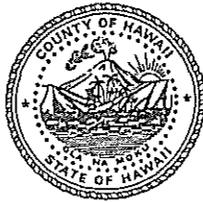


Harry Kim
Mayor



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

May 9, 2005

Mr. Andrew J. Linne
13-3561 Moku Street
Pahoa, Hawaii 96778

Dear Mr. Linne:

SUBJECT: Additional Farm Dwelling Agreement (2005-0044)
Applicants: Andrew J. Linne
Land Owners: Andrew J. Linne
State Land Use: Agricultural
County Zoning: A-1a
Land Area: 1.0 Acre
Tax Map Key: (3) 1-3-019:042

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 landowner.
2. 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:

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

MAY 10 2005

Mr. Andrew J. Linne

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i. Currently there are 48 awa plants for propagation.

(b) Proposed agricultural activities include the following:

i. 288 new awa plants are proposed initially. The existing propagation stock should yield two to three-fold of new plants each planting cycle. This multiplying of stock for salable plants is to continue.

(c) Estimated man-hours for this activity are 96 per planting cycle.

3. In support, a copy of the applicants' General Excise (GE) Tax License application was presented.
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 (SUB 1458) approved 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, application to obtain a GE Tax License 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 April 7, 2005):

“We have reviewed the subject application and have the following information.

The property does not have an existing water service with the Department as the parcel is beyond the service limits of the Department’s existing water system. Also, as the applicant indicates that the additional farm dwelling will be on a water catchment system, the Department has no objections to the application.

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) (Web Site Inquiry):

“No Taxes Due.”

(c) Department of Health (DOH):

The DOH did not respond to this application as of this date.

Decision:

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

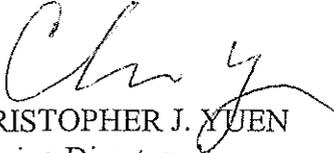
1. The AFD shall only be used to provide shelter for persons involved in the agricultural or farm-related activity on the building site. Family members who are not engaged in agricultural or farm-related activities are allowed to reside in the farm dwelling.
2. The agreement shall run with the land and 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 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 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 AFDA shall be valid for a period of two (2) years from the date of this approval letter to secure a building permit (BP) for the additional farm dwelling. Failure to secure a BP for this additional farm dwelling on or before May 6, 2007 may cause the Director to initiate proceedings to invalidate the AFDA.
7. First Party shall consult with the Department of Health to determine the number and type of individual wastewater systems that will be allowed on the parcel.
8. In reference to the DWS comment, may we suggest the following:
 - a. Any dwelling not serviced by a County water system should be provided with and maintain a private potable rain catchment system which includes a minimum 6,000 gallons for domestic consumption or potable uses. This catchment system should adhere to the Department of Public Works, Building Division's "Guidelines for Owners of Rain Catchment Water Systems" as well as the State Department of Health requirements related to water testing and water purifying devices.
 - b. Any dwelling on a water catchment system should be provided with and maintain an additional 3,000 gallon water storage capacity for fire fighting and emergency purposes. The emergency water supply system, including the necessary compatible connector system and location of the water storage facility on the property, should meet with the approval of the Hawaii County Fire Department.

Mr. Andrew J. Linne
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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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Enclosures: AFDA document
AFDA document instruction sheet

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

APPROVED

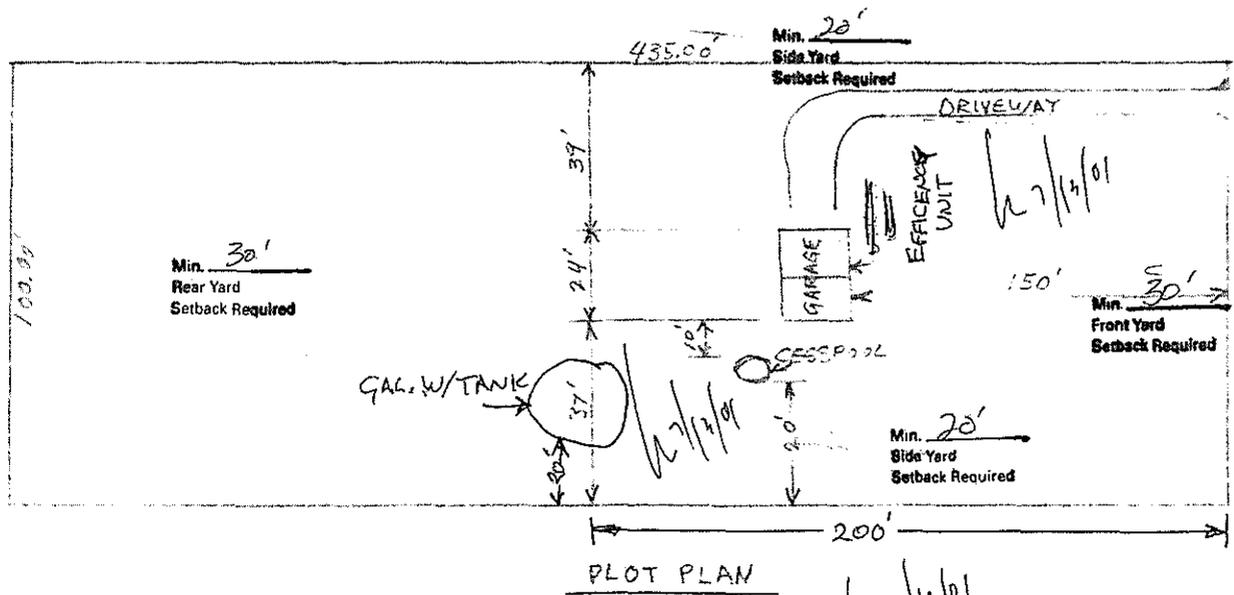
[Signature]
Director, County Planning Department

Date: 7/13/01

OWNER: A. J. LINNE PO Box 1379 PAHOA HI.
TMK 3-1-3-019:042
LOT SIZE: 1.00 AC.
LOCATION: MOKU ST. LEILANI EST.

7/13/01

ADDRESS 13-3561 MOKU ST



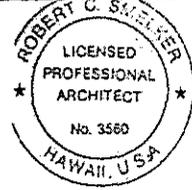
REVISION

Date Rec'd: 7-13-01

Permit No: 990255

The following agencies are required to approve this revision.

| | |
|---|---|
| <input checked="" type="checkbox"/> Engineering | <input type="checkbox"/> Waste Mgmt. |
| <input checked="" type="checkbox"/> Planning | <input type="checkbox"/> Elec. |
| <input checked="" type="checkbox"/> Health | <input type="checkbox"/> Plbg. |
| <input type="checkbox"/> Fire | <input checked="" type="checkbox"/> Bldg. |



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.

[Signature]

RECEIVED HILO

This set of approved plans and specifications shall be kept on job site at all times during construction.

Date _____

APPROVED _____
BUILDING DIVISION CHIEF