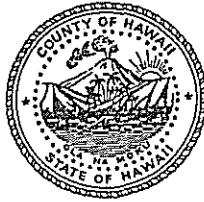


Harry Kim  
Mayor



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

December 7, 2004

Ms. Sheri-Lynne K. Acob  
89 Pohai Street  
Hilo, Hawaii 96720

Dear Ms. Acob:

**SUBJECT: Additional Farm Dwelling Agreement**  
**Applicant: Sheri-Lynne K. Acob**  
**Land Owner: State Department of Hawaiian Home Lands**  
**Lessee: Sheri-Lynne K. Acob**  
**State Land Use: Agricultural**  
**County Zoning: A-3a**  
**Land Area: 3.0 Acres**  
**Tax Map Key: (3) 2-2-061:051**

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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 submittals included the following information:

1. Name, address and signature of the lessee and letter of authorization from the landowner.
2. A farm plan as evidence of the applicant's intent to engage in 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.

*Hawai'i County is an equal opportunity provider and employer.*

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Ms. Sheri-Lynne K. Acob  
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Your farm plan included the following ongoing and proposed income producing agricultural activities:

- (a) Ongoing agricultural activity:
    - i. The agricultural activity is proposed.
  - (b) Proposed agricultural activity, as stated in the presented Department of Hawaiian Home Lands "Farm Development Plan", include:
    - i. Planting of Maile for the lei market. Anticipation of 4,000 plants by full implementation in 3 years. Expected income of \$19,200 to \$24,000 depending on market price. Maile production to be wholly within shade cloth structures with full irrigation system.
  - (c) Estimated labor man-hours are approximately 25 per week.
3. In support of the plan, sales and expenses receipts from a similar operation are offered upon request.
  4. Applicant's commitment to the farm plan will be shown in the form of the enclosed Additional Farm Dwelling Agreement affidavit, to be notarized and submitted for recordation with the Bureau of Conveyances, which states that the additional dwelling shall be used for farm-related purposes.

Findings:

1. 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)
2. The subject lot was created by subdivision (File Plan 1487) recorded on March 22, 1976, which, pursuant to HRS §205-4.5(b), allows the first dwelling on the lot to be a single-family dwelling.

3. The Farm Plan and the agreement to use the dwelling for agricultural or farm-related activity on the building site demonstrate that there will be income producing agricultural activity and the income will be taxed.

4. In addition, the following agencies have submitted their comments as stated below:

(a) Department of Water Supply (DWS) (Letter dated November 17, 2004):

“We have reviewed the subject application and have the following comments and conditions.

For your information, an existing service lateral for a 1-inch meter services this property and is adequate for the existing single-family dwelling and the proposed additional farm dwelling. Therefore, the Department has no objection to the proposed application subject to the applicant understanding and accepting the following conditions:

1. Prior to the Planning Department’s approval for the building permit of the proposed dwelling, the applicant shall remit a temporary deposit of \$100.00 to our Customer Service Section to remove the existing 5/8-inch meter and install a 1-inch meter.
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. 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.

Should there be any questions, please call Ms. Shari Komata of our Water Resources and Planning Branch at 961-8070, extension 252.”

Department of Water Supply (DWS) (Second Letter dated November 26, 2004):

“This memorandum supercedes our memorandum to you dated November 17, 2004.

Ms. Sheri-Lynne K. Acob

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December 7, 2004

For your information, an existing service lateral for a 1-inch meter services this property and is adequate for the existing single-family dwelling and the proposed additional farm dwelling (AFD). Therefore, the Department has no objection to the proposed application subject to the applicant understanding and accepting one of the three following options:

OPTION 1:

- a. Prior to the Planning Department's approval for the building permit of the proposed dwelling, the applicant shall remit a temporary deposit of \$100.00 to our Customer Service Section to remove the existing 5/8-inch meter and install a 1-inch meter.
- b. 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. 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.

OPTION 2:

- a. Installation by the Department of Water Supply for a new 1-inch service lateral to service a 5/8-inch meter on Mnuia Street, which shall be restricted to a maximum daily flow of 600 gallons per day.
- b. Installation of a backflow preventer (reduced pressure type) by a licensed contractor on the applicant's property just after the meter for the AFD. The installation and assembly of the backflow preventer must be inspected and approved by the Department. 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.
- c. Remittance of the following charges, which are subject to change, to our Customer Service Section prior to the Planning Department's approval for the building permit for this application:

FACILITIES CHARGE:

(One additional unit of water @ \$5,500.00 each)

\$5,500.00

SERVICE LATERAL INSTALLATION CHARGE:

<u>(Install one meter on Manuia Street, a County right-of-way)</u>	2,600.00
Total (Subject to Change)	\$8,100.00

OPTION 3:

- a. Cut and plug the existing service lateral for the 1-inch meter and install two new service laterals for 5/8-inch meters, on Railroad Avenue and/or Manuia Street.
- b. 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. 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.
- c. Remittance of the following charges, which are subject to change, to our Customer Service Section prior to the Planning Department's approval for the building permit for this application:

SERVICE LATERAL INSTALLATION CHARGE:

(Install one meter for the AFD in a County right-of-way)	\$2,600.00
(Install one meter for existing dwelling in a <u>County right-of-way)</u>	2,600.00
Subtotal	\$5,200.00

TEMPORARY DEPOSIT TO CUT AND PLUG:

<u>(Cut and plug the existing 1 1/4-inch service lateral)</u>	200.00
Total (Subject to Change)	\$5,400.00

Should there be any questions, please call Ms. Shari Komata of our Water Resources and Planning Branch at 961-8070, extension 252."

(b) Real Property Tax Office (RPT):

RPT did not comment on the subject application as of this date.

(c) Department of Health (DOH) (Memorandum dated November 5, 2004):

“The use of individual wastewater systems is allowed. The type and number of individual wastewater systems to be used will be determined by the wastewater rules in effect at the time of building permit application.”

Decision:

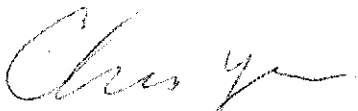
In view of the above, your request to construct **a second (first AFD) dwelling is approved** subject to the following conditions:

1. The additional farm dwelling shall only be used to provide shelter for persons involved in the agricultural or farm-related activity on the building site. Family members who are not engaged in agricultural or farm-related activities are allowed to reside in the farm dwelling.
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. The enclosed Additional Farm Dwelling Agreement must be returned to the Planning Department with the appropriate notarized signatures along with a check made out to the Bureau of Conveyances in the amount of \$25.00 in accordance with the enclosed Additional Farm Dwelling Agreement instructions. The Planning Department will not approve a building permit application for the additional dwelling until the AFDA document and all required attachments have been accepted for recordation.
3. The First Party shall comply with 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.
4. Your Additional Farm Dwelling Agreement has been approved based on ongoing/increased agricultural activity as summarized previously in this letter.
5. The First Party shall allow the Second Party or its representative to inspect the farm upon reasonable prior notice.
6. This Additional Farm Dwelling Agreement shall be valid for a period of two (2) years from the date of this approval letter. The applicant must secure a building permit for the additional farm dwelling within that time. Failure to secure a building permit for this additional farm dwelling on or before December 14, 2006 may cause the Director to initiate proceedings to invalidate the AFDA.

Ms. Sheri-Lynne K. Acob  
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Should you have any questions, please contact Jonathan Holmes of this office.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

JRH:cd

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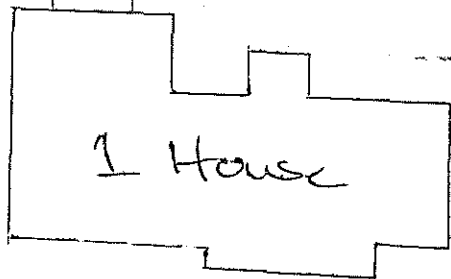
Enclosures: AFDA document  
AFDA document instruction sheet

xc: Mr. Milton Pavao, DWS  
Mr. Mike McCall, RPT

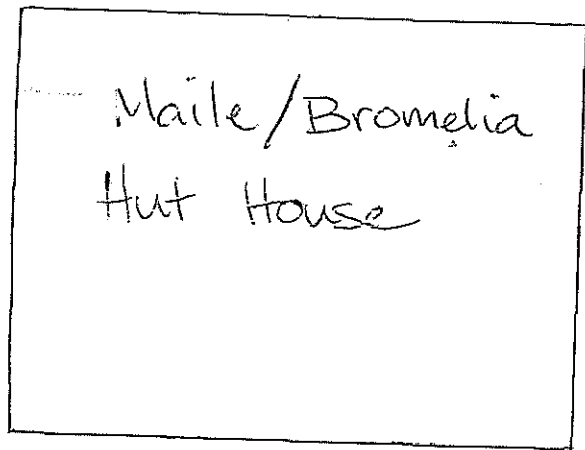
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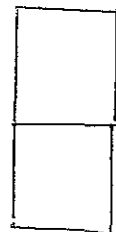
Samoan Coconut Trees



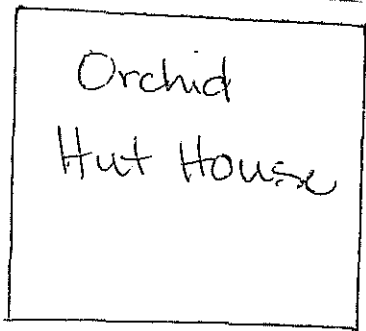
1 House



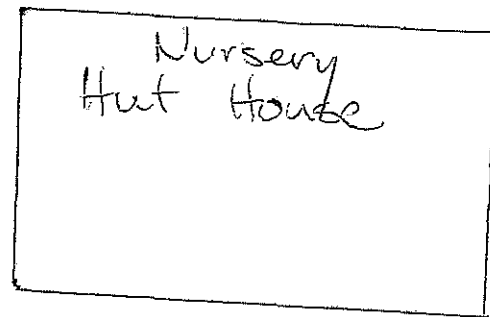
Maile/Bromelia  
Hut House



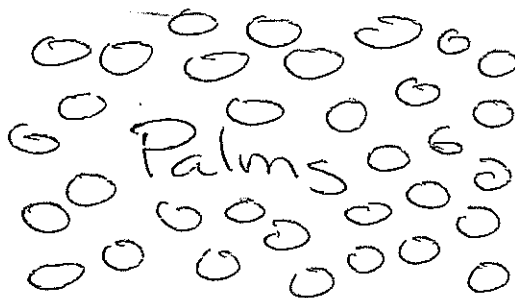
2 House  
or work shed



Orchid  
Hut House



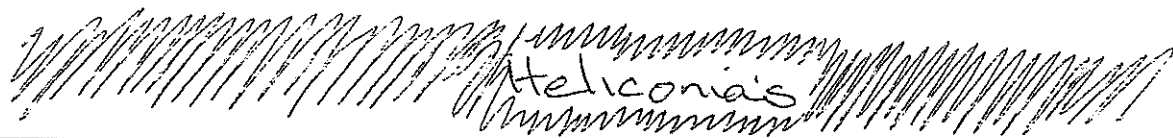
Nursery  
Hut House



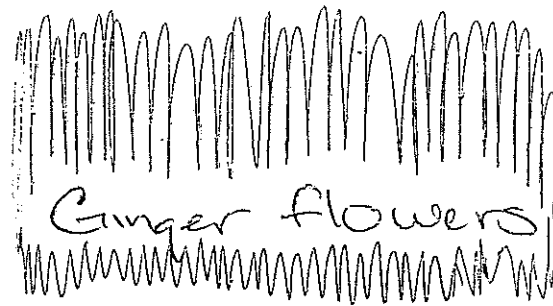
Palms



Rhipis Excelsa



Heliconias



Ginger flowers