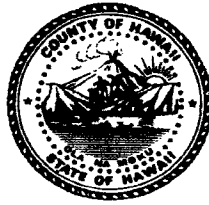


William P. Kenoi  
Mayor



Duane Kanuha  
Director

Bobby Command  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
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## 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

June 10, 2014

Mr. Richard Jason  
P.O. Box 185  
Honomu, HI 96728

Dear Mr. Jason:

**SUBJECT:**   **Application:**       **Additional Farm Dwelling Agreement (FDA-14-000353)**  
                  **Applicant:**       **RICHARD JASON**  
                  **Land Owner:**   **RICHARD E. JASON**  
                  **State Land Use:** **Agricultural and Conservation**  
                  **County Zoning:** **A-20a (Agricultural, Minimum Building Site of 20 Acres)**  
                  **Land Area:**       **20.03 Acres**  
                  **Tax Map Key:**   **(3) 2-8-015:034 Por. of Kuhua, South Hilo, Hawaii**

We have received your application for Additional Farm Dwellings along with supplemental information for review, which was deemed complete as of March 13, 2014. 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 **one (1) additional farm dwelling** on the subject property and have **approved** your request subject to the following.

#### **BACKGROUND INFORMATION**

- 1. Subject Property:** Portion of Kuhua, South Hilo, Hawaii.
- 2. Lot Size:** 22.030 acres.
- 3. State Land Use:** Agricultural.
- 4. County Zoning:** A-20a (Agricultural, minimum building site of twenty acres).
- 5. Proposed Request:** One Additional Farm Dwelling.

6. **Farm Plan includes the following existing and proposed income-producing agricultural activities:**
  - a. Existing 8 acres of Apple Bananas;
  - b. Proposed 2 acres of Red Hot Peppers to be planted in the Summer of 2014;
  - c. Proposed 6 acres of Red Hot Peppers to be planted in the Fall of 2014;
7. **In addition, you have provided :**
  - a. Business License for Jason's Ohana Farms;
  - b. A Farm Lease;
  - c. Various Receipts for purchases made.
8. **Estimated Time Required:** The farm activity will require a minimum of sixty-five (65) hours per week.
9. **Rationale for Establishing AFD:** Existing dwelling will be used to house other family members who will be working on the farm. Proposed AFD will be used as the Owner's residence.

### **FINDINGS**

1. 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 HRS Chapter 205-4.5 **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 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 or will be 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. (*See attached copy of DWS memo dated April 28, 2014.*)
  - b. Department of Health (DOH) has provided comments regarding soil quality of former sugarcane lands. (*See attached copy of DOH memo dated April 25, 2014.*)

### **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 additional 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. No activities shall be done in the State Land Use Conservation district without the approval of the Hawaii State Department of Land and Natural Resources Office of Conservation and Coastal Lands consent.
8. 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.
9. DWS has determined that a County approved water system cannot be made available to support the AFD and has no objections to the use of an alternative source of water.
10. This AFD shall be valid for a period of two (2) years from the date of this approval letter to secure a Building Permit (BP) for the AFD. Failure to secure a BP for this AFD on or before June 7, 2016 may cause the Director to initiate proceedings to invalidate the AFD.

Mr. Richard Jason  
June 10, 2014  
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Please feel free to contact Jonathan Holmes of this office at (808) 961-8288 or [jholmes@hawaiiicounty.gov](mailto:jholmes@hawaiiicounty.gov) should you have any further questions and/or concerns.

Sincerely,



DUANE KANUHA  
Planning Director

JRH/AK:klt

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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)

Thomas L. Frost  
HCR 1 Box 5390  
Keaau, Hawaii 96749