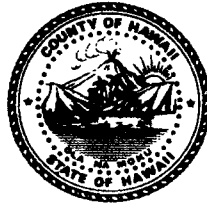


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

July 24, 2017

Kurt T. Corbin and Jane Arthur
P.O. Box 213
Laupahoehoe, Hawaii 96764

Dear Mr. Corbin & Ms. Arthur:

SUBJECT: Additional Farm Dwelling Agreement (FDA-08-000214)
Applicants: Kurt T. Corbin and Jane Arthur
Land Owners: Kurt T. Corbin and Jane Arthur
State Land Use: Agricultural
County Zoning: A-20a
Land Area: 8.676 Acres
Tax Map Key: (3) 3-5-001:022

This is regarding the cancellation of the previously approved Additional Farm Dwelling Agreement affecting the subject property.

Enclosed, please find the "Cancellation of Additional Farm Dwelling Agreement" for the subject property which has been requested in light of the potential sale of the property and the fact that the additional dwelling has not been constructed nor any longer plans to construct it.

The Agreement document has been signed and notarized by the Planning Department through its Director and is hereby being forwarded to you to have executed by the "First Parties" and for recordation with the Bureau of Conveyances, State of Hawai'i.

The department would request that a copy of the recorded document be forwarded to us for proper action and disposition.


Kurt T. Corbin and Jane Arthur

Page 2

July 24, 2017

Should you have any questions, please feel free to contact Jonathan Holmes of this office at 961-8146.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Yee". The signature is fluid and cursive, with the first name "Michael" and last name "Yee" clearly distinguishable.

MICHAEL YEE
Planning Director

JRH: nci

\\COH33\planning\public\Admin Permits Division\AFDA\2008\Cancellation\FDA-08-000214 Ltr.docx

Encl.: Cancellation Document

cc: G. Bailado, GIS Section

AFTER RECORDATION, RETURN BY MAIL TO:

Kurt T. Corbin and Ms. Jane Arthur
P.O. Box 213
Laupāhoehoe, Hawai'i 96764-0213

TITLE OF DOCUMENT:

CANCELLATION OF ADDITIONAL FARM DWELLING AGREEMENT

PARTIES TO DOCUMENT:

FIRST PARTY: KURT T. CORBIN AND JANE ARTHUR

SECOND PARTY: COUNTY OF HAWAI'I

PROPERTY DESCRIPTION:

TMK: (3) 3-5-001:022

Being Lot 20 and a Portion of Lot 21,
Being Also Grant 7544 and a Portion of
Grant 5849, Hokumahoe, North Hilo

CANCELLATION OF AGREEMENT

THIS CANCELLATION OF AGREEMENT, made and executed this 21st day of July, 2017, by and between **KURT T. CORBIN AND JANE ARTHUR**, herein called the "First Party," whose mailing address is 45-543 Kuuipo Place, Kaneohe, HI 96744-1939, and the **COUNTY OF HAWAI'I**, herein called the "Second Party."

WITNESSETH

WHEREAS, on August 1, 2008 an agreement was entered into by and between the First Party and the Second Party whereby the First Party was authorized to construct an additional farm dwelling on the property described as Tax Map Key (3) 3-5-001:022; and

WHEREAS, the subject area is zoned Agricultural (A-20a), formerly zoned Unplanned, by the County of Hawai'i and classified Agricultural by the State Land Use Commission; and

WHEREAS, the agreement to construct said improvements was duly recorded with the State of Hawai'i Bureau of Conveyances as Document Number 2008-182284 on December 3rd, 2008; and

WHEREAS, the subject improvements have not been permitted nor constructed; and

WHEREAS, the First Party no longer desires to proceed with such construction; and

WHEREAS, the First Party and the Second Party agree that execution of said agreement should be cancelled as there is no longer be any valid, compelling reason for it because no additional farm dwelling will be located on the lot.

NOW, THEREFORE, in consideration of the above recitals and the conditions and covenants contained therein, the parties agree as follows:

The Second Party agrees that the agreement dated August 1, 2008, recorded at the State of Hawai'i Bureau of Conveyances as Document Number 2008-182284, between the First Party and the Second Party is no longer applicable and that the agreement is hereby declared null and void.

The Second Party agrees that the agreement dated August 1, 2008 no longer constitutes covenants or encumbrances running with the land as it relates to Tax Map Key (3) **3-5-001:022**.

The First Party agrees to pay for all of the necessary costs and expenditures to record this Cancellation of Agreement.

IT IS MUTUALLY AGREED BY AND BETWEEN the parties that if any additional documents are necessary that they will execute same in order that the agreement dated August 1, 2008 no longer constitutes an encumbrance on Tax Map Key (3) **3-5-001:022**.

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

FIRST PARTY:

KURT T. CORBIN, Legal Owner

JANE ARTHUR, Legal Owner

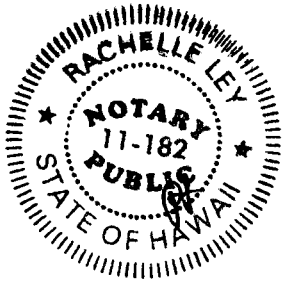
SECOND PARTY:



MICHAEL YEE, Planning Director
County of Hawai'i Planning Department

STATE OF HAWAI'I)
) SS.
 COUNTY OF HAWAI'I)

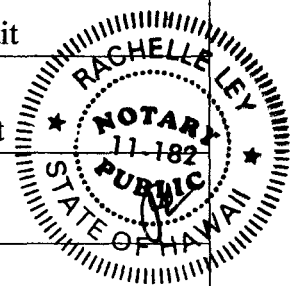
On this 21st day of July, 2017, before me personally appeared Michael Yee to me personally known, who, being by me duly sworn, did say that he is the Planning Director of the County of Hawai'i, and that the Planning Department of the County of Hawai'i has no corporate seal; and that the instrument was signed on behalf of the Planning Department of the County of Hawai'i, a government agency, and said Michael Yee acknowledged the instrument to be the free act and deed of said Planning Department, County of Hawai'i.



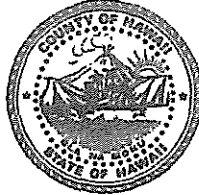
Rachelle Ley

 Rachelle Ley
 Notary Public, State of Hawai'i
 Third Judicial Circuit
 My Commission Expires: June 12, 2019

Document Date:	<u>July 21, 2017</u>	No. of Pages:	<u>6</u>
Notary Name:	<u>Rachelle Ley</u>		<u>Third Judicial Circuit</u>
Doc. Description:	<u>Cancellation of Additional Farm Dwelling Agreement</u>		
	<u>Tax Map Key (3) 3-5-001:022</u>		
Notary Signature	<i>Rachelle Ley</i>		<u>JUL 12 2017</u>
			Date



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 96720-4224
(808) 961-8288 • FAX (808) 961-8742

August 14, 2008

Mr. Kurt T. Corbin and Ms. Jane Arthur
P.O. Box 213
Laupahoehoe, Hawaii 96764

Dear Mr. Corbin and Ms. Arthur:

SUBJECT: Additional Farm Dwelling Agreement (FDA-08-000214)
Applicants: Kurt T. Corbin and Jane Arthur
Land Owners: Kurt T. Corbin and Jane Arthur
State Land Use: Agricultural
County Zoning: A-20a
Land Area: 8.676 Acres
Tax Map Key: (3) 3-5-001:022

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 the signatures of the applicants/landowners.
2. A farm plan or evidence of the applicants' 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. 38,750 square feet are in coffee ;

AUG 14 2008

Mr. Kurt T. Corbin and
Ms. Jane Arthur
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- ii. 18,750 square feet are in Lychee and
 - iii. A minimum of eight (8) hours per week are required for the various chores related to the care of Coffee and Lychee trees, etc.
 - b. Proposed agricultural activities include the following:
 - i. Expansion of Coffee to 93,125 square feet;
 - ii. Expansion of the Lychee to 43,750 square feet; and
 - iii. It is anticipated that the agricultural operation will entail about 8 man-hours per day for two individuals (approximately 160 hours per week) when the farm is up and running. These hours will commence with land preparation and planting and should be sustained throughout the operation of the farm.
3. 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, Hawai'i 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 through the Laupahoehoe Homestead Lots in December 1915, 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, evidence of a State of Hawaii General Excise Tax license (#W40835812) 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. In addition, the following agencies have submitted their comments as stated below:

Mr. Kurt T. Corbin and
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- a. Department of Water Supply (DWS) (Letter dated May 30, 2008):
“Please be informed that the subject parcel is not within the Department’s existing service limits. The closest point of adequacy is an existing 6-inch waterline within Hokumahoe road, approximately two miles from the subject parcel.

Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting that the Department cannot provide service to the proposed additional farm dwelling.

Should there be any questions, please call Mr. Ryan Quitariano of our Water Resources and Planning Branch at 961-8070, extension 256.”;

- b. Real Property Tax Office (RPT):

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

- c. Department of Health (DOH) (Memorandum dated June 6, 2008):

“The use of individual wastewater systems is allowed. The type and number of individual wastewater systems will be determined by the wastewater rules in effect at the time of building permit application.

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

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

Mr. Kurt T. Corbin and
Ms. Jane Arthur
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August 14, 2008

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.

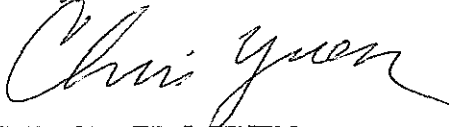
3. In reference to the DWS comment, may we suggest the following:
 - a. Any dwelling not serviced by a County water system should be provided with and maintain a private potable rain catchment system which includes a minimum 6,000 gallons for domestic consumption or potable uses. This catchment system 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 Hawai'i 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 any other reviewing agencies/divisions listed on the Building Permit (BP) Application shall be adhered to.
5. Your AFDA has been approved based on ongoing 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 Hawai'i Planning Department) of the Agreement may allow time extensions and modifications for good cause shown by the First Party.
6. The First Party shall allow the Second Party or its representative to inspect the farm upon reasonable prior notice.
7. 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

Mr. Kurt T. Corbin and
Ms. Jane Arthur
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additional farm dwelling on or before April 30, 2010 may cause the Director to initiate proceedings to invalidate the AFDA.

Should you have any questions, please feel free to contact Larry Nakayama of this office at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

LN/JG:jlh

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Enclosures: AFDA document
AFDA document instruction sheet

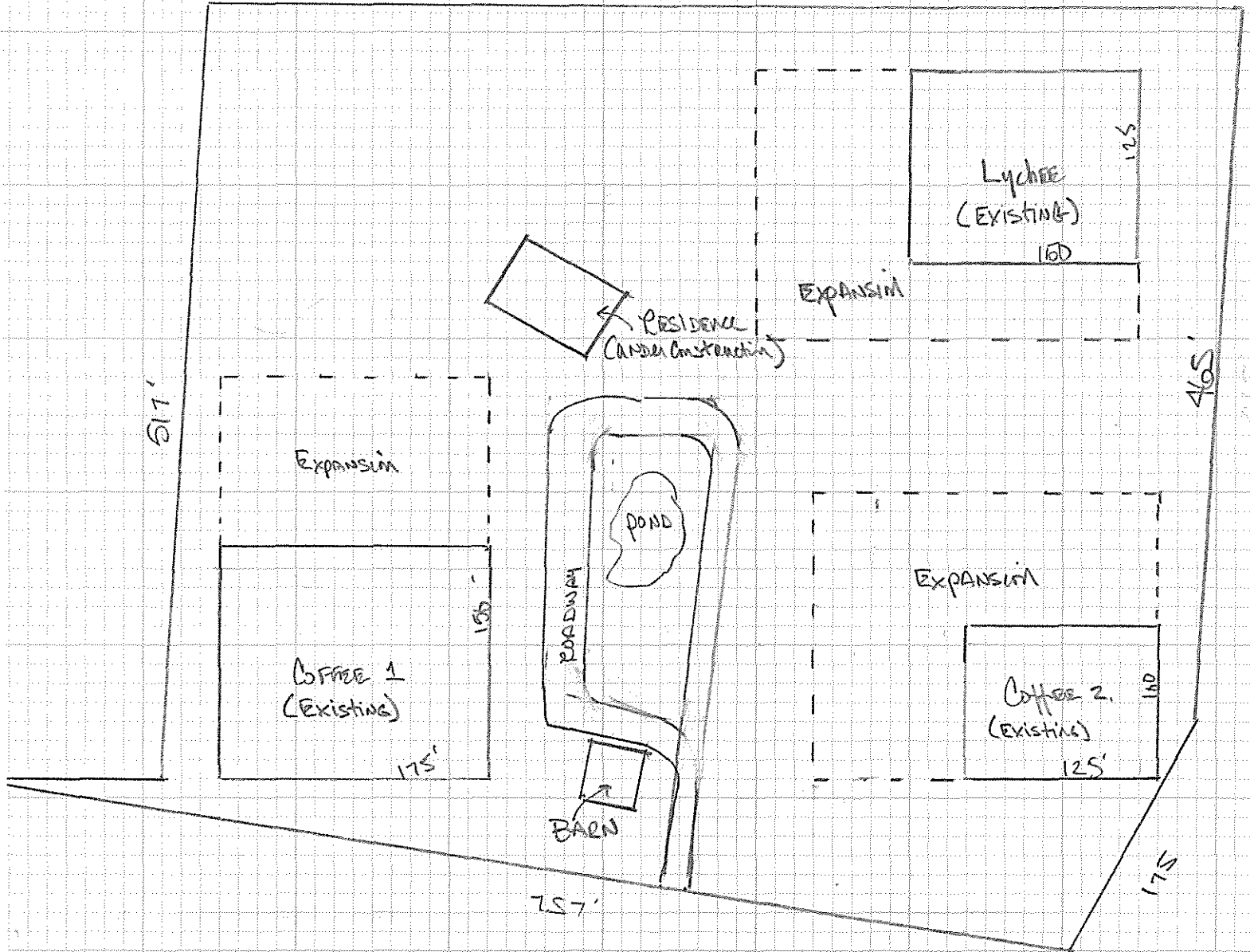
xc: Mr. Milton Pavao, DWS
Mr. Mike McCall, RPT

TMK (3) 3-5-001:022

KURT WERBIN / JANE ARTHUR

15 OF 4.03

585'



SCALE: 1" = 100'

	<u>Current</u>	<u>w/ Expansion</u>
COFFEE 1	26,250 SF	48,125
COFFEE 2	17,500	45,000
LYCHEE	19,750	43,750
	63,500 SF	136,875 SF