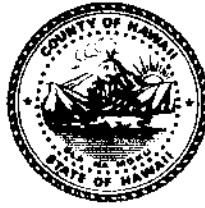


William P. Kenoi  
*Mayor*



Duane Kanuha  
*Director*

Bobby Command  
*Deputy Director*

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

### PLANNING DEPARTMENT

East Hawaii Office  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

January 26, 2015

Roselyn Moresch  
Roselyn Moresch Trust  
P.O. Box 1027  
Pepe'ekeo, HI 96783

Dear Ms. Moresch:

#### SUBJECT:

**Application:** ADDITIONAL FARM DWELLING AGREEMENT (FDA-14-000371)  
**Applicant:** ROSELYN MORESH  
**Land Owner:** ROSELYN MORESH TRUST  
**State Land Use:** Agricultural  
**County Zoning:** A-20a (Agricultural, Minimum Building Site of Twenty Acres)  
**Land Area:** 5.1 acres  
**Location:** Lot 4, Kaupakuea Farms Subdivision,  
Kaupakuea, South Hilo, Island of Hawai'i, Hawai'i  
**Tax Map Key:** (3) 2-8-009:015

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:** Lot 4 of the Paupakuea Farms Subdivision, Kapehu, Kaupakuea, Kahua 1<sup>st</sup> & 2<sup>nd</sup>, South Hilo, Hawai'i.
2. **Lot Size:** 5.1 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 agricultural activities include:**
    - i. Maintenance and harvest of assorted fruit trees, including specific trees in the orchard:

6 avocado	2 Meyer lemon	1 allspice
6 mango	1 breadfruit	3 coffee
2 lychee	3 kukui	1 neem
2 grapefruit	1 cinnamon	1 blueberry
3 tangerine	1 nutmeg	30 banana
  - b. **Proposed agricultural activities include:**
    - i. Addition of more assorted fruit trees;
    - ii. Addition of taro and flowers.
  - c. **Land area of farm operation:**

Approximately 2 acres are to be used for existing and proposed agricultural activity.
  - d. **Projected Income:**
    - i. Taro: 1st year: \$500, 2nd year: \$ 1000
    - ii. Orchard: Currently: \$1700, 2nd year \$2000
    - iii. Greenhouse: 1st year, \$700
7. In addition, you have provided evidence of a General Excise Tax License.
8. **Man-hours for farm activities:**
  - a. Estimation of number of man-hours per week/month for each specific ongoing and proposed agricultural activity:
    - i. Greenhouse: currently, 21 hours /week; proposed 40 hours/week (this is dependent on having a live-in farm worker);
    - ii. Orchard: currently, 7 hours/week; proposed 14 hours/week (this is dependent on having a live-in farm worker);
    - iii. Terraced area: currently, 1 hour/week; proposed 3 hours/week (this is dependent on having a live-in farm worker);
  - b. The mowing of the outside areas is not included in the above estimates. Hiring someone currently

to mow the entire property, including the orchard, terraces and around the greenhouse for twenty hours a month. In addition, someone is weed eating the orchard eight hours a month.

9. **Rationale for Establishing AFD:** To accommodate a farm hand.

### **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 December 9, 2014.*)
  - b. Department of Health (DOH) has provided comments regarding soil quality of former sugarcane lands. (*See attached copy of DOH memo dated December 9, 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 signed, 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. DWS has determined that a County approved water system cannot be made available to support the AFD.
9. 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 **January 23, 2017** may cause the Director to initiate proceedings to invalidate the AFD. A time extension to this requirement may be granted by the Planning Director upon timely request and for reasonable cause.

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

Sincerely,



DUANE KANUHA  
Planning Director

JRH:nci

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Roselyn Moresh  
Roselyn Moresh Trust  
Page 5  
January 26, 2015

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

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

Glen Sako, Department of Research and Development (R&D), via email

Kamran Fujimoto, Natural Resources Conservation Services, via email  
[kamran.g.fujimoto@hawaii.gov](mailto:kamran.g.fujimoto@hawaii.gov)