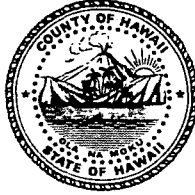


Stephen K. Yamashiro
Mayor



7-3-512
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

January 6, 1999

Mr. William Wilton
P.O. Box 415
Kailua-Kona, Hawaii 96745

Dear Mr. Wilton:

Additional Farm Dwelling Agreement
Applicant: WILLIAM WILTON
Landowners: WILLIAM WILTON
ALFIE FUJITANI INC.
Tax Map Key: 7-3005: 002

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 two additional farm dwellings on the subject property. Your submittal included the following information:

- a. A notarized affidavit that the additional dwellings 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 dwellings will be utilized for engagement in agricultural productivity or farming operation.
- e. The Real Property Tax Clearance form certified on November 20, 1998 that the owner of record has paid all property taxes up to June 30, 1999.

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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 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 dwellings 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, December 7, 1998, memorandum states:
"By current rules, the subject lot is located in a Critical Wastewater Disposal Area. A lot size of five (5) acres or more are required for a cesspool. Only one cesspool would be allowed on the lot. A septic tank system would be needed if a second wastewater disposal system is needed on this lot."
 - b. The Department of Finance, Real Property Tax Division, December 4, 1998, memorandum states:
"Property is not receiving an agricultural use assessment. An agricultural use/dedication application has not been filed. Real property taxes are paid up to June 30, 1999."
 - c. The Department of Water Supply did not comment.

Decision:

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

1. The additional farm dwellings 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 dwellings.
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 those of the Zoning Code, Chapter 25, Ordinance No. 96-160,

Mr. William Wilton

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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.

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 Agreements to the Planning Director prior to approval of the building permit for the farm dwellings.

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

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

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Enclosure

xc: West Hawaii Office

Real Property Tax Office
Department of Water Supply