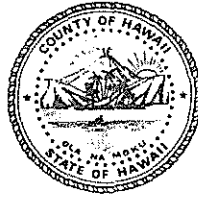


Stephen K. Yamashiro  
Mayor



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 28, 2000

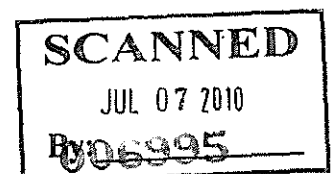
Mr. and Mrs. Michael J. Schultz  
P.O. Box 560  
Mountain View, HI 96771

Dear Mr. and Mrs. Schultz:

Additional Farm Dwelling Agreement  
Applicant: Michael J. Schultz and Elizabeth J. Schultz  
Land Owner: Michael J. Schultz and Elizabeth J. Schultz  
Tax Map Key: 1-1-028:047

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.



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Mr. and Mrs. Michael J. Schultz

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- (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 a State of Hawaii Department of Taxation's General Excise Tax License has also been presented.

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, GE Tax License (ID Number 30103215), 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 will be taxed.
3. In addition, the following agencies have submitted their comments as stated below:
  - a. Department of Water Supply (Memorandum dated June 21, 2000):

We have reviewed the subject application and have the following information.

The property does not have an existing water service with the Department as the parcel is beyond the service limits of the Department's existing water system. The Department's nearest facility is a waterline on the Volcano Highway, approximately 3.5 miles from the front of the applicant's parcel. In addition, the Department's existing water system facilities cannot support a meter for the proposed additional farm dwelling at this time. Extensive improvements and additions, including source, storage, transmission, booster pumps, and distribution facilities must be constructed. Currently, sufficient funding is not available and no time schedule is set.

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Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting the Department can not provide water service to either the existing dwelling or the proposed additional farm dwelling.

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

b. Real Property Tax Office (Memorandum dated June 20,2000):

There are no comments at this time.

Real property taxes are paid through June 30, 2000.

c. Department of Health (Memorandum dated June 21, 2000):

The subject proposal is located in a Critical Wastewater Disposal Area. 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 second cesspool is not allowed. A septic tank system may be utilized as a second Individual Wastewater System

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 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, 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.

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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.**

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

LMB:dk  
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Enclosure

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