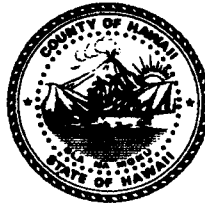


William P. Kenoi
Mayor



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

November 16, 2016

Stephen A. Debus
3071 Kaiwiki Road
Hilo, Hawaii 96720-9731

Dear Mr. Debus:

**SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT
(FDA-16-000406)**
Applicant: STEPHEN A. DEBUS
Land Owner: STEPHEN A. DEBUS
State Land Use: Agricultural and Conservation
County Zoning: A-10a (Agricultural, Minimum Building Site of Ten Acres)
Land Area: 33.08 acres
Location: Lot 48, Kaiwiki Homesteads, 2nd Series, Being Grant 4960, South Hilo, Island of Hawai'i, Hawai'i
Tax Map Key: (3) 2-6-011:003

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 48, Kaiwiki Homesteads, Second Series, Being also Grant 4960, South Hilo, Island of Hawai'i, Hawai'i.
2. **Lot Size:** 33.30 Acres.
3. **State Land Use:** Agricultural (A).
4. **County Zoning:** A-10a (Agricultural, minimum building site of ten acres).

5. **Proposed Request:** One Additional Farm Dwelling.
6. **Existing Structures:** There is a single-family dwelling, which was permitted in 1993.
7. **Building Permits:** There are building permits of record in Real Property Tax Records. The applicant should verify the status of those permits with the Department of Public Works-Building Division.
8. **Farm Plan:** Includes the following proposed income-producing agricultural activities, the results of which will be sold at farmers markets and to grocery stores and restaurants:
 - a. **Proposed agricultural activities include:**
 - i. 2 acres of land to grow asparagus;
 - ii. ½ acre for garlic; and
 - iii. 2 acres to raise sheep.
9. **Evidence of Agricultural Activity:** This is a proposed agricultural endeavor, however, the applicant has presented evidence of prior sheep raising income from previous endeavors.
10. **Rationale for Establishing AFD:** To accommodate the farm manager.

FINDINGS

11. 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)
12. 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.
13. 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.

14. In addition, the following agencies have submitted their comments as identified below:
 - a. Department of Water Supply (DWS) memo dated October 10, 2016. **(See attached Exhibit A)**
 - b. Department of Health (DOH) memo dated October 13, 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 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 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.

5. 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 **November 16, 2018**, may cause the Director to initiate proceedings to invalidate the AFD.
6. The proposed farm activity shall be established on the subject property within 3 years of this approval. A progress report, including a site plan, shall be submitted for review on or before the third anniversary date.

Stephen A. Debus
Page 4
November 16, 2016

7. 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.
8. The applicant is responsible for any State and Federal tax consequences due to the income produced from the farm activity.
9. 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.
10. DWS has noted that the subject parcel does not have a County approved water service at present, as the parcel is not within the Department's service limits.

Please feel free to contact Jonathan Holmes of this office at (808) 961-8146 or email 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\2016\FDA-16-000406 26011003 Debus\APVL.docx

Enclosures: AFDA document
AFDA document instruction sheet
Exhibits A & B

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

cc via email
w/encl: GIS Section

Stephen A. Debus
Page 5
November 16, 2016

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

Kamran Fujimoto, Natural Resources Conservation Service (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

DAVID Y. JOE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

OCT 11 PM 2 20

PLANNING DEPARTMENT
COUNTY OF HAWAII

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

MEMORANDUM

DATE: October 13, 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-16-000406)

Applicant: STEPHEN A. DEBUS

Land Owner: STEPHEN A. DEBUS

State Land Use: Agricultural and Conservation

County Zoning: A-10a (Agricultural, Minimum Building Site of Ten Acres)

Land Area: 33.08 acres

Location: Lot 48, Kaiwika Homesteads, 2nd Series, Being Grant
4960, South Hilo, Island of Hawaii, Hawaii

TMK: 2-6-011:003

The wastewater system is inadequate for the proposed project. Have your engineer submit to DOH plans for a new wastewater system.

FDA-16-000406.ch

EXHIBIT
B

108054



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

October 10, 2016

2016 OCT 11 PM 2 30
PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Mr. Duane Kanuha, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Additional Farm Dwelling Agreement
(FDA-16-000406)
Applicant - Stephen A. Debus
Tax Map Key 2-6-011:003

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

The subject parcel does not have an existing water service with the Department, as the parcel is not within the service limits of the Department's existing water 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 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. Stephen A. Debus

EXHIBIT
A

... Water, Our Most Precious Resource ... *Ka Wai A Kane* ...
107991

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