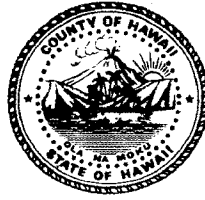


Harry Kim
Mayor

Wil Okabe
Managing Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i
PLANNING DEPARTMENT

Michael Yee
Director

Duane Kanuha
Deputy Director

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

September 23, 2019

Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
75-5749 Kalawa Street
Kailua-Kona, HI 96740-1818

Dear Ms. Yamasaki:

FINAL SUBDIVISION APPROVAL NO. SUB-19-001900

SUBDIVIDERS: SEEL, Jeffrey W. & Carol D./Joseph Leo Barry, III & Carol Ann Martini

Consolidation of Lot 6-A, Portions of Royal Patent 8214, Land Commission Award 7715, Apana 11, & Grant 3755,

And Lot 6-B, Portion of Royal Patent 8214, Land Commission Award 7715, Apana 11

And Resubdivision Into Lots 6-A-1 & 6-B-1,

Kaloko & Kohanaiki, North Kona, Island of Hawai'i, Hawai'i

TMK: (3) 7-3-008:132 & 133

Please be informed that final subdivision approval for recordation is hereby granted to the final plat map dated May 7, 2019, as attached herewith inasmuch as all requirements of the Subdivision Code, Chapter 23, as modified have been met.

You and the subdividers may wish to consult an attorney for the preparation of the necessary legal documents and description of the certified final plat map for the purpose of recordation with the State of Hawai'i, Bureau of Conveyances.

By approval of this subdivision action and previous subdivision approval SUB-14-001335, **Additional Farm Dwelling Agreements, initially approved on TMK 7-3-008:071 (parent parcel of TMKs 7-3-008: 132 & 133), are hereby nullified.** It is understood that recordation of the "cancellation of agreements" is being recorded with the State of Hawai'i, Bureau of Conveyances.

By a copy of this letter, we are forwarding a copy of the certified final plat map to the listed officers for their file.

Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
September 23, 2019
Page 2

Copies of the certified final plat map are enclosed. Should you have any questions, please feel free to contact Hans Santiago or Jonathan Holmes of this department.

Sincerely,



MICHAEL YEE
Planning Director

HS:tb

\\coh33\planning\public\Admin Permits Division\Subdivision\2019\2019-4\SUB-19-001900SeelBarryMartini FSA 09-23-19.docx

Encs.: 2 Certified FPM

xc: Manager, DWS
Director, DPW w/Certified FPM
Real Property Tax Division-Kona w/Certified FPM
Tax Maps and Records Supervisor w/Certified FPM & 1 CD
Jeffrey W. & Carol D. Seel
Joseph Leo Barry, III & Carol Ann Martini
TMK file 7-3-008:132; TMK file 7-3-008:133; TMK file 7-3-008:071
GIS Section

R-454

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

JUL 11, 2000 08:02 AM

Doc. No.(s) 2000-094974

/s/ CARL T. WATANABE
ACTING
REGISTRAR OF CONVEYANCES

AFTER RECORDATION, RETURN BY

ROBERT A PETERSON
73-4569 KOHANAHI ROAD
KAILUA-KONA, HI 96740

TITLE OF DOCUMENT:

ADDITIONAL FARM DWELLING AGREEMENT

PARTIES TO DOCUMENT:

ROBERT A PETERSON
COUNTY OF HAWAII

PROPERTY DESCRIPTION:

TMK 2-7-3-8171

ADDITIONAL FARM DWELLING AGREEMENT

THIS AGREEMENT made and executed this 6th day of MARCH, 2000, by and between ROBERT PETERSON herein called the "First Party," whose mailing address is 73-4569 KOHAWAIKI RD #6, KAILUA-KONA, HI 96740, and the COUNTY OF HAWAII, herein called the "Second Party."

IT IS HEREBY AGREED that the First Party may construct an additional farm dwelling located on the property described by Tax Map Key 3-7-3-8:71 situated within the State Land Use _____ district and zoned A 6 3.0 ACRES by the Second Party.

IT IS HEREBY ACKNOWLEDGED that the First Party is the LEGAL OWNER (legal owner/lessee) of the property above described.

IT IS HEREBY FURTHER AGREED that this approval to construct an additional farm dwelling is given 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. The landowner or lessee shall record the approved Additional Farm Dwelling Agreement with the State of Hawaii, Bureau of Conveyances and/or with the

Land Court System within thirty days from the date of receipt of approval. A copy of the recorded Additional Farm Dwelling Agreement shall be submitted to the Planning Director of the County of Hawaii prior to approval of the building permit.

IT IS HEREBY FURTHER AGREED that if this agreement is with a lessee, the legal owner shall be a party to this agreement.

IT IS HEREBY FURTHER AGREED that should the pertinent provisions of the State and County laws and rules and regulations change to authorize said farm dwelling, upon request of the First Party, this Agreement may be reconsidered for possible amendment and/or severance.

IT IS HEREBY FURTHER AGREED that if the property is situated within the State Land Use Agricultural district, the Second Party may imposed a fine of not more than \$5,000 for violation of Section 205-4.5, Hawaii Revised Statutes. If the violation is not corrected within six months of such citation and the violation continues, a citation for a new and separate violation may be imposed. There shall be a fine of not more than \$5,000 for any additional violation. The Second Party may also impose fines for any violation of Chapter 25, Hawaii County Code, as amended, in accordance with the procedures and fine schedule outlined in Division 3, Article 2, of said code.

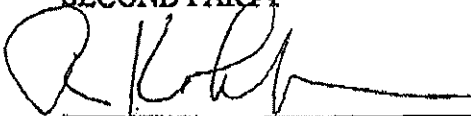
IN CONSIDERATION OF THE AFORESAID, the Second Party hereby approves this Agreement as being in conformity with Sections 205-2 and 205-4.5 of the Hawaii Revised Statutes, relative to permitted uses within the State Land Use Agricultural district. This Agreement is also in conformance with Chapter 25, Hawaii County Code, as amended.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year
first above written.

FIRST PARTY



SECOND PARTY



Planning Director
County of Hawaii Planning Department

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 9th day of June, 192000, before me personally appeared R. Koleu Deputy Planning to me personally known, who, being by me duly sworn, did say that he/she is the Planning Director of the County of Hawaii; and that the Planning Department of the County of Hawaii has no corporate seal; and that the instrument was signed on behalf of the Planning Department of the County of Hawaii, a government agency, and said R. Koleu acknowledged the instrument to be the free act and deed of said Planning Department, County of Hawaii.

Patricia A. Fogarty
Patricia A. Fogarty
Notary Public, State of Hawaii
My commission expires: 7/17/02

STATE OF HAWAII

)
) SS:

COUNTY OF HAWAII

On this 8th day of March, 19 2000, before me personally appeared

Robert A. Peterson, to me known to be the person described in and

who executed the foregoing instrument, and acknowledged that he/she executed the same as

his/her free act and deed.

Michèle Laska
Notary Public, State of Hawaii Michèle Laska

My commission expires: November 14, 2003

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

June 6, 2000

Mr. Robert A. Peterson
73-4569 Kohanaiki Road #6
Kailua-Kona, Hawaii 96740

Dear Mr. Peterson:

Second Additional Farm Dwelling Agreement

Applicant: ROBERT A. PETERSON

Landowner: ROBERT A. PETERSON

Tax Map Key: 7-3-008:071

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 a second 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 March 9, 2000 that the owner of record has paid all property taxes up to and including the June 30, 2000.
- f. In support, evidence of a State of Hawaii Department of Taxation's Gross Income License (G.E. No. 30039914) has been submitted.

Mr. Robert A. Peterson

Page 2

June 6, 2000

- g. In support, evidence of approved agricultural dedication from the County of Hawaii Department of Finance, Real Property Tax Division, has also been submitted.
- h. In support, evidence of receipts of income from the sale of agricultural products has also been submitted.

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 April 4, 2000, 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 the use of a cesspool. Only one (1) 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 Water Supply Memorandum dated May 3, 2000, states:

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

"For your information, two existing 5/8-inch meters service this property and each is adequate for only one dwelling at 600 gallons per day. This application is proposing a second additional detached dwelling, so the installation of a third separate 5/8-inch meter by the applicant is required in accordance with Department regulations. However, the applicant's existing meters do not front

Mr. Robert A. Peterson

Page 3

June 6, 2000

his property. A service like that is classified as *out of bounds* and has certain requirements, which will be detailed in Item 5 below.

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

- "1. Submit construction plans prepared by a professional engineer, registered in the State of Hawaii, for the installation of a third 1-inch service lateral to service a 5/8-inch meter for our review and approval.
- "2. Installation, by a licensed contractor, of a third 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 services are.
- "3. Installation of a backflow preventer (reduced pressure type) by a licensed contractor on the applicant's property just after the meter that will be servicing the additional farm dwelling. 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 3 rd service at \$3,375.00 each)	\$ 3,375.00
b.	Capital Assessment Fee (One 3 rd service in N. Kona water system at \$500.00 each)	<u>500.00</u>
	Total (Subject to Change)	\$ 3,875.00

- "5. When paying the above charges, sign a *Policy and Conditions of Water Service* form since the parcel does not front our waterline and is considered *out of bounds*. Lastly, the applicant is responsible for all costs for the installation of the private consumer line which will run

Mr. Robert A. Peterson
Page 4
June 6, 2000

from the Department's meter on the Hawaii Belt Road to the subject parcel, a distance of approximately 1,800 feet.

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

4. The subject parcel was issued the following building permits:
 - a. Building Permit No. K05286 was issued on January 27, 1982, for a new barn/storage shed with one bath. This building permit was closed on April 7, 1982.
 - b. Building Permit No. K06087 was issued on November 7, 1983, for a new two-story, two-bedroom dwelling with carport and lanai. This building permit was closed on August 26, 1988.
 - c. Building Permit No. K06120 was issued on November 25, 1983, for a new two-story, three-bedroom dwelling. This building permit was closed on August 26, 1988.
 - d. Building Permit No. 885186 was issued on March 4, 1988, for an open carport addition to an existing dwelling. This building permit was closed on November 29, 1989.
 - e. Building Permit No. 885742 was issued on August 9, 1988, for a ceiling in an existing open beam dwelling (original Building Permit No. K06120). This building permit was closed on August 26, 1988.
 - f. Building Permit No. 885743 was issued on August 9, 1988, for a dropped ceiling in an existing open beam dwelling (original Building Permit No. K06120). This building permit was closed on August 26, 1988.
 - g. Building Permit No. K07594 was issued on July 7, 1986, for the conversion of an existing carport to recreation room, conversion of existing workshop to full bath, conversion of existing storage area to two full baths, and the addition of two new bedrooms, a hall and interior stairway (original Building Permit No. K06087). This permit was closed on November 29, 1989.

Mr. Robert A. Peterson
Page 5
June 6, 2000

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 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.

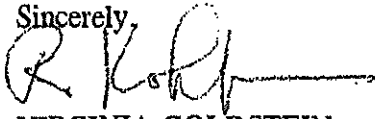
You must submit a copy of the recorded Additional Farm Dwelling Agreement to the Planning Director prior to approval of the building permit for the farm dwelling.

Mr. Robert A. Peterson
Page 6
June 6, 2000

Please accept our sincere apologies for this tardy confirmation of the approval granted to allow the requested additional farm dwelling. At the present time there is a shortage of staff in our Kona office. This personnel shortage will be resolved and result in more timely responses to future applications. Your patience is appreciated.

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

PLH:rld
a:\73008071\PETERSONfda2.doc

Enclosure

xc: West Hawaii Office