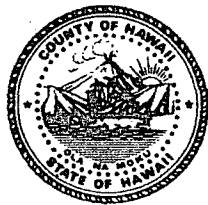


William P. Kenoi  
Mayor



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

November 10, 2015

Hayward O. Coleman & Star Townshend-Zellner  
dba Yoga Oasis  
P.O. Box 925  
Pāhoa, HI 96778-0925

Dear Mr. Coleman & Ms. Townshend-Zellner:

**SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT  
(FDA-15-000382)**  
**Applicants: HAYWARD O. COLEMAN & STAR TOWNSHEND-ZELLNER**  
**Land Owners: HAYWARD O. COLEMAN TRUST & STAR TOWNSHEND-  
ZELLNER-LINDSTROM TRUST**  
**State Land Use: Agricultural**  
**County Zoning: A-1a (Agricultural, Minimum Building Site of One Acre)**  
**Land Area: 7.0 acres**  
**Location: Lot 4, Keahialaka, Puna, Island of Hawai'i, Hawai'i**  
**Tax Map Key: (3) 1-3-008:045**

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, Keahialaka, Pohoiki, Puna.
2. **Lot Size:** 7.0 Acres.
3. **State Land Use:** Agricultural (A).
4. **County Zoning:** A-1a (Agricultural, minimum building site of One Acre).

5. **Proposed Request:** One Additional Farm Dwelling.
6. **Existing Structures:** There are two dwellings on the subject property, as inspected by Planning Inspector Mark Iwamoto on May 29, 2015.
7. **Building Permits/Complaint:** There are no building permits of record in Real Property Tax Records. Complaint on file at Planning Department ZCV 2015-045E.
8. Farm Plan includes the following existing and expanded income-producing agricultural activities:
  - a. **Existing agricultural activities include:**
    - i. 43 species of commercially useful bamboo;
    - ii. Several acres of citrus, avocado, banana and starfruit trees; and
    - iii. Livestock including sheep, goats and cattle.
9. In addition, you have provided evidence of a General Excise Tax License.
10. **Evidence of Agricultural Income:** This is an ongoing agricultural endeavor. The estimated income from the farm are projected to be \$3,000+ dollars by the third year and to rise to \$15,000 to \$20,000+ in the seventh year and hold steady thereafter.
11. **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 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 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 Sept3ember 29, 2015.*)
  - b. Department of Health (DOH) has provided comments. (*See attached copy of DOH memo dated September 29, 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 expanded 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, 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 **\$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.**

Hayward O. Coleman & Star Townshend-Zellner  
dba Yoga Oasis  
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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 have a County approved water service at present, however an additional 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 and the existing Farm Dwelling on or before November 15, 2017 may cause the Director to initiate proceedings to invalidate the AFD.

Please feel free to contact Jonathan Holmes of this office at (808) 961-8146 or email [jonathan.holmes@hawaiicounty.gov](mailto:jonathan.holmes@hawaiicounty.gov) should you have any further questions and/or concerns.

Sincerely,



DUANE KANUHA  
Planning Director

JRH/SKG:lnm

\\COH33\planning\public\Admin Permits Division\AFDA\2015\FDA-15-000382 13008045 Townsend\APVL.docx

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

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

Hayward O. Coleman & Star Townshend-Zellner  
dba Yoga Oasis  
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November 10, 2015

xc via email: Administrative Permits – Mark Iwamoto  
GIS Section w/enclosures

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

Kamran Fujimoto, Natural Resources Conservation Services (NRCS)  
[kamran.fujimoto@hi.nacdnet.net](mailto:kamran.fujimoto@hi.nacdnet.net)

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

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

Stan Sitko, Real Property Tax Division (RPT)  
[Stan.sitko@hawaiicounty.gov](mailto:Stan.sitko@hawaiicounty.gov)

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

Mr. Duane Kanuha, Planning Department  
Page 2  
September 29, 2015

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:dfg

copy - Hayward O. Coleman and Star Townshend-Zellner (w/copy of backflow prevention handout)  
DWS Customer Service Section (Hilo)



2015 SEP 30 AM 10 22  
DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII  
345 KEKUAOIA STREET, SUITE 20 • HILO, HAWAII 96720 • DEPARTMENT  
TELEPHONE (808) 961-8060 • FAX (808) 961-8000 • COUNTY OF HAWAII

September 29, 2015

TO: Mr. Duane Kanuha, Director  
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: ADDITIONAL FARM DWELLING AGREEMENT APPLICATION  
(FDA-15-000382)  
APPLICANT - HAYWARD O. COLEMAN AND  
STAR TOWNSHEND-ZELLNER  
TAX MAP KEY 1-3-008-045

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

Please be informed that there is an existing service lateral (Account No. 070-00715) assigned to the subject parcel capable of accommodating a 5/8-inch meter, which is limited to an average daily usage of 400 gallons. Inasmuch as this application is proposing an additional dwelling, the installation of a separate 5/8-inch meter would normally be required in accordance with the Department's regulations. However, the Department's existing water system facilities cannot support an additional water meter at this time. Extensive improvements and additions, which may include, but not be limited to, source, storage, booster pumps, transmission, and distribution facilities, would be required. Currently, sufficient funding is not available from the Department for such improvements and no time schedule is set.

Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting that the Department cannot provide service to the proposed additional farm dwelling. Should the application be approved, both dwellings shall not share the existing meter, and the water system plumbing between the two dwellings shall not be interconnected in any way.

Further, as the applicant indicates that there is existing and proposed agricultural activity within the subject parcel, a reduced pressure type backflow prevention assembly must be installed (if one does not already exist) within five (5) feet of the existing 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 is attached to help the applicant understand this requirement.

101184

...Water, Our Most Precious Resource... *Kū Whi A Kane*  
The Department of Water Supply is an Equal Opportunity provider and employer.

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

15 SEP 30 AM 10 23

PLANNING DEPARTMENT  
COUNTY OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 916  
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: September 29, 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-15-000382)  
Applicants: Hayward O. Coleman & Star Townsend-Zellner  
Land Owners: Hayward O. Coleman Trust & Star Townsend-Zellner-  
Lindstrom Trust  
State Land Use: Agricultural  
County Zoning: A-1a (Agricultural, Minimum Building Site of Five Acres  
Land Area: 7.0 acres  
Location: Lot 4, Keahialaka, Puna, Island of Hawaii, Hawaii  
Tax Map Key: (3) 1-3-008:045

Wastewater Branch is unable to make comments to the proposed project at this time. Before we can offer any comments, the applicant needs to address the following: the location of all existing wastewater systems.

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.

WORD: FDA-15-000382.mu

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