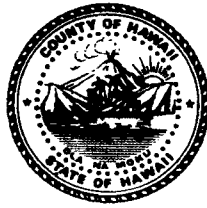


William P. Kenoi  
Mayor



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

February 3, 2016

Henry Ganansa Silva & Sandra Dee Apo Silva  
197 Alawaena Street  
Hilo, HI 96720-3550

Dear Mr. & Ms. Silva:

**SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT  
(FDA-15-000389)**  
**Applicants: HENRY GANANSA SILVA & SANDRA DEE APO SILVA**  
**Land Owners: HENRY GANANSA SILVA & SANDRA DEE APO SILVA**  
**State Land Use: Agricultural**  
**County Zoning: A-3a (Agricultural, Minimum Building Site of Three  
Acres)**  
**Land Area: 5.5 acres**  
**Location: Lot 1312-A, Waiākea Homesteads, Being a Portion of  
Grant 11,413, South Hilo, Island of Hawai'i, Hawai'i**  
**Tax Map Key: (3) 2-4-007:031**

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 1312-A, Waiākea Homesteads, South Hilo.
2. **Lot Size:** 5.50 Acres.
3. **State Land Use:** Agricultural (A).
4. **County Zoning:** A-3a (Agricultural, minimum building site of Three Acre).

5. **Proposed Request:** One Additional Farm Dwelling.
6. **Existing Structures:** There is one dwelling on the subject property.
7. **Building Permits/Complaint:** There are building permits of record in Real Property Tax Records.
8. Farm Plan includes the following existing and expanded income-producing livestock activities:
  - a. **Existing agricultural activities include:**
    - i. 15 sheep; and
    - ii. 5 goats.
9. In addition, you have provided evidence of a Schedule F (Form 1040, IRS) and RPT Agricultural Dedication.
10. **Evidence of Agricultural Activity:** This is an ongoing, NRCS approved agricultural endeavor.
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 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 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 7, 2016.*)
  - b. Department of Health (DOH) has provided comments. (*See attached copy of DOH memo dated December 31, 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 has been sent for recordation by the Planning Department.**

Henry Ganansa Silva & Sandra Dee Apo Silva  
Page 4  
February 3, 2016

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 and that an additional water service is 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, **February 3, 2018**, 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:nci

\\COH33\planning\public\Admin Permits Division\AFDA\2015\FDA-15-000389 24007031 Silva\APVL.docx

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

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

Henry Ganansa Silva & Sandra Dee Apo Silva  
Page 5  
February 3, 2016

xc via email: 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)



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII  
 345 KUKUNAŌA STREET, SUITE 20 • HILO, HAWAII 96720  
 TELEPHONE (808) 961-8050 • FAX (808) 961-8857

2016 JAN 8 PM 2 10  
 PLANNING DEPARTMENT  
 COUNTY OF HAWAII

January 7, 2016

Mr. Duane Kanuha, Director  
 Page 2  
 January 7, 2016

FACILITIES CHARGE (FC):  
 2<sup>nd</sup> service to the parcel

\$5,500.00  
 SERVICE LATERAL INSTALLATION CHARGE:  
 Install one (1) meter on Alawaena Street, a County Road \$4,000.00  
 Total (Subject to Change) \$9,500.00

This is due and payable upon completion of the installation of the required water system improvements. 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.

Please note that separate dwellings shall not share a 5/8-inch meter and that, for parcels receiving water service, the plumbing for separate dwellings shall not be interconnected in any way.

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 - Mr. Henry Ganansa Silva and Ms. Sandra Dee Apo Silva  
 (w/copy of backflow prevention handout)  
 DWS Customer Service Section (Hilo)  
 DWS Cross Connection Section

TO: Mr. Duane Kanuha, Director  
 Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Additional Farm Dwelling Agreement (FDA IS-008389)  
 Applicants: Henry Ganansa Silva and Sandra Dee Apo Silva  
 Tax Map Key 2-4-007:031

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

Please be informed that the subject parcel is currently served by a 5/8-inch meter, which is adequate for only one (1) dwelling at 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 will be required. Water can be made available from the Department's existing 4-inch waterline within Alawaena Street, fronting the subject parcel.

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. Permitting of service laterals in State right-of-way is subject to the State's permitting process, and the Department of Water Supply cannot estimate any schedule for the installation of service laterals within State right-of-way.
3. Remittance of the following charges, which are subject to change, to our Customer Service Section:
  - 103004

...Water, Our Most Precious Resource...  
 The Department of Water Supply is an Equal Opportunity provider and employer.

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSELER, M.D.  
DIRECTOR OF HEALTH

2016 JAN 5 PM 2 01  
PLANNING DEPARTMENT  
COUNTY OF HAWAII

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

**MEMORANDUM**

DATE: December 31, 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-15-000389)  
Applicants: HENRY GANANSA SILVA & SANDRA DEE APO SILVA  
Land Owners: HENRY GANANSA SILVA & SANDRA DEE APO SILVA  
State Land Use: Agricultural  
County Zoning: A-3a (Agricultural, Minimum Building Site of Three Acres)  
Land Area: 5.5 acres  
Location: Lot 1312-A, Waialea Homesteads, Being a Portion of Grant 11,413, South Hilo, Island of Hawaii  
Tax Map Key: (3) 2-4-007-031

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

WORD: FDA-15-000389.ch

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