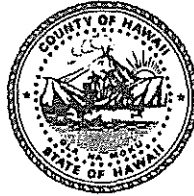


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

August 4, 2006

All Aina Services
Attn: Lori Mikkelson
P.O. Box 291
Laupahoehoe, Hawaii 96764

Dear Ms. Mikkelson:

SUBJECT: Additional Farm Dwelling Agreement (fda-06-000117)
Applicants: All Aina Services, Agent for
Clayton Cambra and Quinlan Cambra
Land Owners: Clayton Cambra and Quinlan Cambra
State Land Use: Agricultural
County Zoning: A-5a
Land Area: 5.002 Acres
Tax Map Key: (3) 4-4-003:027

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. Names, address and signatures of the applicants/landowners.
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:

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- i. The property has 3,300 sq.ft. of Macadamia trees (estimate 15 to 20 trees), 3,000 sq.ft. of Pig livestock area (1 pig at present) and 2,500 sq.ft. for poultry.

(b) Proposed agricultural activities include the following:

- i. The Macadamia trees area needs work and when back in full production is estimated to need 6 hours a week to prune, fertilize and harvest; and
- ii. Pigs to increase to three and be replaced when sold and should take 8 hours a week to maintain; and
- iii. The poultry project, with 20 to 30 hens for eggs and meat, should require 15 hours per week; and
- iv. The addition of 2 horses, 2 cows and 10 to 15 sheep in the new livestock grazing area is estimated to require 5 hours per week; and
- v. The new vegetable garden, at 12,500 sq.ft. should require 10 hours per week.

(c) All told, the combined annual income from this farm endeavor is conservatively estimated at \$9,000 to \$10,000.

3. In support, evidence of a State of Hawaii Department of Taxation's General Excise (GE) Tax License (W48026023-01) has been 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)

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2. The subject lot was created by subdivision (SUB 5361) approved on February 3, 1986, which, pursuant to HRS §205-4.5(b), requires the first dwelling on the lot to be a farm family dwelling.
3. The Farm Plan, 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.
4. In addition, the following agencies have submitted their comments as stated below:

(a) Department of Water Supply (DWS) (Letter dated July 5, 2006):

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

The subject parcel has two (2) existing services (Account Nos. 690-25400 and 690-25500). Therefore, we have no objection to the proposed application, as there are existing services available for each dwelling. However, due to there being existing and proposed agricultural activity on the subject parcel, the applicant will be required to install a reduced pressure type backflow prevention assembly for each service, within five (5) feet of the meter on private property. A copy of the Department’s backflow prevention assembly (handout) is being forwarded to the applicant to help them understand this requirement.

Should there be any questions, please call Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.”

(b) Real Property Tax Office (RPT):

RPT did not comment as of this date.

(c) Department of Health (DOH) (Memorandum dated July 30, 2006):

“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.”

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Decision:

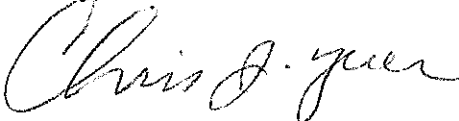
In view of the above, your request to construct a **second (first AFD) farm dwelling** on the property is approved subject to the following conditions:

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 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 ongoing, reclaimed and expanded agricultural activity as summarized previously in this letter. It is required that the First Party (property owners) 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 the 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 BP for the additional farm dwelling. Failure to secure a BP for this additional farm dwelling on or before August 5, 2008 may cause the Director to initiate proceedings to invalidate the AFDA.

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Should you have any questions, please feel free to contact Jonathan Holmes of this Department.

Sincerely,

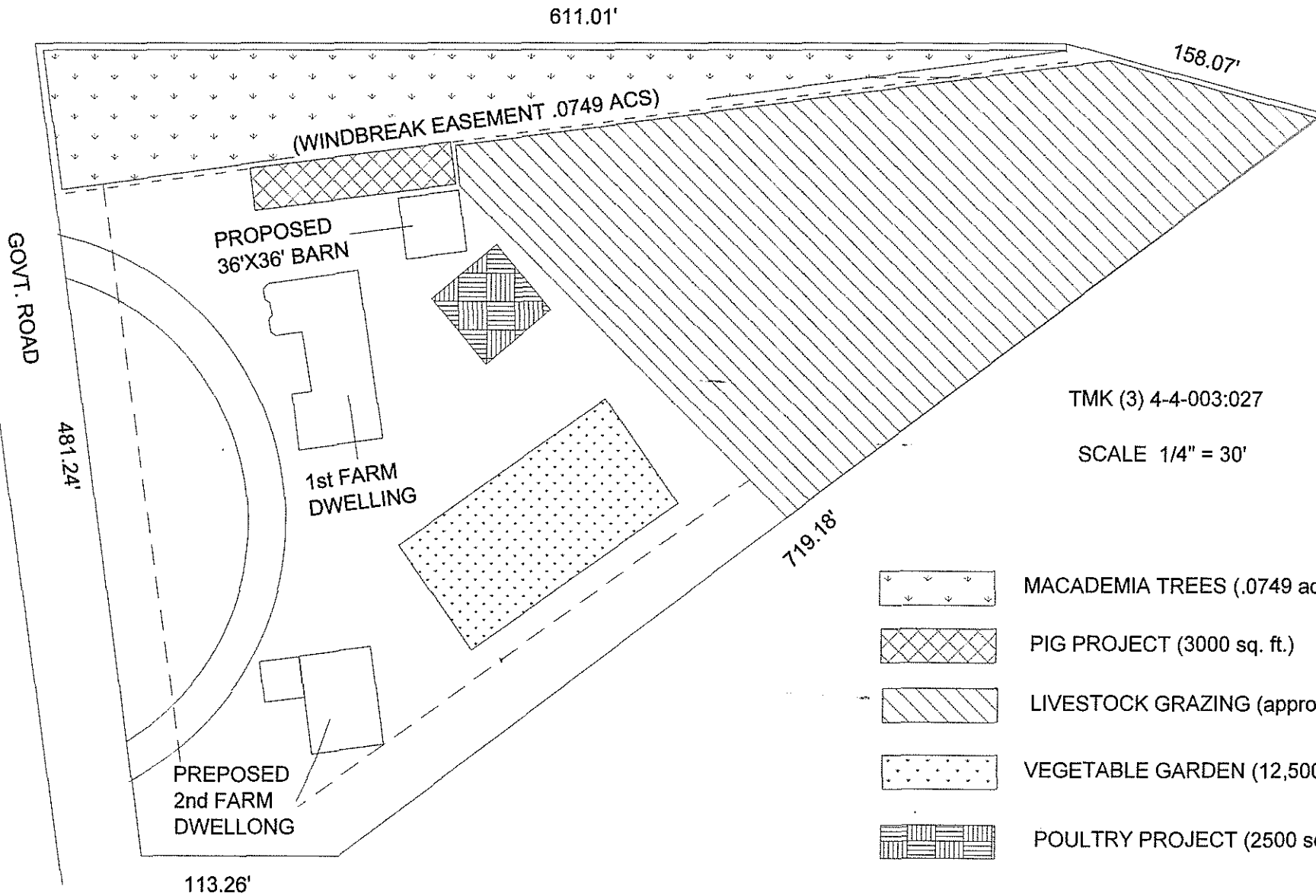


CHRISTOPHER J. YUEN
Planning Director

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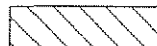
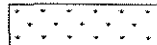

Enclosures: AFDA document
AFDA document instruction sheet

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



TMK (3) 4-4-003:027

SCALE 1/4" = 30'

-  MACADEMIA TREES (.0749 acres)
-  PIG PROJECT (3000 sq. ft.)
-  LIVESTOCK GRAZING (approx. 66,000 sq. ft.)
-  VEGETABLE GARDEN (12,500 sq. ft.)
-  POULTRY PROJECT (2500 sq. ft.)