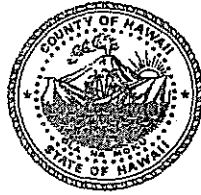


Harry Kim  
Mayor



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

June 15, 2004

Ms. Clarita Talon Maneja  
P.O. Box 333  
Kea'au, Hawaii 96749

Dear Ms. Maneja:

**SUBJECT: Additional Farm Dwelling Agreement**  
**Applicant: Clarita Talon Maneja**  
**Land Owners: Clarita T. Maneja, Catherine T. Maneja, Rebecca T. Maneja, Daniel A. Talon, Gregoria B. Talon, Richard K. Harbottle, Eunice M. Harbottle, Annabelle M. Andres and Ruth M. Jarneski**  
**State Land Use: Agricultural**  
**County Zoning: Agricultural (A-20a)**  
**Land Area: 10.00-acres**  
**Tax Map Key: (3) 1-7-031:017**

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. A notarized affidavit that the additional dwelling shall be used for farm-related purposes in the form of the enclosed Additional Farm Dwelling Agreement to be submitted for recordation with the Bureau of Conveyances.
2. 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.

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

**EXHIBIT**

A

054626

JUN 17 2004

Ms. Clarita Talon Maneja

Page 2

June 15, 2004

3. Written authorization of the landowner(s) if the lessee filed the request.
4. A farm plan or evidence of the applicant's continual agricultural productivity or farming operation within the County, including an explanation of why this AFD is needed in connection with the agricultural productivity or farming operation.

Your farm plan included the following ongoing income producing agricultural activities:

(a) Ongoing agricultural activities include the following:

- i. The property currently has approximately 450 Macadamia nut trees, planted in 1998-1999, growing on it.
- ii. 24 Lychee, 10 coconut and 2 avocado trees, 4 clumps of bamboo and numerous windbreak trees (Norfolk pine) were added in 2000.
- iii. 5 Mango trees were added in 2002.
- iv. In 2003, 50 coffee plants and 2 orange trees were added.

(b) Proposed agricultural activities include the following:

- i. 50 Noni seedlings will be planted in 2004.
- ii. The current farm dwelling is/will continue to be occupied by the applicants' daughter and family. The applicant and family will occupy the Additional Farm Dwelling. The AFD is needed to bring the applicant closer to the farm as she presently commutes from Papaikou to Kurtistown to tend the agricultural activity.

5. In support, a State of Hawaii Department of Taxation's General Excise (GE) Tax License has been presented.

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)

**EXHIBIT**

A

Ms. Clarita Talon Maneja

Page 3

June 15, 2004

2. The subject lot was created by Subdivision Number 6772 that was issued Final Approval on October 23, 1996, which, pursuant to HRS §205-4.5(b), requires the first dwelling on the lot to be a farm dwelling.
3. The Farm Plan, GE Tax License (# 30017774) 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):

The DWS did not comment on this application as of this date.

(b) Real Property Tax Office (RPT Response form dated May 5, 2004):

“Property is receiving agricultural use value. Agricultural use program: 0.5 acre in vegetables and 6.0 acres in macadamia nuts. Real Property taxes are paid through June 30, 2004.”

(c) Department of Health (DOH) (Memorandum dated May 11, 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) farm dwelling** on the property is approved subject to the following conditions:

1. The AFD 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 AFD 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 AFDA Instructions. The Planning Department will not

**EXHIBIT**

A

Ms. Clarita Talon Maneja

Page 4

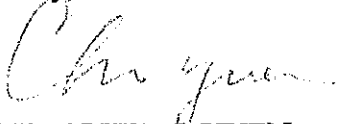
June 15, 2004

Approve a building permit application for the additional dwelling until the AFDA document and all required attachments have been accepted for recordation.

3. 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 shall be adhered to.
4. Your AFDA has been approved based on proposed and ongoing 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 AFDA shall be valid for a period of two (2) years from the date of this approval letter to secure a BP for the additional farm dwelling. Failure to secure a BP for this additional farm dwelling on or before June 16, 2006 may cause the Director to initiate proceedings to invalidate the AFDA.

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: cd

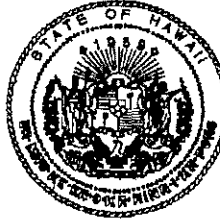
P:\afda\afda\jrh\apvl\manejaapvl.doc

Enclosure: AFDA document  
AFDA document instruction sheet

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

**EXHIBIT**

A



R-600 STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED  
JUL 12, 2004 08:02 AM  
Doc No(s) 2004-140809



/s/ CARL T. WATANABE  
REGISTRAR OF CONVEYANCES

20 1/1 Z3

---

---

AFTER RECORDATION, RETURN BY MAIL TO:

County of Hawaii Planning Department  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

---

---

TITLE OF DOCUMENT:

**ADDITIONAL FARM DWELLING AGREEMENT**

---

---

PARTIES TO DOCUMENT:

**FIRST PARTY: CLARITA T. MANEJA, CATHERINE T. MANEJA, REBECCA  
T. MANEJA, DANIEL A. TALON, GREGORIA B. TALON,  
RICHARD K. HARBOTTLE, EUNICE M. HARBOTTLE,  
ANNABELLE M. ANDRES and RUTH M. JARNESKI**

**SECOND PARTY: COUNTY OF HAWAII**

---

---

PROPERTY DESCRIPTION:

**TMK: (3) 1-7-031:017**

---

---

ADDITIONAL FARM DWELLING AGREEMENT

THIS AGREEMENT made and executed this 15<sup>th</sup> day of June, 2004, by and between **CLARITA T. MANEJA, CATHERINE T. MANEJA, REBECCA T. MANEJA, DANIEL A. TALON, GREGORIA B. TALON, RICHARD K. HARBOTTLE, EUNICE M. HARBOTTLE, ANNABELLE M. ANDRES and RUTH M. JARNESKI**, herein called the "First Party," whose mailing address is P.O. Box 333, Kea'au, Hawaii 96749, and the **COUNTY OF HAWAII**, herein called the "Second Party."

IT IS HEREBY AGREED that the First Party may construct a second farm dwelling located on the property described by Tax Map Key (3) 1-7-031:017 situated within the State Land Use Agricultural district and zoned Agricultural (A-20a) by the Second Party.

IT IS HEREBY ACKNOWLEDGED that the First Party is the legal owner of the property above described.

IT IS HEREBY FURTHER AGREED that this approval to construct one additional farm dwelling is given subject to the following conditions:

1. The additional farm dwelling shall be used to provide shelter to person(s) involved in the agricultural or farm-related activity on the property. Family members who are not engaged in agricultural or farm-related activity 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.
3. This agreement shall include any and all conditions specified in the Additional Farm Dwelling Agreement letter, attached to this document as Exhibit "A".

IT IS HEREBY FURTHER AGREED that if this agreement is with a lessee, the legal owner shall be a party to this agreement.

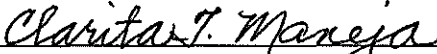
IT IS HEREBY FURTHER AGREED that should the pertinent provisions of the State and County laws and rules and regulations change to authorize said farm dwelling, upon request of the First Party, this Agreement may be reconsidered for possible amendment and/or severance.

IT IS HEREBY FURTHER AGREED that if the property is situated within the State Land Use Agricultural district, the Second Party may impose a fine of not more than \$5,000 for violation of Section 205-4.5, Hawaii Revised Statutes. If the violation is not corrected within six months of such citation and the violation continues, a citation for a new and separate violation may be imposed. There shall be a fine of not more than \$5,000 for any additional violation. The Second Party may also impose fines for any violation of Chapter 25, Hawaii County Code, as amended, in accordance with the procedures and fine schedule outlined in Division 3, Article 2, of said code.

IN CONSIDERATION OF THE AFORESAID, the Second Party hereby approves this Agreement as being in conformity with Sections 205-2 and 205-4.5 of the Hawaii Revised Statutes, relative to permitted uses within the State Land Use Agricultural district. This Agreement is also in conformance with Chapter 25, Hawaii County Code, as amended.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

FIRST PARTY:

  
\_\_\_\_\_  
CLARITA T. MANEJA, Legal Owner

  
\_\_\_\_\_  
CATHERINE T. MANEJA, Legal Owner

\_\_\_\_\_  
REBECCA T. MANEJA, Legal Owner

  
\_\_\_\_\_  
DANIEL A. TALON, Legal Owner

  
\_\_\_\_\_  
GREGORIA B. TALON, Legal Owner

  
\_\_\_\_\_  
RICHARD K. HARBOTTLE, Legal Owner

  
\_\_\_\_\_  
EUNICE M. HARBOTTLE, Legal Owner

\_\_\_\_\_  
ANNABELLE M. ANDRES, Legal Owner

\_\_\_\_\_  
RUTH M. JARNESKI, Legal Owner



STATE OF HAWAII )  
COUNTY OF HAWAII )

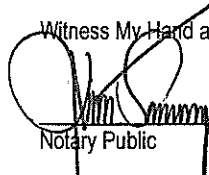
SS.

On this 23<sup>rd</sup> day of JUNE, 2004, before me the undersigned notary public, personally appeared, CLARITA T MANEJA personally known or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ( is / ~~are~~ ) subscribed to this instrument, and acknowledged that ( ~~he~~ / she / ~~they~~ ) executed it.

W

Description: \_\_\_\_\_  
ADDITIONAL FARM DWELLING

Witness My Hand and Official Seal

  
\_\_\_\_\_  
Notary Public KIM T SAMOY  
Print Name 26 NOV 2006  
My Commission Expires

STATE OF HAWAII )  
COUNTY OF HAWAII )

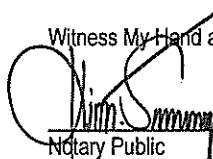
SS.

On this 23<sup>rd</sup> day of JUNE, 2004, before me the undersigned notary public, personally appeared, CATHERINE T MANEJA personally known or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ( is / ~~are~~ ) subscribed to this instrument, and acknowledged that ( ~~he~~ / she / ~~they~~ ) executed it.

W

Description: \_\_\_\_\_  
ADDITIONAL FARM DWELLING

Witness My Hand and Official Seal

  
\_\_\_\_\_  
Notary Public KIM T SAMOY  
Print Name 26 NOV 2006  
My Commission Expires

STATE OF HAWAII )  
COUNTY OF HAWAII )

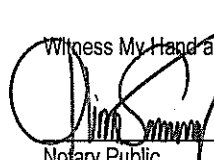
SS.

On this 23<sup>rd</sup> day of JUNE, 2004, before me the undersigned notary public, personally appeared, DANIEL A TALON personally known or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ( is / ~~are~~ ) subscribed to this instrument, and acknowledged that ( he / ~~she~~ / ~~they~~ ) executed it.

W

Description: \_\_\_\_\_  
ADDITIONAL FARM DWELLING

Witness My Hand and Official Seal

  
\_\_\_\_\_  
Notary Public KIM T SAMOY  
Print Name 26 NOV 2006  
My Commission Expires

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

FIRST PARTY:

\_\_\_\_\_  
CLARITA T. MANEJA, Legal Owner

\_\_\_\_\_  
CATHERINE T. MANEJA, Legal Owner

\_\_\_\_\_  
REBECCA T. MANEJA, Legal Owner

\_\_\_\_\_  
DANIEL A. TALON, Legal Owner

\_\_\_\_\_  
GREGORIA B. TALON, Legal Owner

\_\_\_\_\_  
RICHARD K. HARBOTTLE, Legal Owner

\_\_\_\_\_  
EUNICE M. HARBOTTLE, Legal Owner

  
\_\_\_\_\_  
ANNABELLE M. ANDRES, Legal Owner

\_\_\_\_\_  
RUTH M. JARNESKI, Legal Owner

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

FIRST PARTY:

\_\_\_\_\_  
CLARITA T. MANEJA, Legal Owner

\_\_\_\_\_  
CATHERINE T. MANEJA, Legal Owner

\_\_\_\_\_  
REBECCA T. MANEJA, Legal Owner

\_\_\_\_\_  
DANIEL A. TALON, Legal Owner

\_\_\_\_\_  
GREGORIA B. TALON, Legal Owner

\_\_\_\_\_  
RICHARD K. HARBOTTLE, Legal Owner

\_\_\_\_\_  
EUNICE M. HARBOTTLE, Legal Owner


*annabelle M. andres*  
\_\_\_\_\_  
ANNABELLE M. ANDRES, Legal Owner

\_\_\_\_\_  
RUTH M. JARNESKI, Legal Owner

STATE OF HAWAII )  
 ) SS.  
 COUNTY OF HAWAII )

On this <sup>2)</sup> 26 <sup>24<sup>th</sup></sup> day of June, 2004 before me  
 personally appeared <sup>OK</sup> ~~CLARITA T. MANEJA~~, <sup>OK</sup> ~~CATHERINE T. MANEJA~~,  
<sup>OK</sup> ~~REBECCA T. MANEJA~~, <sup>OK</sup> ~~DANIEL A. TALON~~, <sup>OK</sup> ~~GREGORIA B. TALON~~,  
<sup>OK</sup> ~~RICHARD K. HARBOTTLE~~, <sup>OK</sup> ~~EUNICE M. HARBOTTLE~~, <sup>OK</sup> ~~ANNABELLE~~  
 M. ANDRES and <sup>OK</sup> ~~RUTH M. JARNESKI~~ to me known to be the persons  
 described in and who executed the foregoing instrument, and acknowledged that  
 they executed the same as their free act and deed.

L.S.

  
 \_\_\_\_\_  
 Notary Public, State of Hawaii  
Laureen Kusota

My commission expires: 11-16-07

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

FIRST PARTY:

\_\_\_\_\_  
CLARITA T. MANEJA, Legal Owner

\_\_\_\_\_  
CATHERINE T. MANEJA, Legal Owner

  
\_\_\_\_\_  
REBECCA T. MANEJA, Legal Owner

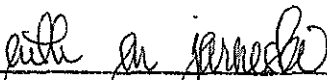
\_\_\_\_\_  
DANIEL A. TALON, Legal Owner

\_\_\_\_\_  
GREGORIA B. TALON, Legal Owner

\_\_\_\_\_  
RICHARD K. HARBOTTLE, Legal Owner

\_\_\_\_\_  
EUNICE M. HARBOTTLE, Legal Owner

\_\_\_\_\_  
ANNABELLE M. ANDRES, Legal Owner

  
\_\_\_\_\_  
RUTH M. JARNESKI, Legal Owner

STATE OF HAWAII

)  
, ss

**HAWAII ALL-PURPOSE ACKNOWLEDGMENT** H.R.S 502-41

State of Hawaii }  
County of HAWAII } ss.

On this 24<sup>th</sup> day of JUNE, 2004,  
Day Month Year

before me personally appeared

(1) REBECCA T. MANEJA  
Name of Signer

(2) and RUTH M. JARVESKE  
Name of Signer

to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

15

Marcella Urubio **MARCELLA URUBIO**  
3<sup>rd</sup> Judicial Circuit Signature of Notary Public State of Hawaii  
My commission expires: 3/25/2008

**OPTIONAL**

*Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Document and Signer**

Document Title/Type: \_\_\_\_\_ Date: \_\_\_\_\_ No. Pgs.: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

Signer's Capacity: \_\_\_\_\_ Representing: \_\_\_\_\_

RIGHT THUMBPRINT OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here

SECOND PARTY:



---

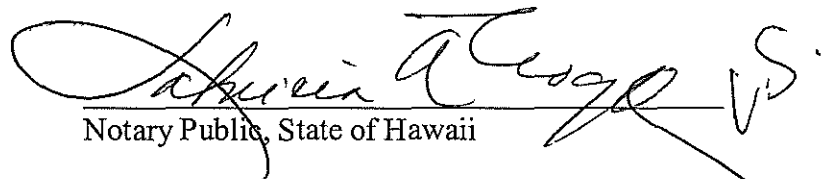
**CHRISTOPHER J. YUEN**, Planning Director  
County of Hawaii Planning Department

STATE OF HAWAII            )  
  ) SS  
COUNTY OF HAWAII        )

On this 8th day of July, 2004 before me personally appeared

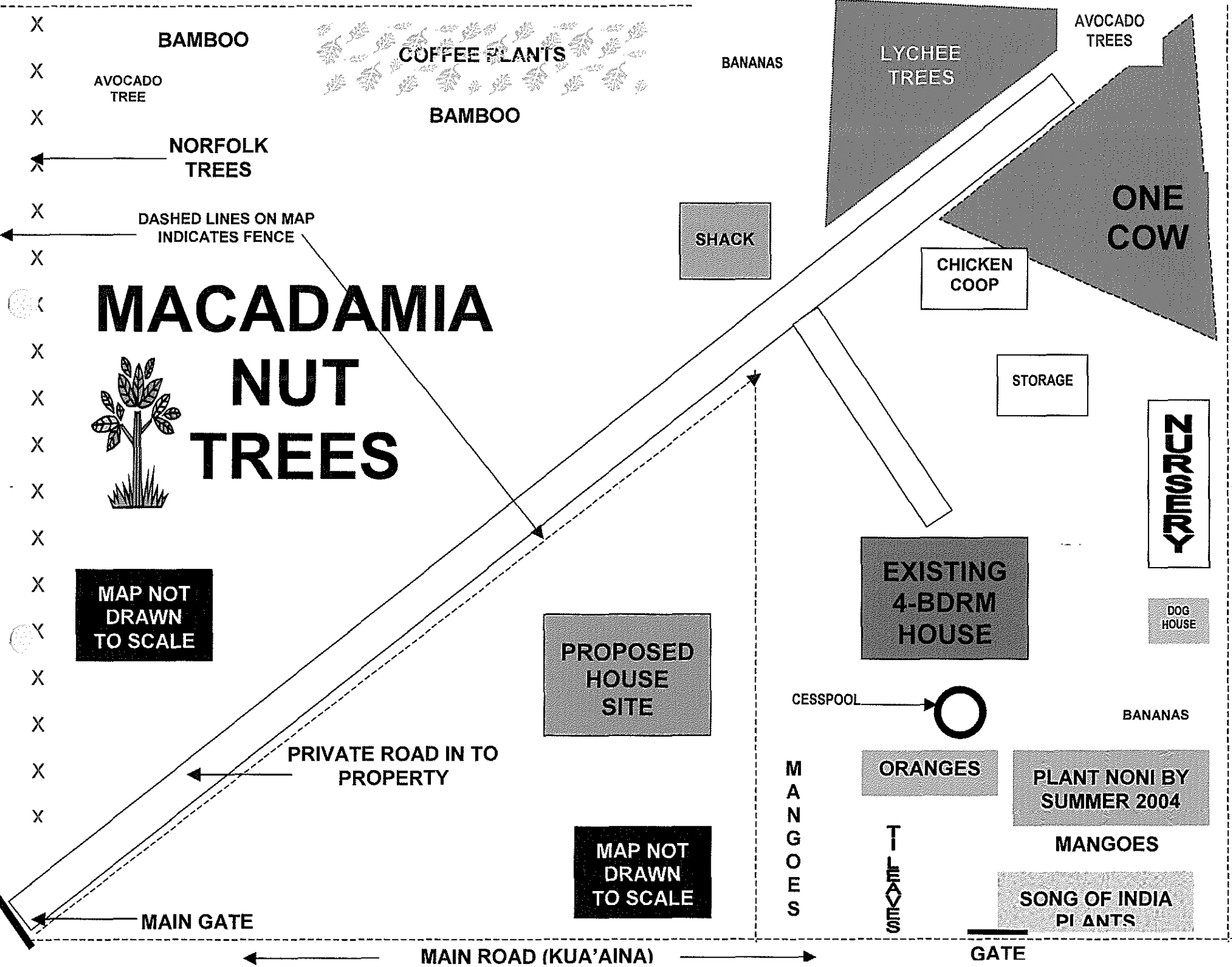
**CHRISTOPHER J. YUEN**, to me personally known, who, being by me duly sworn, did say that he is the Planning Director of the County of Hawaii; and that the Planning Department of the County of Hawaii has no corporate seal; and that the instrument was signed on behalf of the Planning Department of the County of Hawaii, a government agency, and said **CHRISTOPHER J. YUEN** acknowledged the instrument to be the free act and deed of said Planning Department, County of Hawaii.

Patricia A. Koga

 VS.  
Notary Public, State of Hawaii

My commission expires: 07/17/06





BAMBOO

COFFEE PLANTS

BANANAS

LYCHEE TREES

AVOCADO TREES

AVOCADO TREE

NORFOLK TREES

BAMBOO

DASHED LINES ON MAP INDICATES FENCE

SHACK

CHICKEN COOP

ONE COW

MACADAMIA NUT TREES

MAP NOT DRAWN TO SCALE

PROPOSED HOUSE SITE

EXISTING 4-BDRM HOUSE

DOG HOUSE

PRIVATE ROAD IN TO PROPERTY

CESSPOOL

BANANAS

MAIN GATE

MAP NOT DRAWN TO SCALE

MANGOOES

ORANGES

PLANT NONI BY SUMMER 2004

MANGOES

SONG OF INDIA PLANTS

MAIN ROAD (KUA'AINA)

GATE