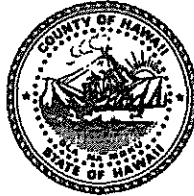


Harry Kim
Mayor



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

September 16, 2008

Richard Timothy Koob
12-6860 Kalapana Kapoho Road
Pahoa, Hawaii 96778

Dear Mr. Koob:

SUBJECT: Additional Farm Dwelling Agreement (FDA-08-000220)
Applicant: Richard Timothy Koob
Land Owner: Richard Timothy Koob
State Land Use: Agricultural
County Zoning: A-3a
Land Area: 6.333 Acres
Tax Map Key: (3) 1-2-009:036

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. The property is dedicated to agricultural use through the Real Property Tax Division;
 - ii. The activity involves propagation of organically grown mixed varieties of fruit trees and vegetables;
 - iii. Approximately 14 hours or more per day, 7 days per week are required for running the farm; and
 - iv. Income is about \$20,000 plus per year.
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 by subdivision (SUB 2981) approved on June 2, 1971, which, pursuant to HRS §205-4.5(b), allows the first dwelling on the lot to be used as a single-family dwelling.
3. The Farm Plan 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.
4. In addition, the following agencies have submitted their comments as stated below:
 - a. Department of Water Supply (DWS):

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

Richard Timothy Koob
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Please be informed that the subject parcel 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.

Should there be any questions, you may contact 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 July 17, 2008):

"We recommend that you review all of the Standard Comments on our website: www.state.hi.us/health/environmental/envy-planning/landuse/landuse.htm. 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 will be determined by the wastewater rules in effect at the time of building permit application."

Decision:

In view of the above, your request to construct an **Additional Farm Dwelling** on the property is approved subject to the following conditions:

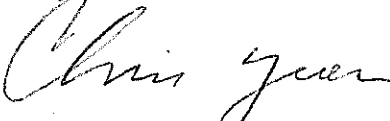
1. The AFD shall only be used to provide shelter for persons involved in the agricultural or farm-related activity on the building site. Family members who are not engaged in agricultural or farm-related activities are allowed to reside in the farm dwelling.
2. The agreement shall run with the land and 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.

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3. The applicant is responsible for any State and Federal tax consequences due to the income produced from the farm activity.
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 agricultural activity as summarized previously in this letter.
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 additional farm dwelling on or before September 12, 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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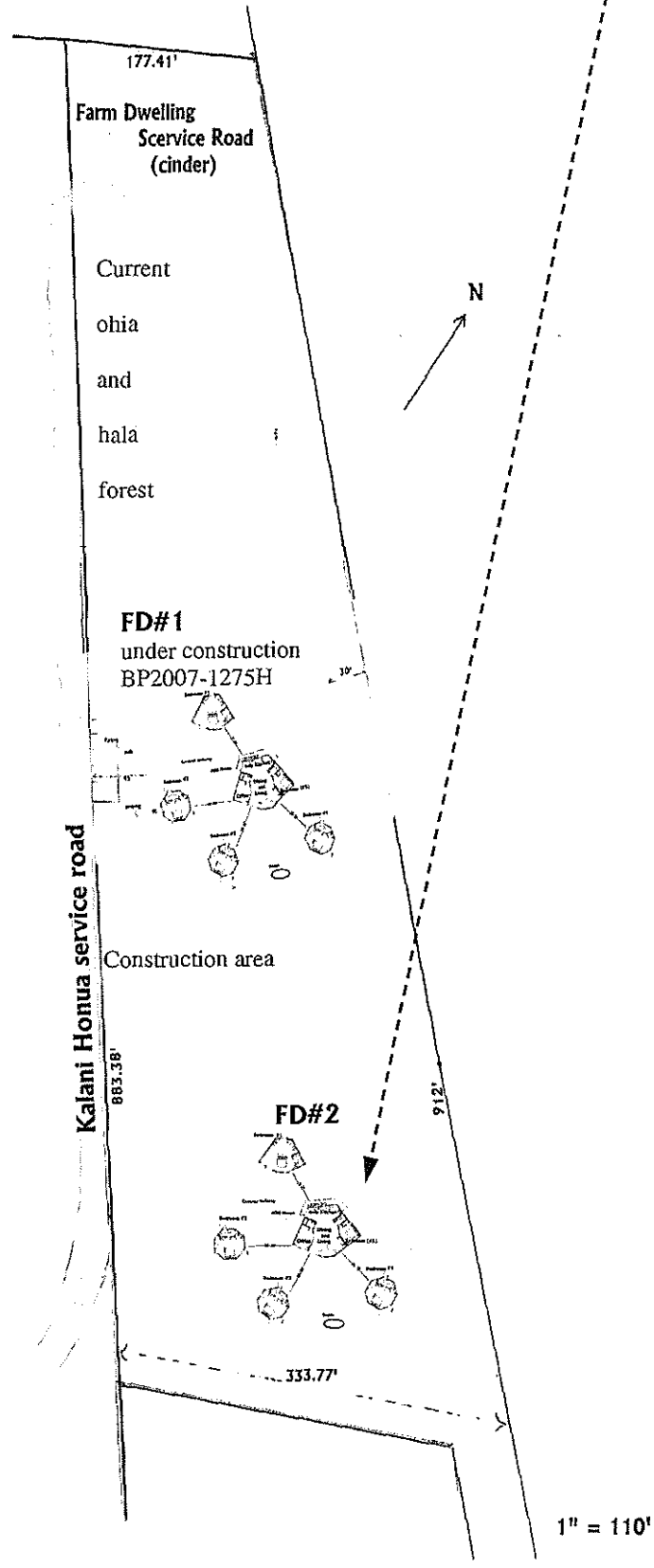
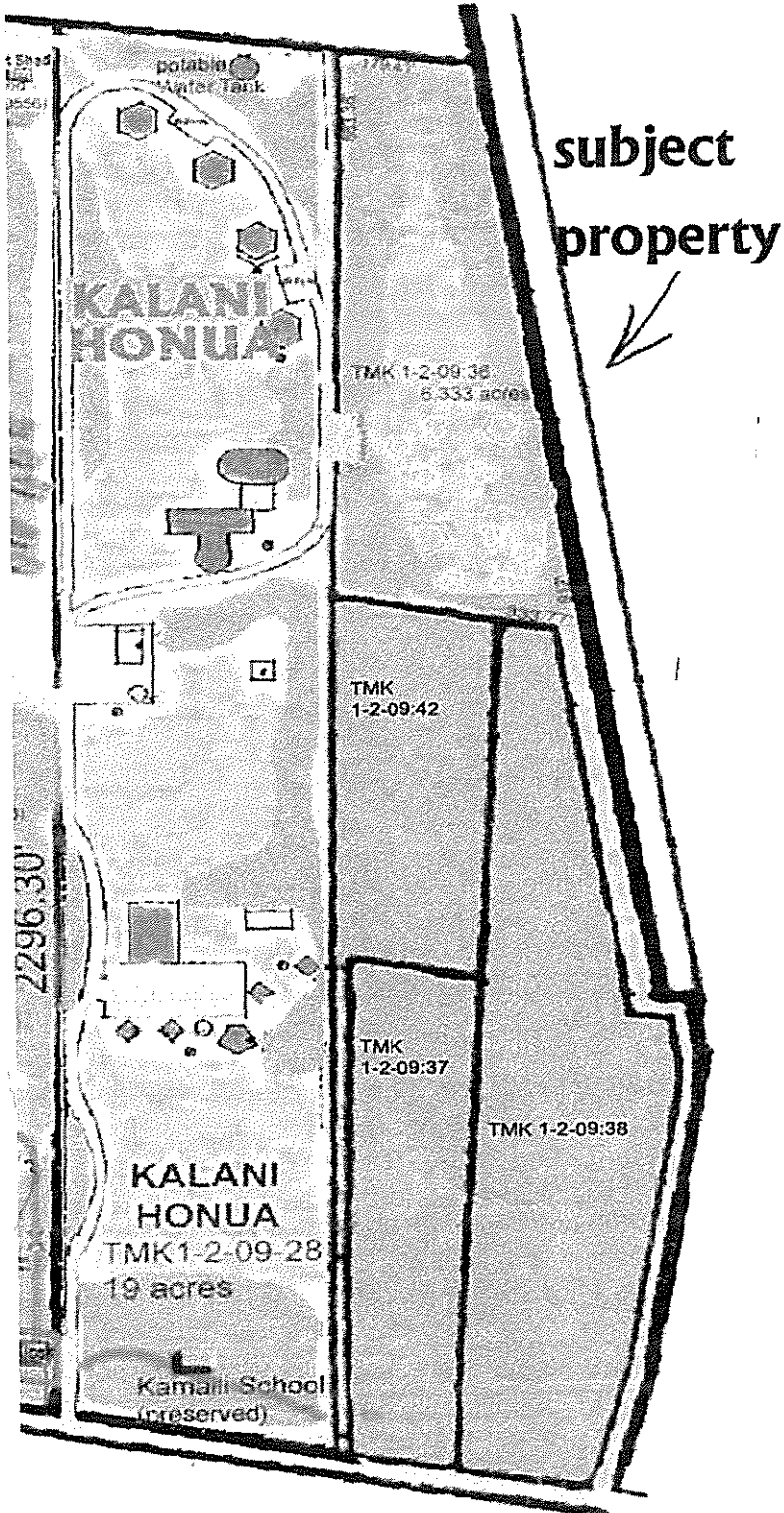
Enclosures: AFDA document
AFDA document instruction sheet

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

Existing agriculture
and proposed buildings

Richard Koob - Farm Dwelling #2

Plot plan (detail)
TMK 1-2-09:36



1" = 110'