

William P. Keno'i  
*Mayor*



Duane Kanuha  
*Director*

Bobby Command  
*Deputy Director*

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
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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

February 13, 2015

Krista S. Steinfeld  
P.O. Box 382  
Honolulu, HI 96728-0382

Dear Ms. Steinfeld:

**SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT (FDA-14-000373)**  
**Applicant: KRISTA S. STEINFELD**  
**Land Owner: KRISTA S. STEINFELD**  
**State Land Use: Agricultural**  
**County Zoning: A-20a (Agricultural, Minimum Building Site of Twenty Acres)**  
**Land Area: 22.049 acres**  
**Location: Lot 9-A-1, Being Portions of Grant 1042, Grant 2147 and Grant 2148, Kuhua, South Hilo, Island of Hawai'i, Hawai'i**  
**Tax Map Key: (3) 2-8-015:005**

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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:** Kuhua, South Hilo, Hawai'i.
2. **Lot Size:** 22.049 Acres.
3. **State Land Use:** Agricultural.
4. **County Zoning:** A-20a (Agricultural, minimum building site of twenty acres).
5. **Existing structure(s):** According to County records, there is an existing 2-bedroom, 1 bath dwelling (Building Permit BH2013-00967) and a pavilion/storage accessory structure (BP BH2015-000162) on the property.

6. **Proposed Request:** One Additional Farm Dwelling.
7. **Farm Plan includes the following existing and proposed income-producing agricultural activities:**
  - a. **Existing agricultural activities include:**
    - 1) Maintenance and harvest of assorted fruit trees;
    - 2) Maintenance and harvest of other assorted agricultural products; and
    - 3) Maintenance of livestock.
  - b. **Proposed agricultural activities include:**
    - 1) Additional area of Kalo from 0.5 to 3.0 acres;
    - 2) Additional area of breadfruit from 0.5 to 1.5-2.0 acres;
    - 3) Additional area of 'awa from 1.0 to 5.0 acres; and
    - 4) Increased livestock ¼-acre paddocks from one (1) to four (4).
  - c. Approximately 15.0 to 18.0 acres are to be used for existing and proposed agricultural activity.
7. In addition, you have provided evidence of a General Excise Tax License.
8. **Estimated Time Required:** The farm activity presently requires a minimum of forty (40) hours per week.
9. **Rationale for Establishing AFD:** To accommodate farm help.

### **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 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 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 January 13, 2015.)*
- b. Department of Health (DOH) has provided comments regarding soil quality of former sugarcane lands. *(See attached copy of DOH memo dated January 13, 2015.)*

### **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 signature(s) 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 noted that the subject parcel does not have a County approved water service at present.

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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 February 13, 2016 may cause the Director to initiate proceedings to invalidate the AFD.

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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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  
[glen.sako@hawaiicounty.gov](mailto:glen.sako@hawaiicounty.gov)

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

DAVID Y. KEE  
SOUTHERN HAWAII



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 945  
HONOLULU, HAWAII 96809-0945

VERONICA PRIESTER, M.D.  
HEALTH CARE

MEMORANDUM

DATE: January 13, 2015  
TO: Duane Kanahua  
Planning Director, County of Hawaii  
FROM: Newton Inouye  
District Environmental Health Program Chief  
SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT  
(FDA-14-000373)  
Applicant: KRISTA S. STEINFELD  
Land Owner: KRISTA S. STEINFELD  
State land use: Agricultural  
County Zoning: A-20a (Agricultural, Minimum Building Size of Twenty Acres)  
Land Area: 22,049 acres  
Location: Lot 9-A-1, Being Portions of Grant 1942, Grant 2147, and  
Grant 2148,  
Kuhua, South Hilo, Island of Hawaii, Hawaii  
Tax Map Key: 137-28-035,005

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.

The Department of Health's Safe Drinking Water Branch authority on drinking water quality is based on the definition of a "public water system." A "public water system" means a system which provides water for human consumption through pipe or other constructed conveyances if such system has fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. All public water systems are regulated by the Department of Health and shall be in compliance with the Hawaii Administrative Rules, Title 11, Chapter 29. Recommend the subdivision lots be connected to an existing public water system.

Concerns on water quality for lead, copper, algae and microbiological and chemical contaminations in private water systems have identified the need for self monitoring. The Department of Health does not support the use of these private rain catchment systems for

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DEPARTMENT OF WATER SUPPLY - COUNTY OF HAWAII  
145 KUKUNIAWA STREET, SUITE 201, HILO, HAWAII 96720  
TELEPHONE: (808) 961-8030 • FAX: (808) 961-8857

January 13, 2015

TO: Mr. Duane Kanahua, Director  
Planning Department  
FROM: Quirino Antonio, Jr., Manager, Chief Engineer  
SUBJECT: ADDITIONAL FARM DWELLING AGREEMENT APPLICATION  
(FDA-14-000373)  
APPLICANT - KRISTA S. STEINFELD  
TAX MAP KEY 2-8-035,005

We have reviewed the subject application and have the following comments:

The Department has no objections to the proposed additional farm dwelling. Please be informed that the subject parcel does not have an existing water service with the Department. The applicant's documents submitted with the subject application show an existing dwelling with a water catchment system and have also indicated that they will install a private rainwater catchment system for the additional dwelling. We have no objections to the use of rainwater catchment systems; however, we cannot approve or comment as to the adequacy of these systems as they do not meet the requirements of the Department's Water System Standards.

We recommend that the owners consult with the County of Hawaii Planning Department, the County of Hawaii Department of Public Works, and/or the State of Hawaii Department of Health, to determine any other guidelines, recommendations, or regulations regarding the use of rainwater catchment systems.

Should there be any questions, please contact Mr. Tony Samaha of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

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

IS #2

096356

... After Our Most Precious Resource ...  
The Department of Water Supply is a Department of the County of Hawaii.

drinking water purposes since the quality may not meet National Primary Drinking Water Standards for potable drinking water for human consumption. The U. S. Environmental Protection Agency (EPA) defines human consumption to include drinking, bathing, showering, cooking, dishwashing, maintaining oral hygiene and includes hand washing.

Lands formerly used for sugarcane production are now being developed into communities where residential homes, schools and commercial businesses are being constructed. Chemicals associated with the sugarcane industry persist in soil today and may be a threat to public health and the environment. Elevated arsenic levels were discovered in soil at former sugarcane production areas on the islands. The HEER Office has identified former sugarcane production areas for assessment throughout the state and plans to work with property owners to conduct environmental assessments to identify and address elevated soil arsenic levels prior to finalizing development plans for the properties.

We recommend that you review all of the Standard Comments on our website <http://hawaii.gov/health/development/plan/linked/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 redevelopment projects. We also ask you to share this list with others to increase community awareness on healthy community design.