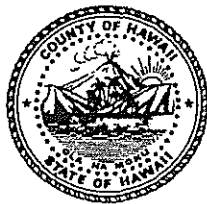


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

December 10, 2004

Keola Childs  
75-5648C Mamalahoa Hwy.  
Holualoa, Hawaii 96725-9628

Dear Mr. Childs:

Additional Farm Dwelling Agreement Application (2004-0017)  
Applicant: Keola Childs  
Owner: Keola Childs, Trustee under the Revocable Trust  
of Keola Childs dated August 9, 2000  
State Land Use: Agricultural  
County Zoning: Agricultural (A-5a)  
Land Area: 10.570 Acres  
TMK: (3) 7-5-012:006

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 and address of the landowner(s) or lessee(s), if the latter has a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement.
2. Written authorization of the landowner(s) if the lessee filed the request.
3. 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. Your farm plan included the following proposed income producing agricultural activities:
  - a. Proposed agricultural activities include the following:
    - i. Plant, Maintain and harvest 647 Coffee Trees on 1.0 acres of land.
  - b. The proposed labor man-hours are approximately 13.9 hours per week to plant, maintain, and harvest.

DEC 15 2004

4. In additional support, a State of Hawaii Department of Taxation's General Excise (GE) Tax License has also been presented.
5. 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 prior to June 4, 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, GE Tax License (ID number 30027589), 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 October 12, 2004):

“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 an average of 400 gallons per day. Water for the additional farm dwelling is not available at this time, as the existing service is for premises not within the service limits of the Department, meaning the meter does not front the subject parcel. The Department has no objections to the application, subject to the applicant understanding the additional farm dwelling shall not be hooked up to the existing water service to the property or any other neighboring properties.

Should there be any questions, please contact Ms. Shari Komata of our Water Resources and Planning Branch at 961-8070, extension 252.”
  - b. Real Property Tax Office (RPT):

There were no comments received.

- c. Department of Health (DOH) (Memorandum dated November 17, 2004):  
“The Health Department found no environmental health concerns with regulatory implications in the submittals.”

Decision:

In view of the above, your request to construct a **second farm dwelling** is 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 adhere to 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 entirely on proposed agricultural activity as summarized previously in this letter. It is required that the First Party (owners and lessees) to the Agreement shall have implemented at least 75% of the proposed farm plan within three (3) years of approval of the building permit for the additional farm dwelling. The Second Party (County of Hawaii Planning Department) of the Agreement may allow time extensions and modifications for good cause shown by First Party.
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 to secure a building permit for the additional farm dwelling. Failure to secure a building permit for this additional farm dwelling on or before December 11, 2006 may cause the Director to initiate proceedings to invalidate the AFDA.

Keola Childs  
December 10, 2004  
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If you have any questions please call Deanne Bugado of our West Hawaii Office at 327-3510.

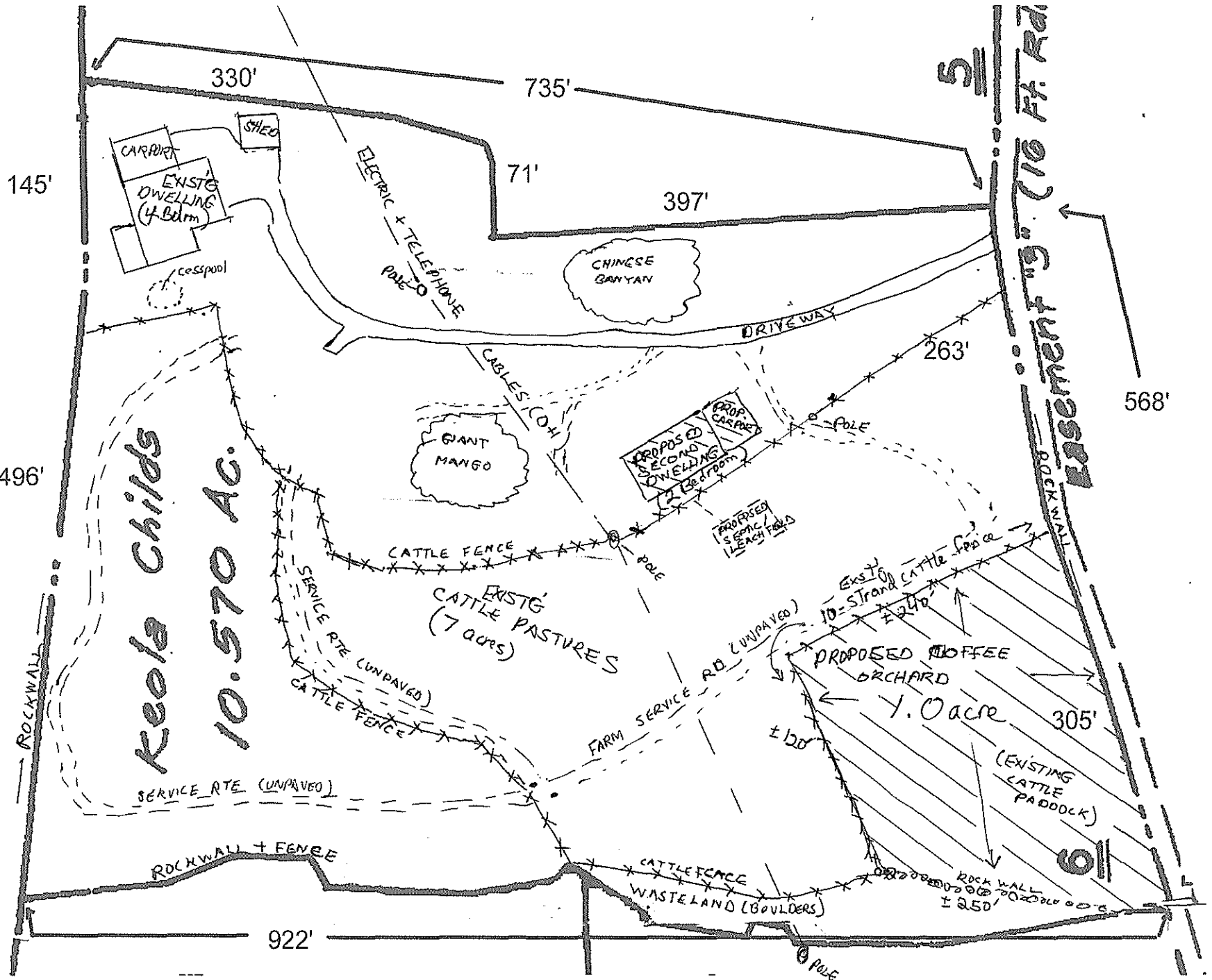
Sincerely,

*for Bennett Ward*  
CHRISTOPHER J. YUEN  
Planning Director

BM:deb  
P:\afda\Kona AFDA\Approval\AFDAAp-7-5-12-6 Childs.doc

Enclosure: AFDA document  
AFDA document instruction sheet

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



Keola Childs  
10.570 AC.

CARPOR  
EXISTG DWELLING  
(4 Bedrm)  
cesspool

SHED

ELECTRIC + TELEPHONE  
POLE

CABLE COX

GIANT  
MANGO

CHINESE  
BANYAN

PROPOSED  
SECOND  
DWELLING  
(4 Bed Room)

PROPOSED  
SEPTIC  
LEACH FIELD

CATTLE FENCE

EXISTG  
CATTLE PASTURES  
(7 acres)

FARM SERVICE RD (UNPAVED)

PROPOSED OFFICE  
BRCHARD

1.0 acre

EXISTG CATTLE FENCE  
10-Strand Cattle Fence

(EXISTING  
CATTLE Paddock)

ROCKWALL + FENCE

CATTLE FENCE  
WASTELAND (BOULDERS)

ROCK WALL  
± 2.50'

60'

5' Easement  
ROCKWALL

330'  
145'  
496'  
922'

735'  
71'  
397'

263'

568'

305'

± 120'

± 2.50'

POLE