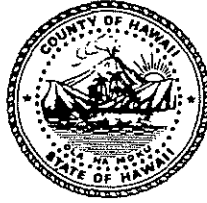


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawaii

PLANNING DEPARTMENT

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

June 21, 2010

Mr. Geerling Goosen
78-6750 Makenawai Street
Kailua-Kona, HI 96740

Dear Mr. Goosen:

SUBJECT: Additional Farm Dwelling Agreement Application (FDA-10-000265)
Applicant: Geerling Goosen
Owners: Kamehameha Schools and Geerling Goosen
State Land Use: Agricultural
County Zoning: Agricultural (A-5a)
Land Area: 5.134 Acres
TMK: (3) 7-8-009:034

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. Name and address of the landowner(s) or lessee(s), if the latter has a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement.
2. Written authorization of the landowner(s) if the lessee filed the request.
3. A farm plan or evidence of the applicant's continual agricultural productivity or farming operation within the County, including an explanation of why this additional farm dwelling is needed in connection with the agricultural productivity or farming operation. Your farm plan included the following ongoing income-producing agricultural activities:

Maintain, harvest, pulp, dry and store coffee cherry and parchment as produced by approximately 3,500 coffee trees over approximately 3.5 acres.

JUN 22 2010

Mr. Geerling Goosen
June 21, 2010
Page 2

4. The labor man-hours for maintenance, harvesting and marketing will average, on an annual basis, more than forty (40) hours per week.
5. Evidence of existing engagement in agricultural productivity, in the form of a general excise tax return and reported gross income from product sales, has also been presented.
6. The 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)
2. The subject lot was created by Subdivision No. 4394 approved November 16, 1979, which, pursuant to HRS §205-4.5(b), requires the first dwelling on the lot to be a farm dwelling.
3. The Farm Plan, General Excise Tax License, and the agreement to use the dwelling for agricultural or farm-related activity on the building site demonstrate that there is/will be income producing agricultural activity and the income is/will be taxed.
4. In addition, the following agencies have submitted their comments as stated below:
 - (a) Department of Water Supply (Letter dated June 9, 2010):

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

Please be informed that an existing 5/8-inch meter services this property and is adequate for only one dwelling unit at an average of 400 gallons per day. Inasmuch as this application is proposing an additional dwelling, the installation of a separate 5/8-inch meter would normally be required in accordance with the Department's Rules and Regulations. However, the Department cannot provide an additional meter for the proposed additional farm dwelling as the previous subdivision that created the subject parcel used the remaining water units that were available at that time.

Mr. Geerling Goosen
June 21, 2010
Page 3

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 the application be approved, both dwellings shall not share the existing meter, and the water system plumbing between the two buildings shall not be interconnected in any way.

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

(b) Real Property Tax Office:

No comments were received.

(c) Department of Health (Memorandum dated May 21, 2010):

“The use of individual wastewater systems is allowed. The type and number of individual wastewater systems to be used on each lot 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.html. Any comments specifically applicable to this project should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by “Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that state and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects (sic). We also ask you to share this list with others to increase community awareness on the healthy community design.”

Decision:

In view of the above, your request to construct a **second** farm dwelling is approved subject to the following conditions:

1. The additional farm dwelling 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.

Mr. Geerling Goosen
June 21, 2010
Page 4

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 Additional Farm Dwelling Agreement ("AFDA") must be returned to the Planning Department with the appropriate notarized signatures of the "Farmer" and "Kamehameha Schools" along with a check made out to the Bureau of Conveyances in the amount of \$30.00 in accordance with the enclosed Additional Farm Dwelling Agreement Instructions. The Planning Department will not approve a building permit application for the additional dwelling until the AFDA document with all required attachments has been recorded at the Bureau of Conveyances.
3. The Farmer and Kamehameha Schools shall comply with all other applicable rules, regulations, and requirements of the County of Hawaii Planning Department (including but not limited to the Zoning Code, Chapter 25, Hawaii County Code), Department of Public Works, Department of Water Supply, Fire Department and the State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application for the additional farm dwelling.
4. Your Additional Farm Dwelling Agreement has been approved based on your existing agricultural activities as presented in your farm plan and summarized previously in this letter. It is required that the Farmer and Kamehameha Schools, as lessee and land owner of the subject property and parties to the Additional Farm Dwelling Agreement, shall continue to carry out and maintain this farm plan for the life of the additional farm dwelling. The County of Hawaii Planning Department, as party to the Agreement, may allow modifications for good cause shown by the Farmer and Kamehameha Schools.
5. The Farmer and Kamehameha Schools shall allow the County of Hawaii or its representative to inspect the farm from time to time upon reasonable prior notice.
6. **The Farmer and Kamehameha Schools are required to secure a building permit from the Department of Public Works, Building Division, for the construction of the additional farm dwelling on or before June 21, 2012.** Failure to secure a building permit for this additional farm dwelling on or before June 21, 2012 may cause the Director to initiate proceedings to invalidate the AFDA.

We recommend that you consult with the Department of Health, of which the Kona office's phone number is 322-1963, as to acceptable individual wastewater systems for your proposed second farm dwelling prior to your preparing and submitting a building permit application.

Mr. Geerling Goosen
June 21, 2010
Page 5

With regard to the Department of Water Supply's comment, we suggest the following:

1. Any dwelling not serviced by a County water system should be provided with and maintain a private potable rain-water catchment system with a minimum capacity of 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.
2. Any farm dwelling outside of the service range of an existing County of Hawaii fire hydrant should be provided with and maintain a private water supply system having an additional minimum storage capacity of 3,000 gallons for fire-fighting and other emergency purposes. The emergency water supply system, including the necessary compatible connection devices and the location of the water storage unit on the property, should meet with the approval of the Hawaii County Fire Department.

Should you have any questions regarding the Additional Farm Dwelling Agreement, please contact Keola Childs of our West Hawaii office at 327-3510.

Sincerely,


BJ LEITHEAD TODD
Planning Director

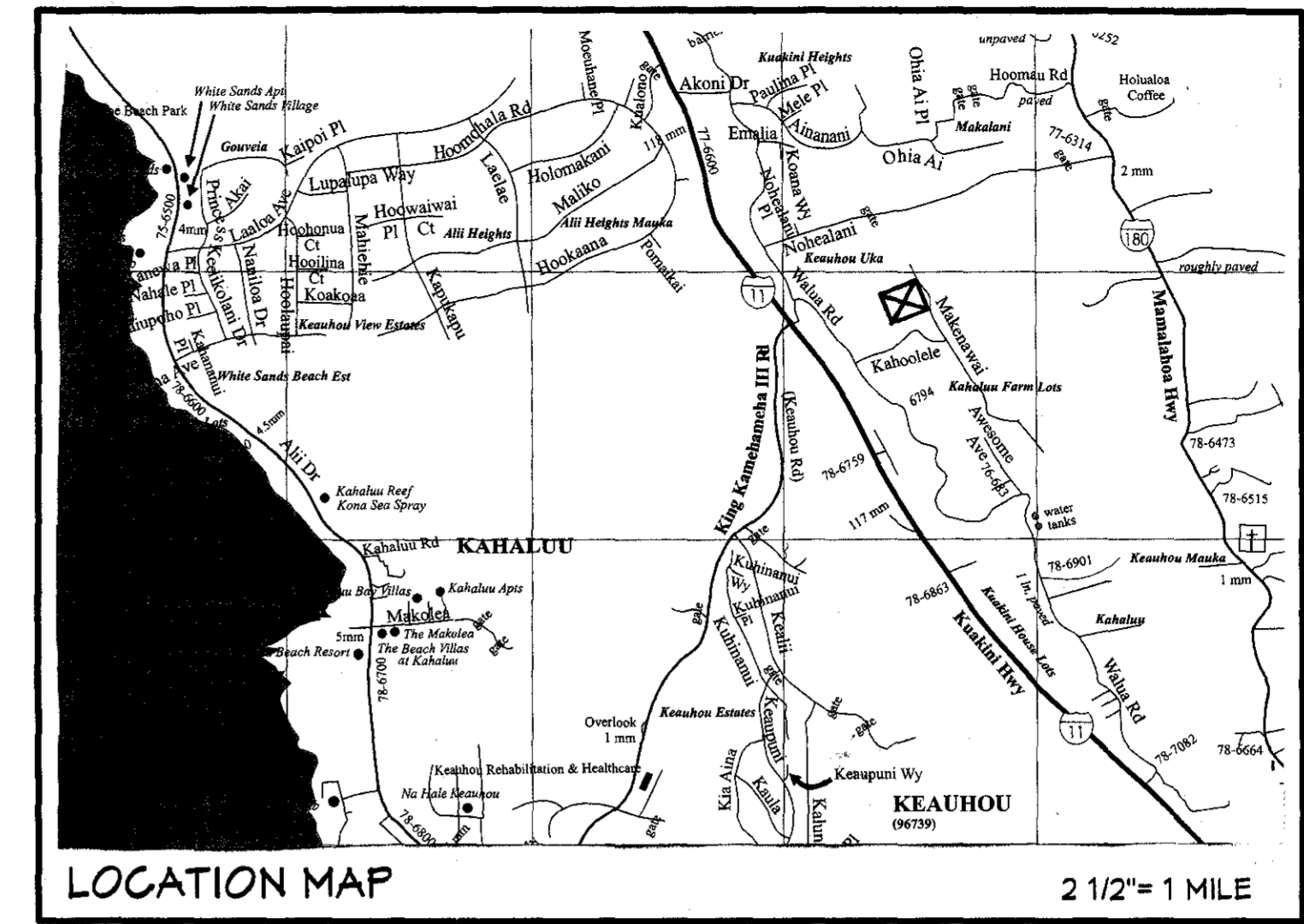
CKC:ckc

K:\Staff\Childs\AFDA\AFDA Corr\Approval\AFDAapr 78009034 Goosen.doc

xc: Chief Sanitarian, DOH
Manager, DWS
Administrator, RPT

THE CONTRACTOR AND EACH SUBCONTRACTOR SHALL VERIFY DIMENSIONS, ELEVATIONS, NOTES AND CONDITIONS PRIOR TO STARTING CONSTRUCTION. NOTIFY ARCHITECT OF ANY DISCREPANCY ON THE DRAWINGS/SPECIFICATIONS OR IN THE FIELD BEFORE STARTING PORTION OF WORK IN QUESTION. ALL WORK TO CONFORM TO THE REQUIREMENTS OF THE UNIFORM BUILDING CODE 1997 EDITION WITH LOCAL CODES AND AMENDMENTS.

ONE STORY BUILDINGS	
CONSTRUCTION TYPE	TYPE V-N
OCCUPANCY GROUP	R-3
SITE CALCULATIONS	
LOT AREA	5.134 ACRES
EXISTING MAIN RESIDENCE	720 SQ. FT.
EXISTING LANAI'S	144 SQ. FT.
MAIN RESIDENCE ADDITION	866 SQ. FT.
LANAI ADDITION	716 SQ. FT.
FARM DWELLING	768 SQ. FT.
TOTAL ADDITIONS	1634 SQ. FT. LIVING
	716 SQ. FT. LANAI'S
COVERAGE	3214 SQ. FT. TOTAL

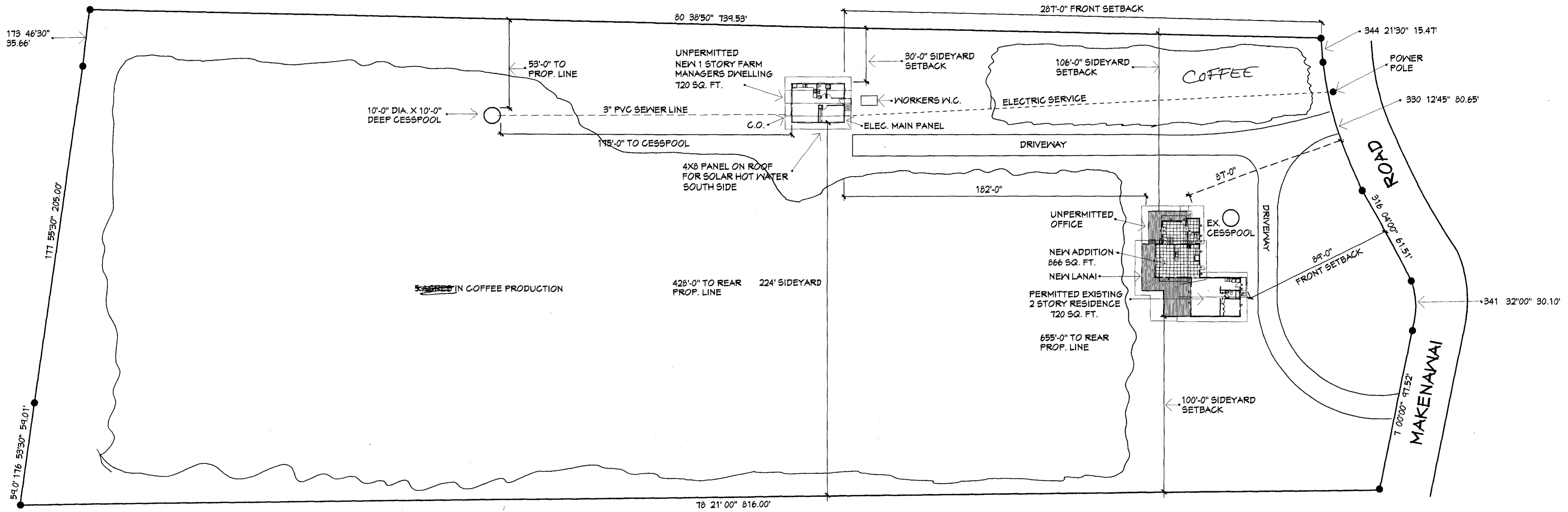


DATE : 2-6-10
 DRN. BY : M.M.
 JOB NO. : 0922
 SCALE : AS SHOWN
 REVISIONS

WAA WAA DESIGNS
 78-6630 MAMALAOHA HWY.
 HOLLUALOA, HAWAII 96725

DA - 15-000365
 Geerling Goosen
 4/27/10
 7-8-009-034

MAIN RESIDENCE ADDITION AND FARM DWELLING FOR
 GEERLING GOOSEN
 78-6750 MAKENAWAI
 KAILUA-KONA, HAWAII

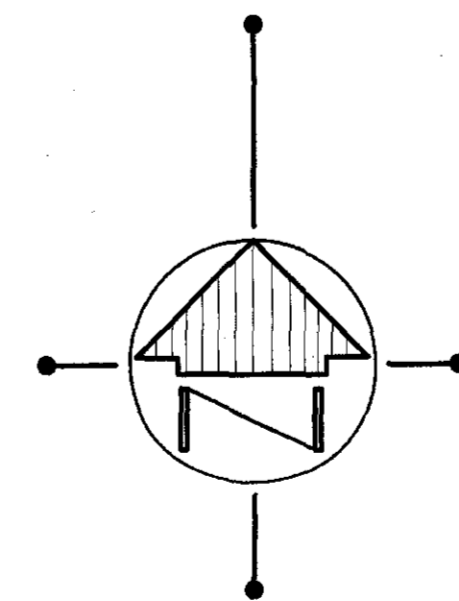


SITE PLAN

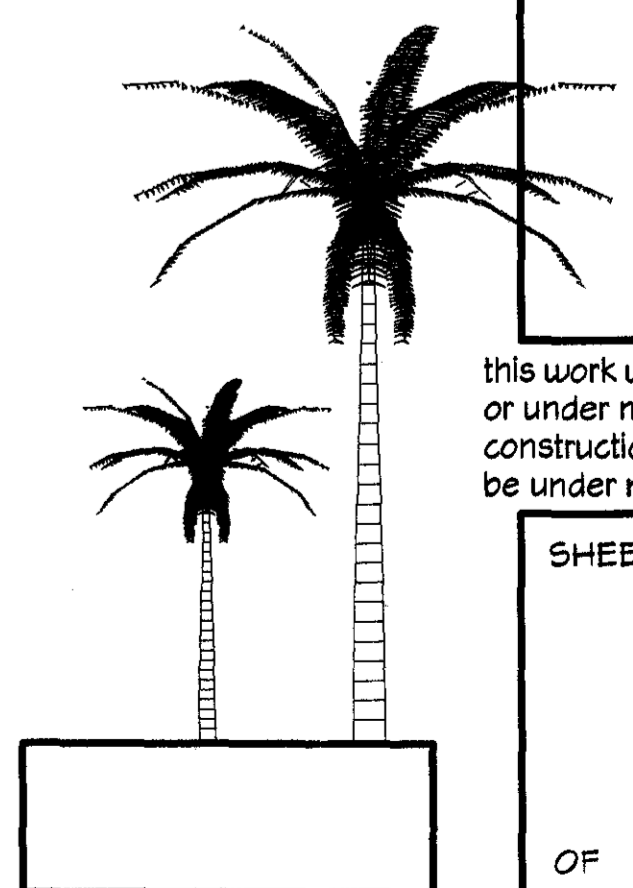
5.134 ACRES

1"=30'-0"

SHEET INDEX	
1.	SITE PLAN
2.	FLOOR PLAN - MAIN RESIDENCE
3.	ELEVATIONS - MAIN RESIDENCE
4.	ELEVATIONS - MAIN RESIDENCE
5.	FOUNDATION - FLOOR FRAME PLAN
6.	ROOF FRAME PLAN
7.	SECTIONS
8.	FLOOR PLAN - FARM DWELLING
	FOUNDATION PLAN
	FLOOR FRAME PLAN
9.	ELEVATIONS - FARM DWELLING
10.	ROOF FRAME - SECTIONS
11.	SPECIFICATIONS



MAIN RESIDENCE ADDITION AND
 FARM MANAGER DWELLING
 FOR
 GEERLING GOOSEN
 78-6750 MAKENAWAI
 KAILUA-KONA, HAWAII
 LOT 20, KAHALUU FARM LOTS
 KAMEHAMEHA SCHOOLS LEASE # 25,632
 DISTRICT OF NORTH KONA
 ISLAND, COUNTY AND STATE OF HAWAII
 T.M.K. (3)-7-8-009-034



this work was prepared by me or under my supervision. construction of this project will be under my observation

SHEET
 1
 OF 11 SHEETS