

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

January 7, 2000

Mr. Ludvik Limberg
Ms. Marion P. K. Bush
P.O. Box 500
Kealahou, Hawaii 96750

Dear Mr. Limberg and Ms. Bush:

Additional Farm Dwelling Agreement

Applicants: LUDVIK LIMBERG & MARION P.K. BUSH

Landowner: LUDVIK LIMBERG & MARION P.K. BUSH

Tax Map Key: 8-2-008: 057

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 October 29, 1999, that the owner of record has paid all property taxes up to and including June 30, 2000.

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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 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 December 8, 1999, states:

“The subject lot(s) is located in a Non-Critical Wastewater Disposal Area where cesspools are allowed under the current rules. More than one cesspool is allowed provided 10,000 sq.ft. per cesspool is available. Each cesspool can dispose of 1,000 gallons per day of wastewater.”
 - b. The Department of Finance Real Property Tax Division Memorandum dated May 14, 1999, states:

“Property is receiving agricultural use value. Possible rollback taxes. A site plan included shows a subdivision which will trigger roll back taxes on the property. Pasture use onsite must continue to prevent reassessment. Real Property taxes are paid through June 30, 2000.”
 - c. The Department of Water Supply Memorandum dated December 21, 1999, states:

“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-

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inch meter by the applicants is required in accordance with Department regulations.

“For the applicants’ information, this is one of six lots that was created under subdivision application No. 97-096. Water was available for a total of 7 units of water because of an existing 1-inch meter. Six of those units were used for the subdivision and this additional farm dwelling is taking the last available unit. Should any of the lots in this subdivision apply for an additional farm dwelling in the near future, the Department’s comment will be that water is not available.

“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 handout is being forwarded to the applicants 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 2nd service at \$3,375.00 each) \$3,375.55
 - b. Service Lateral Installation Charge
(Install one meter on Napoopoo Road, a county road) 1,200.00

Total \$4,575.00

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

Decision:

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

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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; 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 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 Roxanne Delaries of our Kona office at 327-3510.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

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Enclosure

xc: West Hawaii Office