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County of Hawai'i
PLANNING DEPARTMENT

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October 15, 2013

Colleen Gold
P.O. Box 2022
Honoka'a, HI 96727

Dear Ms. Gold:

SUBJECT: Application: Additional Farm Dwelling Agreement (FDA-13-000343)
Applicant: COLLEEN GOLD
Land Owner: COLLEEN GOLD TRUST
Tax Map Key: (3) 4-8-006:043

We have received your application for an Additional Farm Dwelling along with supplemental information for review, which was deemed complete as of October 8, 2013. 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:** 48-5370 Honokaa Waipio Road, Por. Kanahonua & Waikoekoe, Hawaii.
2. **Size:** 16.658 acres.
3. **State Land Use:** Agricultural.
4. **County Zoning:** A-40a (Agricultural, minimum building site of forty acres).
5. **Proposed Request:** Additional Farm Dwelling.
6. Farm Plan for **KANAHONUA FARMS LLC** includes the following existing and proposed income-producing agricultural activities:
 - a. Maintaining 3 cows, 3 weaned off heifers, and 2 calves;

- b. Maintaining 18 head of Barbados Hair sheep;
 - c. Maintenance and harvest of 25 papaya trees along with 50 starters;
 - d. Maintenance and harvest of 4 mangos, 3 loquats, and 2 Meyer lemon trees;
 - e. Maintenance and harvest of 2 banana patches with a total of 80 banana trees along with dry land taro planted between every banana tree;
 - f. Maintenance of 2 Top Bar honey beehives.
7. Estimated time required to operate the farm for approximately 60 hours per week as well as a hired laborer for an additional 5 hours per week for a total of 65 hours per week.
8. **Rationale for Establishing AFD:** To accommodate farm workers.

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 after June 4, 1976, which, pursuant to HRS 205-4.5(b) requires the first dwelling to be a first 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 identified below:
 - a. Department of Water Supply (DWS) has provided comments, including but not limited to the parcel currently being served by an existing 5/8-inch meter and is adequate for only one (1) dwelling unit at an average of 400 gallons per day. There is no objection to the proposed application, subject to the applicant understanding that DWS cannot provide service to the proposed additional farm dwelling. (*See attached copy of DWS memo dated September 10, 2013*)
 - b. Department of Health (DOH) has provided comments, including but not limited to

Ms. Colleen Gold
Page 3
October 15, 2013

information regarding the use of individual wastewater systems. (*See attached copy of DOH memo dated September 12, 2013*)

DECISION AND CONDITIONS

In view of the above, your request to construct **One (1) 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 \$31.00 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 sent for recordation by the Planning Department.**
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

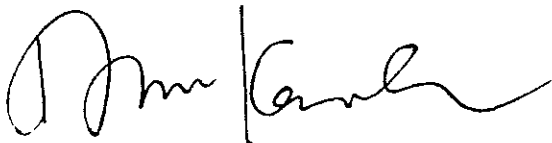
Ms. Colleen Gold
Page 4
October 15, 2013

system cannot be made available to support the AFD at. 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; of which during this time, a Building Permit must be secured for the additional farm dwelling. Failure to secure a BP for this additional farm dwelling on or before October 12, 2015, may cause the Director to initiate proceedings to invalidate the AFDA.

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,



DUANE KANUHA
Planning Director

JRH/AK:nci

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

cc: Merrick Patten
558 Kanoelehua Avenue
Hilo, HI 96720

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