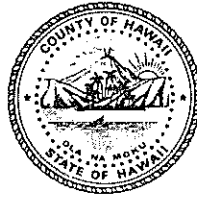


Stephen K. Yamashiro
Mayor



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

July 28, 2000

Mr. Howard I. Nakamura, President
INNO Investments
1782 Kaiiao Street
Hilo, HI 96720

Dear Mr. Nakamura:

Additional Farm Dwelling Agreement
Applicant: INNO Investments
Land Owner: INNO Investments
Tax Map Key: 2-2-056:005

Pursuant to authority conferred to the Planning Director by 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 if the request is filed by the lessee.
- (d) A farm plan or evidence of the applicant's continual agricultural productivity or farming operation within the County, including an explanation of why this additional farm dwelling is needed in connection with the agricultural productivity or farming operation.
- (e) In support, evidence of income, in the form of a copy of your 1999 Internal Revenue Service Form 1040 Schedule F, Profit or Loss From Farming and copies

007690

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Mr. Howard I. Nakamura, President
INNO Investments
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July 28, 2000

of receipts for macadamia nut deliveries to Pacific Macadamia Nut Corp., have 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 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, supporting evidence of continuing agricultural activity, 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 taxed.
3. In addition, the following agencies have submitted their comments as stated below:
 - a. Department of Water Supply: (Memorandum dated July 19, 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. Water is available from the 8-inch waterline in Mamaki Street, which fronts the subject parcel.

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

Mr. Howard I. Nakamura, President
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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 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 Mamaki Street, a County road)	<u>1,200.00</u>
Total (Subject to Change)	\$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 comments

d. Department of Health: (Memorandum dated June 26, 2000)

The subject lot is located in a Critical Wastewater Disposal Area. Under the current rules, a lot size of one (1) acre or more is required for the use of a cesspool to serve 1,000 gallons per day or 5 bedrooms. Only one (1) cesspool would be allowed on the lot. A septic tank system would be needed if a second disposal system is needed on this lot.

Decision:

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

1. The second farm dwelling shall only be used to provide shelter for persons

Mr. Howard I. Nakamura, President
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July 28, 2000

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. All other applicable rules, regulations, and requirements of the Planning Department (including but not limited to the Zoning Code, Chapter 25, 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 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.

Mr. Howard I. Nakamura, President
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Should you have questions or require further information, please feel free to contact Larry Brown of my staff at 961-8288.

Sincerely,

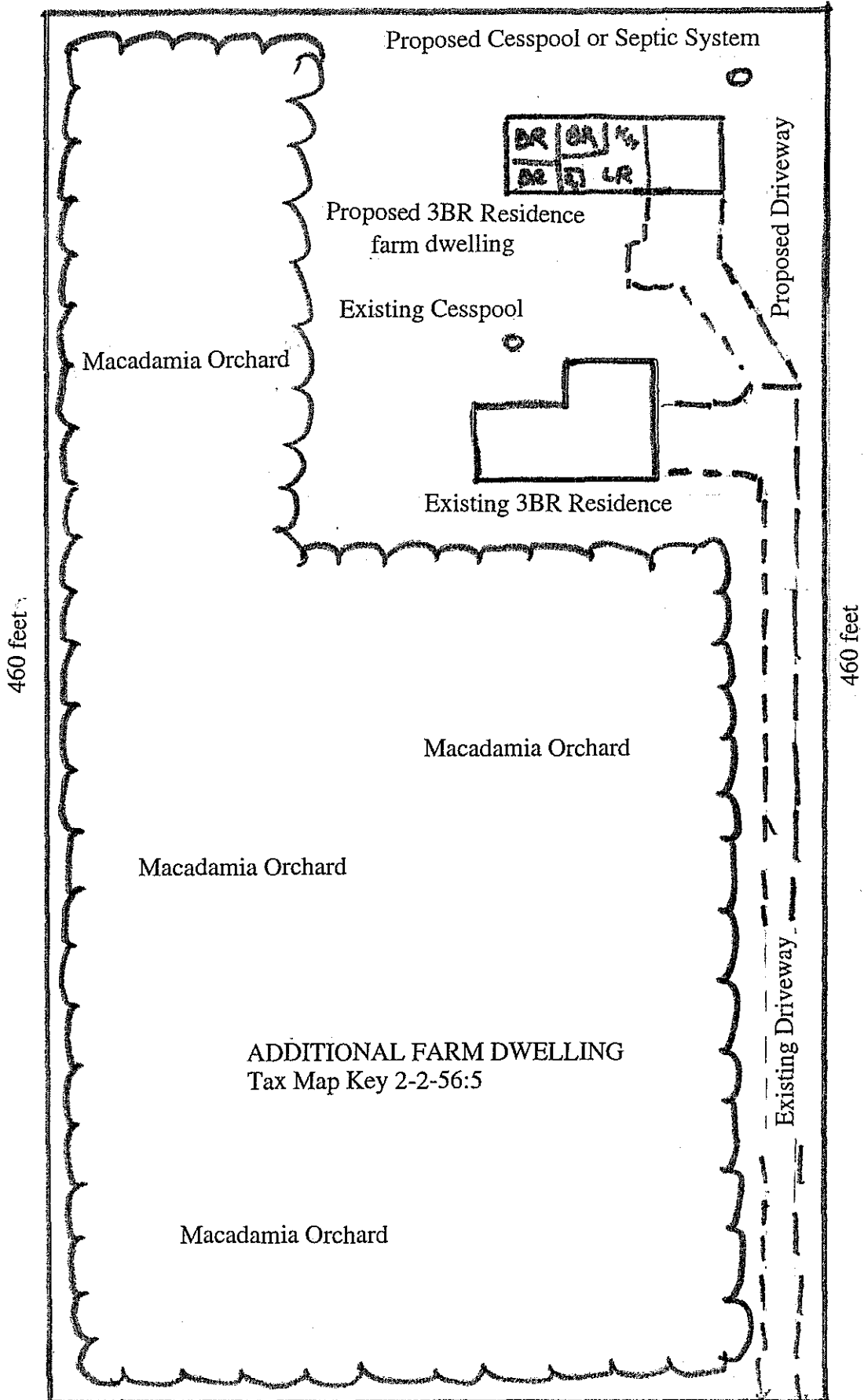

VIRGINIA GOLDSTEIN
Planning Director

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Enclosure

xc: Mr. Milton Pavao, DWS
Mr. Spencer Kalani Schutte, Finance Department

254 feet



Macadamia Orchard

Proposed 3BR Residence
farm dwelling

Existing Cesspool

Existing 3BR Residence

Macadamia Orchard

Macadamia Orchard

ADDITIONAL FARM DWELLING
Tax Map Key 2-2-56:5

Macadamia Orchard

Proposed Driveway

Existing Driveway

460 feet

460 feet

254 feet