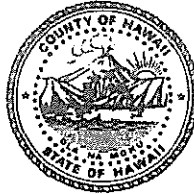


Harry Kim  
Mayor



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

April 12, 2007

Mr. Raymon E. and Mrs. Laraine Agren  
14224 Bald Mountain Road  
Penn Valley, California 95946

Dear Mr. and Mrs. Agren:

**SUBJECT:** Additional Farm Dwelling Agreement (FDA-07-000158)  
**Applicants:** Raymon E. and Laraine Agren  
**Land Owners:** Raymon E. and Laraine Agren, Trustee Jean  
Ward Lievens, Christopher J. Lievens, Andrea  
L. Lievens and Brian J. Lievens  
**State Land Use:** Agricultural  
**County Zoning:** A-20a  
**Land Area:** 20.29 (5.0) Acres  
**Tax Map Key:** (3) 2-8-010:023

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 (second farm dwelling and third total dwellings) on the subject property. Your submittals included the following information:

1. Names, address and signatures of the applicants and 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:

Mr. Raymon E. and Mrs. Laraine Agren

Page 2

April 12, 2007

- i. The activity involves the farming of approximately 12,000 fish (White, Grey and Golden Tilapia and Chinese Catfish) in 51 above-ground and in-ground tanks/ponds.
- ii. Weekly man-hours of the present fish farm operation are in excess of 10.5 for once-a-day feeding and 29 hours for the maintenance of tanks (flush and clean drains, control of water hyacinths and general maintenance of tanks and surrounding areas) for a conservative estimate of 39.5 hours per week.
- iii. The above does not include the harvesting of fish (draining tanks, netting and sorting the fish), which can take about 6 to 8 hours per 150 fish sold.
- iv. There is more than ½ acre of apple bananas that have been sold by the previous landowner and the applicant will continue to do so.
- v. There are also 6 Longon trees on the property.

(b) Proposed agricultural activities include the following:

- i. The potential exists for double or triple the production of the fish farm in the future according to advice provided to the applicant by Ray Tanaka of Honomu who has experience and personal knowledge of fish farming semantics.
  - ii. There are numerous other potential crops that can be grown/raised on this property, both water borne and in the ground. Applicant will continue to explore and experiment with additional crop types once relocation from California is complete.
3. In support of the application, evidence of a State of Hawaii Department of Taxation's General Excise (GE) Tax License 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.

Mr. Raymon E. and Mrs. Laraine Agren

Page 3

April 12, 2007

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 as Lot 14 of the Honomu Homesteads 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 W11042291-01), and the agreement to use the dwelling for agricultural or farm-related activity on the building site demonstrate that there is income producing agricultural activity and that the income has been taxed.
4. In addition, the following agencies have submitted their comments as stated below:

(a) Department of Water Supply (DWS) (Letter dated March 21, 2007):

"We have reviewed the subject application and have the following comments and conditions.

Please be informed that the subject property is not within the Department's existing service limits. The nearest point of connection is from an existing 6-inch waterline within Mamalahoa Highway, approximately 2.1 miles from the subject property.

However, the applicant has indicated that their source of water is fed from a spring on the property. The Department has no objection to the applicant's use of the spring for the proposed additional farm dwelling, but recommends that the Department of Health be consulted regarding proper treatment and disinfection of the water.

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

(b) Real Property Tax Office (RPT):

Mr. Raymon E. and Mrs. Laraine Agren

Page 4

April 12, 2007

The RPT office did not comment on this application as of this date.

(c) Department of Health (DOH) (Memorandum dated March 19, 2007):

"We recommend that you review all of the Standard Comments on our website: [www.state.hi.us/health/environmental/env-planning/landuse/landuse.html](http://www.state.hi.us/health/environmental/env-planning/landuse/landuse.html). Any comments specifically applicable to this project should be adhered to."

The use of individual wastewater systems is allowed. The type and number of individual wastewater systems to be used will be determined at the time of building permit application."

Decision:

In view of the above, your request to construct a **second (first AFD) farm dwelling (third dwelling on the two CPR units)** 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. **In addition, the applicant must secure any required building permit approvals for the office, greenhouse and shipping containers (with room above) prior to/at the time of the Planning Department approving a building permit application for the AFD.**
3. 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.

Mr. Raymon E. and Mrs. Laraine Agren

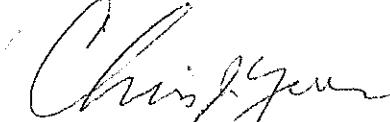
Page 5

April 12, 2007

- 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.
4. 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.
5. Your AFDA has been approved based on ongoing and expanded agricultural activity as summarized previously in this letter.
6. The First Party shall allow the Second Party or its representative to inspect the farm and verify the status of the occupant as a farm worker upon reasonable prior notice.
7. This AFDA shall be valid for a period of two (2) years from the date of this approval to secure a BP for the additional farm dwelling. Failure to secure a BP for this additional farm dwelling on or before April 13, 2009, 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 Department.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

JRH:cd

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Enclosures: AFDA document  
AFDA document instruction sheet

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

Scanned Map  
Unavailable  
Due to Size

See File

