

Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Russell Kokubun  
Deputy Director

## County of Hawaii

July 10, 2000

**PLANNING DEPARTMENT**  
25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-8742

Mr. Cyril John Rew  
Ms. Brenda Kay Perkins Rew  
82-5931 Wakida Drive  
Captain Cook, Hawaii 96704

Dear Mr. & Mrs. Rew:

**Additional Farm Dwelling Agreement**

**Applicants: CYRIL JOHN REW & BRENDA KAY PERKINS REW**

**Landowners: CYRIL JOHN REW & BRENDA KAY PERKINS REW**

**Tax Map Key: 8-2-009: 112**

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 applicants' 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 April 17, 2000, that the owner of record has paid all property taxes up to and including April 17, 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 May 10, 2000, states:

"The existing cesspool may service a total of 1,000 gallons per day of wastewater. A total of five bedrooms are allowed in the two dwelling units. 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 June 2, 2000, 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-inch meter by the applicant is required in accordance with Department regulations. Water is available from the 6-inch water line in Wakida Street which fronts the subject parcel.

"Therefore, the Department has no objections to the proposed application subject to the applicant 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 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 <sup>nd</sup> service at \$3,375 each)	\$3,375.00
b.	Service Lateral Installation Charge (Install one meter on Wakida 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."

4. The subject parcel was issued the following building permits:
  - a. Building Permit No. 955448 opened on May 24, 1995 and closed on May 14, 1998 for a two story dwelling.
  - b. Building Permit No. 955988 opened on December 5, 1995 and closed on April 24, 1998 for addition of 2 bedroom and bathroom on lower level.
  - c. Building Permit No. 965518 opened on July 9, 1996 and closed on May 14, 1998 for a deck addition.
  - d. Building Permit No. 985504 opened on May 15, 1998 and closed on May 16, 1998 for a bar sink to recreation room.

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- e. Building Permit No. 005345 opened on March 20, 2000 to add a new lanai and covered entry, new windows and remove walls. Permit remains open.

**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.

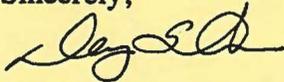
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You must submit a copy of the recorded Additional Farm Dwelling Agreement to the Planning Director prior to approval of the building permit for the farm dwelling.

Please accept our sincere apologies for this tardy confirmation of the approval granted to allow the requested additional farm dwelling. Your patience is appreciated.

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

Sincerely,



*f* VIRGINIA GOLDSTEIN  
Planning Director

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Enclosure

xc: West Hawaii Office