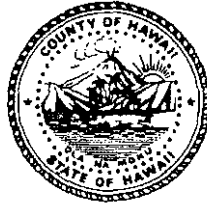


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

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

May 24, 2013

Iris H. Yamauchi
PO Box 455
Pa'auilo, HI 96776

Dear Ms. Yamauchi:

SUBJECT: Application: Additional Farm Dwelling Agreement (FDA-13-000337)
Applicant: IRIS H. YAMAUCHI
Land Owner: IRIS H. YAMAUCHI and EMIKO IWASHITA
Tax Map Key: (3) 4-3-012:019

Pursuant to authority conferred to the Planning Director by Chapter 25 (Zoning), Article 5, Division 7, Section 25-5-77 of the Hawai'i County Code and Planning Department Rule 13, Farm Dwellings, we have reviewed your request for an additional farm dwelling on the subject property and have **approved** your request subject to the following.

BACKGROUND INFORMATION

1. Subject Property: 43-1872 Manienie Rd., Pa'auilo Homesteads 2nd, Hamākua, Hawai'i
2. Size: 5.3864 acres
3. State Land Use: Agricultural
4. County Zoning: A-5a (Agricultural, minimum building site of five acres)
5. Proposed Request: Additional Farm Dwelling
6. Farm Plan for YAMAUCHI FARM includes the following existing income-producing agricultural activities:
 - a. Maintaining Macadamia nut trees;
 - b. Maintaining Navel orange trees;
 - c. Raising Livestock.
7. Estimated time required to operate the farm totals approximately 24 hours per week.

8. Rationale for Establishing AFD: In order to accommodate continuation of the family farm operation established by the maternal.

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 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 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 identified below:
 - a. Department of Water Supply (DWS) has provided comments, including but not limited to DWS' ability to provide one (1) equivalent unit (EU) of water service to either the proposed additional farm dwelling or to the existing structure following the installation of a 5/8-inch water meter and all associated charges; A second dwelling shall not share the water service; there is no objection to the use of a private rainwater catchment system; and required installation of a backflow prevention assembly (*see attached copy of DWS memo dated February 27, 2013*).
 - b. Department of Health (DOH) has provided comments, including but not limited to information regarding water quality, and the use of individual wastewater systems (*see attached copy of DOH memo dated March 1, 2013*).

DECISION AND CONDITIONS

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

1. Your AFDA has been approved based on existing and proposed agricultural activity as summarized in this letter.

2. The AFD shall be used for farm related purposes and 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.
3. An Additional Farm Dwelling Agreement affidavit shall be notarized and submitted to the Planning Department for recordation with the Bureau of Conveyances, which states that the additional dwelling shall be used for farm-related purposes.
4. 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 \$30.00 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 by the Bureau of Conveyances.**
5. All other applicable rules, regulations, and requirements of the Planning Department (including but not limited to the Hawai'i County Code, Chapter 25, Zoning), 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.
6. The applicant is responsible for any State and Federal tax consequences due to the income produced from the farm activity.
7. The First Party (as identified in the Additional Farm Dwelling Agreement) shall allow the Second Party or its representative to inspect the farm upon reasonable prior notice.
8. The Department of Water Supply (DWS) has determined that a County approved water system can be made available to support the AFD at a cost to the applicant. An Additional Farm Dwelling that is not served by an approved water system may be permitted to use a water catchment system in an area that receives an annual rainfall of at least eighty (80) inches of rain per year. A minimum 9,000 gallon water catchment system for domestic consumption and fire fighting purposes shall be required for the AFD.
9. 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 April 1, 2015, may cause the Director to initiate proceedings to invalidate the AFDA.

Ms. Iris Yamauchi
Page 4
May 24, 2013

Please feel free to contact Jonathan Holmes of this office at (808) 961-8288 or jholmes@hawaiicounty.gov should you have any further questions and/or concerns.

Sincerely,



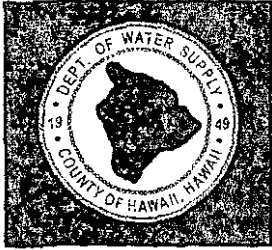
BJ LEITHEAD TODD
Planning Director

JRH/AK:nci

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Enclosures: AFDA document
AFDA document instruction sheet
DWS and DOH Comment Letters

xc: Manager-Chief Engineer, DWS
Administrator, RPT
GIS Section (via email)



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌA STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

April 26, 2013

TO: Ms. BJ Leithead Todd, Director
Planning Department

FROM: Quirino Antonio, Jr., Manager-Chief Engineer

SUBJECT: **ADDITIONAL FARM DWELLING AGREEMENT
APPLICATION (FDA 13-000337)
APPLICANT – IRIS H. YAMAUCHI
TAX MAP KEY 4-3-012:019**

PLANNING DEPARTMENT
COUNTY OF HAWAII
2013 APR 26 PM 2:56


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

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 regulations. However, the Department's existing water system facilities cannot support an additional water meter at this time. Extensive improvements and additions, which may include source, storage, booster pumps, transmission, and distribution facilities, must be constructed. Currently, sufficient funding is not available from the Department for such improvements and no time schedule is set.

We have no objection to the proposed application, subject to the applicant understanding that we cannot provide service to the proposed additional farm dwelling. Further, should the application be approved, both dwellings shall not share the existing meter. Although the applicant has not indicated how the proposed additional dwelling will obtain water, we have no objection to the use of a private rainwater catchment system to serve the dwelling; however, the plumbing between the existing system now served by the Department and the private catchment system shall not be interconnected.

Should there be any questions, please contact Mr. Lawrence Beck of our Water Resources and Planning Branch at 961-8070, extension 260.

Sincerely yours,


Quirino Antonio, Jr., P.E.
Manager-Chief Engineer

LB:dfg

084871

... Water, Our Most Precious Resource ... Ka Wai A Kane ...

The Department of Water Supply is an Equal Opportunity provider and employer.

NEIL ABERCROMBIE
GOVERNOR
PLANNING DEPARTMENT
COUNTY OF HAWAII

2013 APR 17 AM 10:02



LORETTA J. FUDDY, A.C.S.W., M.P.H.
Director of Health

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: April 16, 2013

TO: Bobby Jean Leithead Todd
Planning Director, County of Hawaii

FROM: Newton Inouye *NI*
District Environmental Health Program Chief

SUBJECT: Additional Farm Dwelling Agreement (FDA-13-000337)
Applicant: IRIS H. HAMAUCHI
Land Owner: IRIS H. YAMAUCHI and EMIKO IWASHITA
State Land Use: Agricultural
County Zoning: A-5a (Agricultural, Minimum Building Site of Five Acres)
Land Area: 5.3864 Acres
TMK: (3)4-3-012:019, Paauilo Homesteads 2nd, Hamakua, Hawaii

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

WORD: FDA-13-000337 eh.

