

William P. Kenoi  
Mayor



Duane Kanuha  
Director

Joaquin Gamiao-Kunkel  
Deputy Director

West Hawai'i Office  
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Kailua-Kona, Hawai'i 96740  
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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

August 4, 2016

Melvin K. Sunada Trust  
Melvin K. Sunada & Kathryn Sunada, Co-Trustees  
98-1820#T Kaahumanu Street  
Pearl City, HI 96782

Dear Melvin K. & Kathryn Sunada,

**SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT (FDA-16-000401)**  
**Applicants: Melvin K. Sunada, Trust**  
**Land Owners: Melvin K. Sunada, Trust**  
**State Land Use: Agriculture**  
**County Zoning: A-5a**  
**Land Area: 2.205 acres**  
**Location: Makai of Hawaii Belt Road North of Honalo on the North side of Honuaino Road**  
**Tax Map Keys: (3) 7-9-007: 024**

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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 Hawaii 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:** Located on the north side of Honuaino road on the Makai side of Hawaii Belt Road approximately 0.88 miles north of Halekii Street.
2. **Lot Size:** 2.205 acres
3. **State Land Use:** Agriculture
4. **County Zoning:** A-5a
5. **Proposed Request:** One Additional Farm Dwelling

6. **Farm Plan** includes the following agricultural activities:

a. **Existing agricultural activities include the following newly planted crops:**

- 1) Sharwil Avocado -----12 trees
- 2) Kaimana Lychee-----36 trees
- 3) Tahitian Lime trees-----36 trees
- 4) Longan Trees-----5 trees
- 5) Bananas-----4 trees

b. **Proposed Plantings**

- 1) To continue planting the same four tree types listed above when additional help is available.
- 2) Also, planting of some papaya, macadamia nuts, lemon, anthurium, orchids and various ground covers.

7. In addition, you have provided evidence of a **General Excise Tax License and a Real Property Tax Clearance dated August 2, 2016.**

8. **Evidence of Agricultural Income (PROJECTED INCOME CHART)**

- a. 2015-----0.00
- b. 2016-----\$702.50
- c. 2017-----\$2,690.00
- d. 2018-----\$3,990.00
- e. 2019-----\$5,685.00
- f. 2020-----\$10,665.00
- g. 2021-----\$16, 712.50
- h. 2022-----\$18, 725.00
- i. 2023-----\$21,250.00

9. **Rational for Establishing AFD:**

Mr. & Mrs. Sunada reside in Pearl City, HI, and have purchased this farm from Kathryn Sunada's aunt in 2013. Kathryn's aunt still lives on site in the original dwelling and the Sunada's work the farm during their monthly trip from Oahu. In addition to the farm dwelling where Kathryn Sunada's aunt lives, are two (2) existing old buildings and one shed which are proposed to be demolished and one (1) old storage shed to be preserved along with the original dwelling and carport where Kathryn's aunt lives. The Additional Farm Dwelling will be built on the site where the two (2) existing buildings are scheduled to be demolished.

It is the Sunada's goal to plant most of the two (2) acres in crops and with the help of additional workers, working approximately 50 hours per week and living on site, the maintenance of the crops can continue along with the harvesting. Responsibilities include weed control, irrigation system management, fertilizing, tree trimming and general maintenance of the farm.

**FINDINGS**

- 1 Chapter 205, Hawaii Revised Statutes (HRS), the State Land Use Law does not authorize residential dwellings as a permitted used 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 before June 4, 1976 which does not require the first dwelling on the lot to be a farm dwelling.
3. The Farm Plan and the agreement to use the additional dwelling for agricultural or farm-related activity on the building site demonstrate that there will be income-producing agricultural activity in the future.
4. In addition, the following agencies have submitted their comments as identified below:
  - a. Department of Water Supply (DWS): Memo dated July 15, 2016. (See attached Exhibit A).
  - b. Department of Health (DOH): No Response.

#### **DECISION AND CONDITIONS**

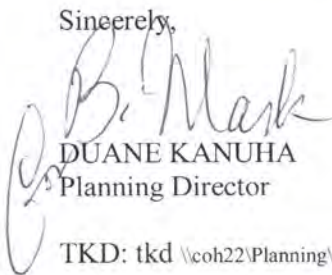
In view of the above, your request to construct **one (1) Additional Farm Dwelling** on the property is **approved** subject to the following conditions:

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 agriculture 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 Hawaii, 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.
5. All other applicable rules, regulations, and requirements of the Planning Department (including but not limited to the Hawaii 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 no additional water meter is available at this time. Planning suggests the following:
  - a. Any dwelling not serviced by a County water system should be provided with and maintain a private potable rain-water catchment system with a minimum capacity of 6,000 gallons for domestic consumption or potable uses. This catchment system should adhere to the Department of Public Works, Building Division's "Guidelines for Owners of Rain Catchment Water Systems" as well as the State Department of Health requirements related to water testing and water purifying devices.
  - b. Any farm dwelling should be provided with and maintain a private water supply system with an additional minimum storage capacity of 3,000 gallons for fire-fighting and other emergency purposes. The emergency water supply system, including the necessary compatible connection devices and the location of the water storage unit on the property, should meet with the approval of the Hawaii County Fire Department.
9. This AFD shall be valid for a period of two 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 August 3, 2018 may cause the Director to initiate proceedings to invalidate the AFD.
10. Prior to the submittal of a building permit application, copies of deeds recorded with the Bureau of Conveyances, must be provided to the Planning Department to verify ownership.

Please feel free to contact Terry Dunlap of this office at (808) 323-4770 or [terry.dunlap@hawaiicounty.gov](mailto:terry.dunlap@hawaiicounty.gov) should you have any further questions and/or concerns.

Sincerely,



DUANE KANUHA  
Planning Director

TKD: tkd \\coh22\Planning\Staff\Terry\AAA-REVIEWS\TMK-7-9-007-024 Sunada AFD-TMK-7-9-007-024 AFD Review Sunada.doc

Enclosures: AFD document  
AFD document instruction sheet  
DWS Comment Letters

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

XC via email  
W/encl: GIS Section





**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII**

345 KEKŪANAO'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

July 15, 2016

TO: Mr. Duane Kanuha, Director  
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Additional Farm Dwelling Agreement Application**  
**(FDA-16-000401)**  
**Applicant – Melvin K. and Kathryn Sunada, Co-Trustees**  
**Tax Map 7-9-007:024**

2016 JUL 19 PM 3 15  
COUNTY OF HAWAII  
DEPT. OF WATER SUPPLY

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

An existing 5/8-inch meter services this property and is adequate for only one (1) dwelling unit at an average of 400 gallons per day. 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 parcel does not front upon a Department of Water Supply waterline and is, therefore, considered to be out of bounds. Parcels that are out of bounds are limited to just one unit of water. One unit of water allows for an average daily usage of 400 gallons served through a 5/8-inch meter and is suitable for one single-family dwelling.

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, all dwellings shall not share the existing meter, and the water system plumbing between any dwellings shall not be interconnected in any way.

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) 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

EXHIBIT "A"

TS:dfg

copy – Mr. Melvin K. and Ms. Kathryn Sunada (w/copy of backflow prevention handout)  
DWS Customer Service Section (Hilo and Kona)  
DWS Cross Connection Section

JUL 19 2016  
106566

*... Water, Our Most Precious Resource ... Ka Wai A Kāne ...*

The Department of Water Supply is an Equal Opportunity provider and employer.