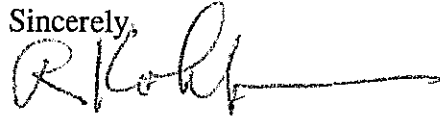
3. Also required is a self-addressed stamped envelope to have the recorded document returned to you.

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

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Should you have any questions or require further information, please feel free to contact Pamela Harlow of our Kona office at 327-3510.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

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Enclosure

xc: West Hawaii Office