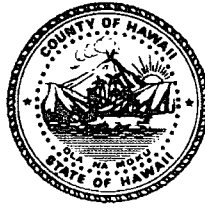


William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

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

October 6, 2015

John S. Kawano
P.O. Box 52
Kamuela, HI 96743

Dear Mr. Kawano:

SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT (FDA-15-000381)
Applicants: JOHN KAWANO
Land Owners: MILDRED MIYEKO KAWANO & JOHN KAWANO TRUST
State Land Use: Agricultural
County Zoning: A-5a (Agricultural, Minimum Building Site of Five Acres)
Land Area: 4.762 acres
**Location: Lot 1-A, Pu'u kapu Homesteads, 1st Series,
Land Court Application 1252, As Shown on Map 4
Waimea, South Kohala, Island of Hawai'i, Hawai'i**
Tax Map Key: (3) 6-4-024:024

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 1-A, Pu'u kapu Homesteads, 1st Series.
2. **Lot Size:** 4.762 Acres.
3. **State Land Use:** Agricultural and Urban.
4. **County Zoning:** A-5a (Agricultural, minimum building site of Five Acres).
5. **Proposed Request:** One Additional Farm Dwelling.

6. **Farm Plan includes the following existing income-producing agricultural activities:**
 - a. **Existing agricultural activities include:**
 - i. approximately 3.0 acres of the site are utilized for the orchard;
 - ii. 15-5 year old avocado trees;
 - iii. 30-5 year old Tahitian Lime trees; and
 - iv. Miscellaneous banana, taro and sweet potato plants.
7. In addition, you have provided evidence of a General Excise Tax License.
8. **Evidence of Agricultural Income:** This is an ongoing agricultural endeavor. The fruit trees are 5 years old and just getting to first fruit bearing age with maturity approximately another 4 years more. It is anticipated that the avocados, at maturity will yield around 12,000 to 18,000 pounds of fruit and, at \$1.00 a pound will generate \$15,000 in annual income. It is further anticipated that the Tahitian Limes, at maturity will yield around 36,000 pounds of fruit and, at \$1.25 a pound will generate \$45,000 in annual income.
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 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 August 26, 2015.)
 - b. Department of Health (DOH) has provided comments. (See attached copy of DOH memo dated September 4, 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 Registrar of the Land Court, State of Hawai'i, 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 **\$26.00** 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 and water service is not available for the additional dwelling.
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 October 6, 2017 may cause the Director to initiate proceedings to invalidate the AFD.

John S. Kawano
Page 4
October 6, 2015

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

Sincerely,



DUANE KANUHA
Planning Director

JRH:nci

\\COH33\planning\public\Admin Permits Division\AFDA\2015\FDA-15-000381 64024024 Kawano\APVL.docx

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

xc: Chief Sanitarian, DOH
Manager-Chief Engineer, DWS
Administrator, RPT

xc via email
w/encl:

GIS Section

Glenn Sako, Department of Research and Development (R&D)
glenn.sako@hawaiicounty.gov

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

Jennifer Lopez, Puna Soil and Water Conservation District (SWCD)
jennifer.lopez@hi.nacdnet.net

Rex Jitchaku, Real Property Tax Division (RPT)
rex.jitchaku@hawaiicounty.gov

Stan Sitko, Real Property Tax Division (RPT)
Stan.sitko@hawaiicounty.gov

Keita Jo, Real Property Tax Division (RPT)
kieta.jo@hawaiicounty.gov

Mr. Duane Kanaha, Director
Page 2
August 26, 2015

3. Further, as the applicant indicates that there is an existing and proposed agricultural activity within the subject parcel, a reduced pressure type backflow prevention assembly must be installed within five (5) feet of the existing (if one does not already exist) and new meter on private property. The installation of the backflow prevention assembly must be inspected and approved by the Department before commencement of water service. A copy of the Department's backflow prevention handout will be sent to the applicant to help them understand this requirement.

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

Sincerely yours,


Keith K. Okamoto, P.E.
Manager-Chief Engineer

TS:djg

copy - Mr. John S. Kawano (w/copy of backflow prevention handout)
DWS Customer Service Sections (Hilo and Waimea)
DWS Cross Connection Section



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII
345 KEKUAO'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

PLANNING DEPARTMENT
COUNTY OF HAWAII
2015 AUG 27 PM 3 52

August 26, 2015

TO: Mr. Duane Kanaha, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: ADDITIONAL FARM DWELLING AGREEMENT APPLICATION
(FDA-15-000381)
APPLICANT - JOHN KAWANO
TAX MAP KEY 6-4-024/024

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

Please be informed that the subject parcel does not have an existing water service with the Department. Water can be made available from the Department's existing 12-inch waterline within Māmalaha Highway, fronting the subject parcel.

Please be informed, should the application be approved, both dwellings shall not share the proposed meter, and the water system plumbing between the two dwellings shall not be interconnected in any way.

Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting the following conditions:

1. Construct necessary water system improvements, which shall include, but not be limited to:
 - a. service laterals that will accommodate a 5/8-inch meter, and
 - b. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

2. Remittance of the following charges, which are subject to change, would be required:

FACILITIES CHARGE (FC):	\$1,190.00
Initial service to the parcel	
SERVICE LATERAL INSTALLATION CHARGE:	\$12,000.00
Install one (1) meter on Māmalaha Highway, a State Road	
Total (Subject to Change)	\$13,190.00

...Water, Our Most Precious Resource... *Xg Wai A Kāne* ...
The Department of Water Supply is an Equal Opportunity provider and employer.

100601

DAVID Y. ICE
GOVERNOR OF HAWAII



VIRGINIA PRESBLER, M.D.
DIRECTOR OF HEALTH

SEP 8 pm 4 07

HEALTH DEPARTMENT
COUNTY OF HAWAII

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 816
HILO, HAWAII 96721-0816

MEMORANDUM

DATE: September 4, 2015

TO: Mr. Duane Kanuha
Planning Director, County of Hawaii

FROM: Eric Honda *EH*
District Environmental Health Program Chief

SUBJECT: Application: Additional Farm Dwelling Agreement (FDA-15-000381)
Applicants: John Kawano
Land Owners: Mildred Miyeko Kawano & John Kawano Trust
State Land Use: Agricultural
County Zoning: A-5a (Agricultural, Minimum Building Site of Five Acres
Land Area: 4.762 acres
Location: Lot 1-A, Puukapu Homesteads, 1st Series,
Land Court Application 1252, As Shown on Map 4
Waimea, South Kohala, Island of Hawaii, Hawaii

TMK: (3) 6-4-024-024

The Health Department found no environmental health concerns with regulatory implications in the submittals.

WORD: FDA-15-000381.ch

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