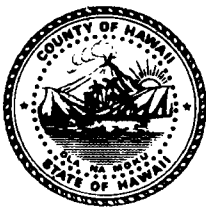


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
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

December 9, 2016

Iris Ann T.K. Furuto, et al.
P.O. Box 117
Hilo, HI 96721-0117

Dear Ms. Furuto, et al:

**SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT
(FDA-16-000409)**
Applicant: IRIS ANN T.K. FURUTO
Land Owners: IRIS ANN T.K. FURUTO, JODI K. YU & GARY LEE K. YU
State Land Use: Agricultural
County Zoning: A-3a (Agricultural, Minimum Building Site of Three Acres)
Land Area: 3.06 acres
Location: Lot 5, Waiākea Homesteads, Being a Portion of Grant 9686, South Hilo, Island of Hawai'i, Hawai'i
Tax Map Key: (3) 2-4-081:005

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 2, Being a Portion of lot12000, Waiākea Homesteads, Being also a Portion of Grant 9685, Waiākea, South Hilo, Island of Hawai'i, Hawai'i.
2. **Lot Size:** 3.060 Acres.
3. **State Land Use:** Agricultural (A).
4. **County Zoning:** A-3a (Agricultural, minimum building site of three acres).

5. **Proposed Request:** One Additional Farm Dwelling.
6. **Existing Structures:** There is a building permit for a single-family dwelling, which is presently being constructed.
7. **Building Permits:** Building permit number BH2016-01428 shown in Real Property Tax Records was issued on November 4, 2016 for 4 bedroom, 4 bath dwelling.
8. **Farm Plan:** Includes the following proposed agricultural activities:
 - a. **Proposed agricultural activities include:**
 - i. Orchard (consisting of lychee, banana, avocado, orange, lime, mango and papaya on approx. ½ acre;
 - ii. A vegetable garden (tomatoes, green onions & onions) on approx. 3,400 sq. ft.;
 - iii. Laying hens; and
 - iv. Cow(s), sheep and goats.
9. **Evidence of Agricultural Activity:** This is a proposed agricultural endeavor with 2 lychee trees planted, the perimeter fencing installed and the balance in progress.
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 November 18, 2016. (*See attached Exhibit A.*)
 - b. Department of Health (DOH) memo dated November 17, 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. **The farming enterprise shall be commercial in nature and up to seventy-five percent (75%) of your proposed farm plan shall be implemented in three (3) years from the AFDA approval date. The Planning Department shall be allowed to inspect the farm upon reasonable prior notice.**
4. 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.
5. 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.

6. 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

December 9, 2016

Health and any other reviewing agencies/divisions listed on the Building Permit (BP) Application shall be adhered to.

7. The applicant is responsible for any State and Federal tax consequences due to the income produced from the farm activity.
8. 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.
9. 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.
10. 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 **December 9, 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 should you have any further questions and/or concerns.

Sincerely,


MICHAEL YEE
Planning Director

JRH:nci

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

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

Iris Ann T.K. Furuto, et al.
Page 5
December 9, 2016

cc via email: GIS Section w/enclosures

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

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



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII
345 KUKUNAŌA STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-0050 • FAX (808) 961-0657

Mr. Duane Kaniha, Director
Page 2
November 18, 2016

FACILITIES CHARGE (FC):
2nd service to the parcel

\$5,500.00

SERVICE LATERAL INSTALLATION CHARGE:

Install one (1) meter on Pelemana Place, 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 meter (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:dfig

copy – Ms. Iris Ann T.K. Furuto (w/copy of backflow prevention handout)
DWS Customer Service Sections (Hilo and Waimea)
DWS Cross Connection Section

November 18, 2016

2016 NOV 21 PM 2 35
PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Mr. Duane Kaniha, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Additional Farm Dwelling Agreement (FDA-16-000409)
Applicant: Iris Ann T.K. Furuto
Tax Map Key 2-4-081:005

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 (Account No. 184-86540), 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 6-inch waterline within Pelemana Place, 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. Remittance of the following charges, which are subject to change, to our Customer Service Section:

EXHIBIT
A

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

108627

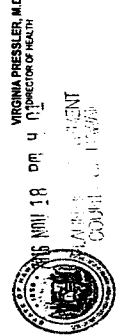
h
Duane Kanuha
November 17, 2016
Page 2 of 2

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.

We recommend that you review all of the Standard Comments on our website: <http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html>. Any comments specifically applicable to this project should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that state and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopment projects. We also ask you to share this list with others to increase community awareness on healthy community design.

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HONOOLULU, HAWAII 96821-0916

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

MEMORANDUM

DATE: November 17, 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-16-000409)
Applicant: IRIS ANN T.K. FURUTO
Land Owners: IRIS ANN T.K. FURUTO/JODI K YU&GARY LEE KYU
State Land Use: Agricultural
County Zoning: A-3a
Land Area: 3.06 acres
Location: Lot 5, Waialae Homesteads, Being a Portion of Grant 9686, South Hilo, Island of Hawaii, Hawaii
TMK: 2-4-081-005

The applicant would need to meet the requirements of our Department of Health Air Pollution Rules, Chapter 60.1, Title 11, State of Hawaii for fugitive dust control. If there is need to discuss these requirements, please contact our Clean Air Branch staff at Ph. 933-0401.

Construction activities must comply with the provisions of Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control."

1. The contractor must obtain a noise permit if the noise levels from the construction activities are expected to exceed the allowable levels of the rules.
2. Construction equipment and on-site vehicles requiring an exhaust of gas or air must be equipped with mufflers.
3. The contractor must comply with the requirements pertaining to construction activities as specified in the rules and the conditions issued with the permit.

Should there be any questions on this matter, please contact the Department of Health at 933-0917.

EXHIBIT
B
108602

FDA-16-000409.ch