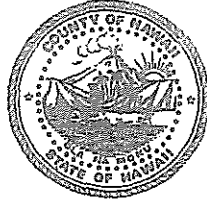


William Kenoi
Mayor



Daryn S Arai
Acting Planning Director

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauhahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

December 29, 2008

Mr. and Mrs. Rudolph Puana
229 Noelani Loop
Hilo, Hawai'i 96720

Dear Mr. and Mrs. Puana:

SUBJECT: **Additional Farm Dwelling Agreement (FDA-08-000233)**
Applicant: **Lynn Puana**
Land Owner: **Lynn Puana and Rudolph Puana**
State Land Use: **Agricultural**
County Zoning: **A-20a**
Land Area: **4.149 Acres**
Tax Map Key: **(3) 2-8-008:054**

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 activity involves a working farm for breeding and training of Hanoverian horses;
 - ii. Approximately 120 hours per week are required for running the farm; and
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 7644) approved on May 10, 2004, which, pursuant to HRS §205-4.5(b), requires the first dwelling on the lot to be a farm 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): (memorandum dated November 14, 2008)

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

Mr. and Mrs. Rudolph Puana
Page 3
December 29, 2008

Please be informed that the subject parcel is currently served by a private water system operated by the Pepeekeo Water Association, Inc. The subdivision is served by a master meter from the Department's Pepeekeo water system through an existing 2-inch meter (Account 490-12120). Each lot within the subdivision has been allocated only one unit of water, which is adequate for one dwelling unit at an average of 400 gallons per day. Therefore, the Department has no objections to the proposed application, subject to the applicant accepting and understanding that water system cannot support the proposed second dwelling.

Should there be any questions, you may contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at 961-8070, extension 256."

b. Department of Health (DOH): (memorandum dated October 27, 2008)

"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.

The proposed project is located within 1000 feet of a public drinking water source. Individual wastewater system will be allowed to be used for the project and must be an aerobic unit with disinfection."

Decision:

In view of the above, your request to construct a **first 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

Mr. and Mrs. Rudolph Puana
Page 4
December 29, 2008

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 any other reviewing agencies/divisions listed on the Building Permit (BP) Application shall be adhered to.
4. The applicant is responsible for any State and Federal tax consequences due to the income produced from the farm activity.
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 Building Permit for the additional farm dwelling. Failure to secure a BP for this additional farm dwelling on or before December 30, 2010 may cause the Director to initiate proceedings to invalidate the AFDA.

Please feel free to contact Larry Nakayama of this office at 961-8288 should you have any further questions and/or concerns.

Sincerely,



DARYN S. ARAI
Acting Planning Director

LN/JG:cs

\\Coh02\planning\public\AFDA\AFDALHN\Approvals\Puana-Aprv1.doc

Enclosures: AFDA document
AFDA document instruction sheet

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

Scanned Map
Unavailable
Due to Size

See File

