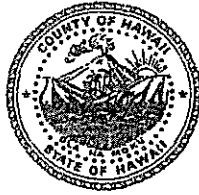


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

March 18, 2003

Mr. Irwin Clint Marantz  
73-4464 Kohanaiki Road  
Kailua-Kona, Hawaii 96740

Dear Mr. Marantz:

#### **Additional Farm Dwelling Agreement**

<b>Applicant:</b>	<b>Irwin Clint Marantz</b>
<b>Land Owners:</b>	<b>Benjamin Marantz, Stephen P. Martin, Margaret Smith and Robert F. Wilson</b>
<b>State Land Use:</b>	<b>Agricultural</b>
<b>County Zoning:</b>	<b>Agricultural (A-3a)</b>
<b>Land Area:</b>	<b>9.5-acres</b>
<b>Tax Map Key:</b>	<b>(3) 7-3-007:036</b>

This letter is in response to your application for an Additional Farm Dwelling Agreement (AFDA) for the subject property.

The subject 9.5-acre parcel is zoned Agricultural (A-3a) by the County and is situated within the State Land Use (SLU) Agricultural district. Your request is for an additional farm dwelling, being the fourth dwelling on the subject property.

Upon review of your application and submittals, we regret to inform you that your request for and AFDA is denied based on the following:

1. The occupants of the existing three dwellings could easily maintain the ongoing and proposed agricultural activity. The agricultural activities proposed in the submitted farm plan include the following:

a) The selling off of 400 varied palm trees.

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- b) The planting of 40 fruit trees.
- c) The planting of 3 organic vegetable gardens.

The subject lot was created by subdivision (SUB 5226) approved on March 15, 1985, which, pursuant to HRS §205-4.5(b), requires the first dwelling on the lot to be a farm dwelling.

In Chapter 205, Hawaii Revised Statutes (HRS), 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)

The guidelines for additional farm dwellings require that, for a fourth dwelling to be allowed there must be a minimum of 96 hours of labor per week to manage the agricultural endeavor.

The breakdown for the required minimum weekly labor hours are:

- 8 for the first farm dwelling,
- 8 for the second farm dwelling,
- 40 for each dwelling in excess of two.

Your submittal states that you require 30 hours a week for the described activities. Although this parcel has been condominiumized, the whole lot must be taken into account when considering any application.

Therefore, we regret to inform you that this application must be denied for lack of sufficient agricultural activity to warrant the additional farm worker housing.

Section 25-2-20 (a) (c) of the Zoning Code states:

- (a) Any person aggrieved by the decision of the director or the commission in the administration or application of this chapter, except for decisions regarding variance applications and decisions which are directly appealable to the circuit courts under state law, may, within thirty days of the director or commission's written decision, appeal the decision to the board of appeals.

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- (c) An appeal shall be in writing, in the form prescribed by the board of appeals, and shall specify the person's interest in the subject matter of the appeal and the grounds of the appeal. Any such appeal shall be accompanied by a filing fee of \$250. The person appealing a decision of the director or commission shall provide a copy of the appeal to the director or commission, as appropriate, and to the owners of the affected property and shall provide the board of appeals with the proof of service.

A General Petition for Appeal of Decisions by Planning Director has been enclosed for your convenience.

Should you have any questions, please feel free to contact Jonathan Holmes of this office at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

JRH:pak

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Enclosure

xc: Mr. Milton Pavao, DWS  
Mr. Mike McCall, RPT  
Planning Department – Kona