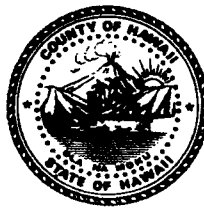


William P. Kenoi
Mayor



Duane Kanuha
Director

Joaquin Gamiao-Kunkel
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 3, 2016

Lori Mikkelsen
All Aina Services
P.O. Box 291
Laupāhoehoe, HI 96764

Dear Ms. Mikkelsen:

**SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT
(FDA-16-000405)**
Applicants: ABRAHAM ALBERT LEEDY & ALBERT KALEIO LEEDY
Land Owner: ABRAHAM ALBERT LEEDY & ALBERT KALEIO LEEDY
State Land Use: Agricultural
County Zoning: A-1a (Agricultural, Minimum Building Site of One Acres)
Land Area: 1.757 acres
Location: Lot 2, Kulaimano Homesteads, Being a Portion of Grant 5503, South Hilo, Island of Hawai'i, Hawai'i
Tax Map Key: (3) 2-8-016:026

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:** Portion of Lot 2, Kula'imano Homesteads, Being also a Portion of Grant 5503, Pepe'ekeo, South Hilo, Island of Hawai'i, Hawai'i.
2. **Lot Size:** 1.757 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 is a single-family dwelling, which was permitted in 1957.
7. **Building Permits:** There are building permits of record in Real Property Tax Records.
8. **Farm Plan:** Includes the following existing/expanded income-producing agricultural activities, some of which will be sold from a roadside stand on property:
 - a. **Existing and expanded agricultural activities include:**
 - i. Orchard (consisting of 20 citrus trees, several mature avocado trees, a breadfruit tree, a large stand of bananas, papaya, ti plants, and dry-land kalo (all trees are mature and producing) on approx. 25,000 sq. ft. to expand to approx. 30-35,000 sq. ft.;
 - ii. A large vegetable garden (vegetables, edible flowers, & herbs) on approx. 1,200 sq. ft.;
 - iii. Addition of several lychee trees and additional ti plants;
 - iv. Plans for a minimum of 12 laying hens; and
 - v. Plans for 2 or 3 cows.
9. **Evidence of Agricultural Activity:** This is an ongoing/expanded agricultural endeavor as evidenced by a commitment to the plan as evidenced by the purchase of a tractor and existing plantings.
10. **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) memo dated September 21, 2016. (*See attached Exhibit A.*)
 - b. Department of Health (DOH) memo dated August 30, 2016. (*See attached Exhibit B.*)

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/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.

Lori Mikkelson
All Aina Services
Page 4
October 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, however an additional water service is not available for the additional dwelling. They advise that both dwellings shall not share the existing meter and the plumbing between both dwellings shall not be interconnected in any way. They further state that a reduced pressure type backflow prevention assembly must be installed within five (5) feet of the existing meter on private property.
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 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@hawaiiicounty.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
Exhibits A & B

Lori Mikkelson
All Aina Services
Page 5
October 3, 2016

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

cc w/encl: Abraham Albert Leedy & Albert Kaleio Leedy
28-1087 Old Māmalahoa Highway
Pepe'ekeo, HI 96783-7700

cc via email: GIS Section w/enclosures

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

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

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

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

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

Mr. Duane Kanuha, Director
Page 2
September 21, 2016

Should there be any questions, please contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at 961-8070, extension 256.

Sincerely yours,



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

RQ:dfig

copy - Mr. Abraham Albert Leedy and Mr. Albert Kaleio Leedy
(w/copy of backflow prevention handout)
DWS Cross-Connection Section
DWS Customer Service Section (Hilo)



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII
345 KEOHANO'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-9857

September 21, 2016

2016 SEP 22 PM 2:55
PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Mr. Duane Kanuha, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Additional Farm Dwelling Agreement Application (FDA 16-000405)
Applicant - Abraham Albert Leedy and Albert Kaleio Leedy
Tax Map Key 2-8-016:026

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

Please be informed there is an existing service (Account No. 49071600) for the subject parcel, which is suitable for only one dwelling unit and limited to an average usage 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 Rules and Regulations. However, the Department's existing water system facilities cannot support an additional meter at this time. Extensive improvements would be required, which may include, but not be limited to, source, storage, booster pumps, and transmission facilities. The applicant has indicated that the additional farm dwelling will be served by a private rainwater catchment system.

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 plumbing between both dwellings shall not be interconnected in any way.

Further, as there will be a private rainwater catchment system and proposed agricultural activity on the subject parcel, a reduced pressure type backflow prevention assembly must be installed 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 will be sent to the applicant to help them understand this requirement.

EXHIBIT 107685

A

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

DAVID Y. JOE
GOVERNOR OF HAWAII

VIRGINIA PROSEMER, M.D.
DIRECTOR OF HEALTH



SEP 2 PM 4 09

HEALTH DEPARTMENT
COUNTY OF HAWAII

STATE OF HAWAII
DEPARTMENT OF HEALTH

P.O. BOX 916
HONOLOULU, HAWAII 96821-0916

MEMORANDUM

DATE: August 30, 2016

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-16-000405)
APPLICANTS: ABRAHAM ALBERT LEEDY & ALVERT KALEIO
LEEDY
LAND OWNER: ABRAHAM ALBERT LEEDY & ALVERT KALEIO
LEEDY
State Land Use: Agriculture
County Zoning: A-1a
Land Area: 1.757 Acres
Location: Lot 2, Kulaimano Homesteads, Being a Portion of Grant
5503, South Hilo, Island of Hawaii, Hawaii

TMK: 2-8-016-026

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.

FDA-16-000405.ch

EXHIBIT
B

107362