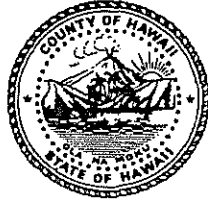


Harry Kim  
Mayor



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

June 21, 2004

Steven J. Warren  
Connie F. Geer  
81-1169 St. John Road  
Kealahou, Hawaii 96750

Dear Mr. Warren & Ms. Geer:

Additional Farm Dwelling Agreement	
Applicant:	Steven J. Warren Connie F. Geer
Owner:	Steven J. Warren Connie F. Geer
State Land Use:	Agricultural
County Zoning:	Agricultural (A-5a)
Land Area:	2.83 acres
TMK:	<u>(3) 8-1-018: 003</u>

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.
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 additional farm dwelling is needed in connection with the agricultural productivity or farming operation. Your farm plan included the following ongoing and proposed income producing agricultural activities:

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JUN 24 2004

- a. Ongoing agricultural activities include the following:
    - i. Cultivate 2,200 Coffee Trees on 2.0 Acres.
  - b. The labor man-hours are approximately 40+ per week to maintain and harvest.
5. In additional support, evidence of an application for a State of Hawaii Department of Taxation's General Excise (GE) Tax License has also 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)
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 30095229), 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 May 27, 2004):

“We have reviewed the subject application, and our records show that the subject parcel does not have water service with the Department. It is our understanding that the applicants will use a catchment system for their water as they are outside the service limits of the Department. Therefore, the Department has no objections to the application.

However, if the applicants would like water service through the Department, they should contact our Water Resources and Planning Branch at 961-8070, extension 1, for more information. Water for one equivalent unit of water can be made available from a point of adequacy on the existing 8-inch waterline along Mamalahoa Highway, approximately 3,500 feet from the property. Water service will be

granted with a signed "Policy & Conditions for Water Service (Premises not within service limits of the Department)," execution of an elevation agreement, an approved schematic diagram, payment of the applicable fees, and compliance with our Rules and Regulations and Water System Standards. Please be informed that this water availability may change at any time.

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) (Letter dated June 1, 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 wholly on ongoing agricultural activity as summarized previously in this letter.

Steven J. Warren & Connie F. Geer  
June 21, 2004  
Page 2

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 June 22, 2006 may cause the Director to initiate proceedings to invalidate the AFDA.

If you have any questions please call Deanne Bugado of our West Hawaii Office at 327-3510.

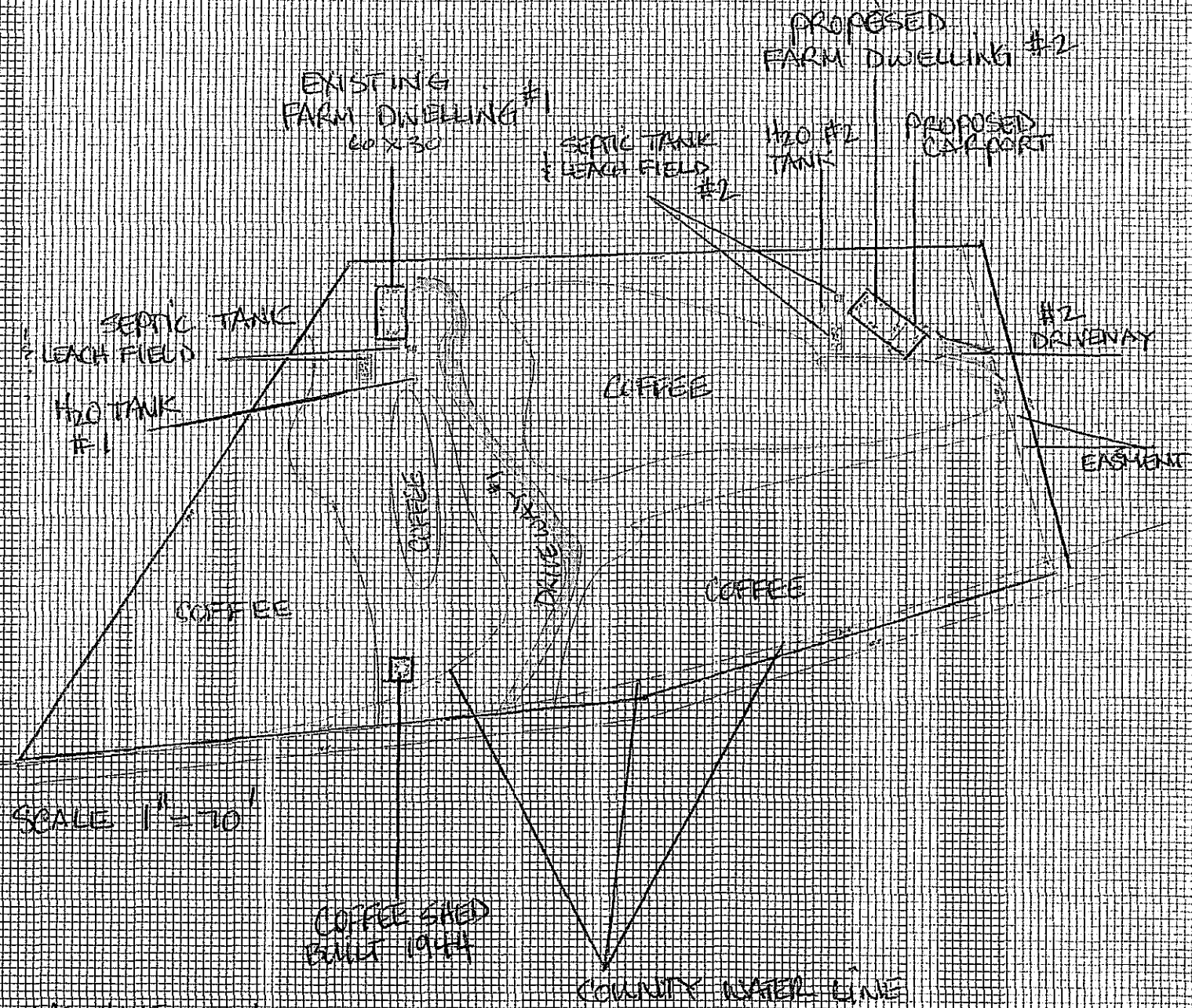
Sincerely,

  
CHRISTOPHER J. YUEN  
Planning Director

BM:deb  
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Enclosure: AFDA document  
AFDA document instruction sheet

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



WE HAVE COUNTY WATER  
 TO THE PROPERTY WE PUMP  
 INTO A HOLDING TANK, THEN  
 INTO THE HOUSE