

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
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

January 23, 2017

Jodie Funamura (Urakami) & Collin Funamura
David Urakami
P.O. Box 5371
Hilo, HI 96720-8371

Dear Mr. & Ms. Funamura and Mr. Urakami:

**SUBJECT: Application #1: ADDITIONAL FARM DWELLING AGREEMENT
(FDA-16-000410)**
Applicants: JODIE FUNAMURA (URAKAMI) & COLLIN FUNAMURA
**Application #2: ADDITIONAL FARM DWELLING AGREEMENT
(FDA-16-000411)**
Applicant: DAVID URAKAMI
Land Owners: ALAN H. & YOLANDA L. URAKAMI
State Land Use: Agricultural
County Zoning: A-20a
Land Area: 18.34 acres
**Location: Lot 13, Lepolooa-Kauniho Homesteads, Being Grant
7865, North Hilo, Island of Hawai'i, Hawai'i**
Tax Map Key: (3) 3-1-002:016

The two applications are being combined into this one decision letter to make it very clear that the net effect of the requests are for **two** Additional Farm Dwellings on the property.

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 **two (2) additional farm dwellings** on the subject property and have **approved** your request subject to the following.

BACKGROUND INFORMATION

1. **Subject Property:** Lot 13, Lepolooa-Kauniho Homesteads, Also Being Grant 7865, North Hilo, Island of Hawai'i, Hawai'i.

2. **Lot Size:** 18.34 Acres.
3. **State Land Use:** Agricultural (A).
4. **County Zoning:** A-20a (Agricultural, minimum building site of twenty acres).
5. **Proposed Request:** Two Additional Farm Dwellings.
6. **Existing Structures:** There is a single-family dwelling, which was permitted on August 2, 1994.
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 on property:
 - a. **Existing and expanded agricultural activities include:**
 - i. 7 Cattle on approx. 14 fenced acres;
 - ii. 4 Goats on approx. ½ acre to increase to 1 acre;
 - iii. Lilikoi on approx. ¼ acre to increase to ½ acre on 9-50 foot long trellises; and
 - iv. Fruit trees (lychee, banana, avocado, ulu, mangosteen, lemons and mangoes) and flowers on approx. ½ acre.
 - b. **Additional agricultural activities include:**
 - i. There are also similar agricultural activities the family engages in on a nearby 16 acre property.
9. **Evidence of Agricultural Activity:** This is an ongoing/expanded agricultural endeavor as evidenced by Income Tax Form 1040, Schedule F, and Form 4562 showing income and farm-related depreciation. Evidence of multiple General Excise Tax Licenses was also presented.
10. **Rationale for Establishing AFD:** To accommodate the owners' family members already involved in running the farm.

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) memos dated December 19 & 20, 2016. **(See attached Exhibits A-1 & A-2.)**
 - b. Department of Health (DOH) memo dated August 30, 2016. **(See attached Exhibits B-1 & B-2.)**

DECISION AND CONDITIONS

In view of the above, your request to construct **two (2) Additional Farm Dwellings** on the subject 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. Both AFD's shall be used for farm-related purposes and provide shelter for persons involved in the agricultural or farm-related activity on the building site. In addition to the farm workers, their family members who are not engaged in agricultural or farm-related activities are allowed to reside in the additional farm dwellings.
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. The enclosed 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 dwellings shall be used for farm-related purposes.

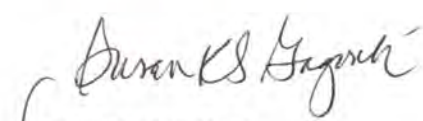
5. The agreement shall run with the land and apply to all persons who may, now or in the future, use or occupy the additional farm dwellings. The enclosed AFD Agreement must be returned to the Planning Department with the appropriate notarized signature(s) along with a check made out to the Bureau of Conveyances in the amount of \$31.00 in accordance with the enclosed AFDA Instructions.

The Planning Department will not approve the building permit applications for the additional dwellings 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 Health and any other reviewing agencies/divisions listed on the Building Permit (BP) Applications shall be adhered to.
7. The applicants are responsible for any State and Federal tax consequences due to the income produced from the farm activities.
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 not have a County approved water service as the parcel is not within the service limits of the existing water system.
10. This AFDA shall be valid for a period of two (2) years from the date of this approval letter to secure Building Permits (BP's) for the AFD's. Failure to secure the BP's for these AFD's on or before **January 23, 2019**, may cause the Director to initiate proceedings to invalidate the AFDA.

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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Jodie Funamura (Urakami) & Collin Funamura
David Urakami
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Enclosures: AFDA document
AFDA document instruction sheet
Exhibits A-1, A-2, B-1 & B-2

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

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



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

December 20, 2016

TO: Mr. Michael Yee, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Additional Farm Dwelling Agreement
(FDA-16-000410)
Applicant – Jodie Funamura (Urakami) and Collin Funamura
Tax Map Key 3-1-002:016

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:dlg

copy – Ms. Jodie Funamura (Urakami) and Mr. Collin Funamura

EXHIBIT
A-2

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

109067

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



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

December 19, 2016

TO: Mr. Michael Yee, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Additional Farm Dwelling Agreement
(FDA-16-000411)
Applicant – David Urakami
Tax Map Key 3-1-002:016

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:dlg

copy – Mr. David Urakami

EXHIBIT
A-1

109031

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

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Michael Yee
January 4, 2017
Page 2 of 3

use. Such approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements specified in HAR 11-20-29.

The engineering report must identify all potential sources of contamination and evaluate alternative control measures which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the State Laboratories Division of the State of Hawaii, must be submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her review of the information submitted.

All sources of public water system sources must undergo a source water assessment which will delineate a source water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the source of drinking water.

Projects proposing to develop new public water systems or proposing substantial modifications to existing public water systems must receive construction plans approval by the Director prior to construction of the proposed system or modification in accordance with HAR 11-20-30, titled "New and Modified Public Water Systems". These projects include treatment, storage and distribution systems of public water systems. The approval authority for projects owned and operated by a County Board or Department of Water or Water Supply has been delegated to them.

All public water systems must be operated by certified distribution system and water treatment plant operators as defined by HAR 11-25 titled, "Rules Pertaining to Certification of Public Water System Operators".

All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing potable water system to meet irrigation or other needs must be carefully design and operate these systems to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the potable system. The two (2) systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the potable water supply. In addition backflow devices must be tested periodically to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with HAR Chapter 11-21, titled Cross-Connection and Backflow Control is also required.

All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawai'i Source Water Assessment Plan) within the source water protection area of an existing source of water for a public water supply should address this potential and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

DAVID Y. YEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 516
HILO, HAWAII 96721-0516

MEMORANDUM

DATE: January 4, 2017
TO: Mr. Michael Yee
Planning Director, County of Hawaii
FROM: Eric Honda *EH*
District Environmental Health Program Chief
SUBJECT: APPLICATION: ADDITIONAL FARM DWELLING AGREEMENT
FDA-16-000411
Applicant: DAVID URAKAMI
Land Owners: ALAN H & YOLANDA L. URAKAMI
LMK: 3-1-002-016

Public Water Systems: The Department of Health's Safe Drinking Water Branch authority on drinking water quality is based on the definition of a "public water system." Federal and state regulations define a public water system as a system that serves 25 or more individuals at least 60 days per year or has at least 15 service connections. All public water system owners and operators are required to comply with Hawaii Administrative Rules, Chapter 11-20 (HAR 11-20), and titled "Rules Relating to Public Water Systems". All public water systems are regulated by the Department of Health and shall be in compliance with the Hawaii Administrative Rules, Title 11, Chapter 20. Recommend the subdivision lots be connected to an existing public water system.

Concerns on water quality for lead, copper, algae and microbiological and chemical contaminations in private water systems have identified the need for self monitoring. The Department of Health does not support the use of these private rain catchment systems for drinking purposes since the quality may not meet potable water standards. All new public water systems are required to demonstrate and meet minimum capacity requirements prior to their establishment, per HAR 11-20-29.5, titled "Capacity Demonstration and Evaluation." This requirement involves demonstration that the system will have satisfactory technical, managerial and financial capacity to enable the system to comply with safe drinking water standards and requirements.

Projects that propose development of new sources of potable water serving or proposed to serve a public water system must comply with the terms of HAR 11-20-29. This section requires that all new public water system sources be approved by the Director of Health (Director) prior to its

DAVID Y. IGE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH



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

Michael Yee
January 4, 2017
Page 3 of 3

For further information concerning the application of capacity, new source approval, operator certification, source water assessment, backflow/cross-connection prevention or other public water system programs, please contact the SDWFB at 586-4258.

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.

MEMORANDUM

DATE: January 5, 2017
TO: Mr. Michael Yee
Planning Director, County of Hawaii
FROM: Eric Honda *EH*
District Environmental Health Program Chief
SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT
FDA-16-000410
Applicants: JODIE JUNAMURA (URAKAMI) & COLLIN FUNAMURA
Landowner: ALAN II & YOLANDA L. URAKAMI
SLU: Agricultural
CZ: A-20a
Land Area: 18.34 acres
Location: Lot 13, Lepofoa-Kaunoho Homesteads, Being Grant
7865, North Hilo, Island of Hawaii, Hawaii
TMK: 3-1-002-016

Public Water Systems: The Department of Health's Safe Drinking Water Branch authority on drinking water quality is based on the definition of a "public water system." Federal and state regulations define a public water system as a system that serves 25 or more individuals at least 60 days per year or has at least 15 service connections. All public water system owners and operators are required to comply with Hawaii Administrative Rules, Chapter 11-20 (HAR 11-20), and titled "Rules Relating to Public Water Systems". All public water systems are regulated by the Department of Health and shall be in compliance with the Hawaii Administrative Rules, Title 11, Chapter 20. Recommend the subdivision lots be connected to an existing public water system.

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FDA-16-000411.ch

EXHIBIT
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of an existing source of water for a public water supply should address this potential and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

For further information concerning the application of capacity, new source approval, operator certification, source water assessment, backflow/cross-connection prevention or other public water system programs, please contact the SDWB at 586-4258.

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.

technical, managerial and financial capacity to enable the system to comply with safe drinking water standards and requirements.

Projects that propose development of new sources of potable water serving or proposed to serve a public water system must comply with the terms of HAR 11-20-29. This section requires that all new public water system sources be approved by the Director of Health (Director) prior to its use. Such approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements specified in HAR 11-20-29.

The engineering report must identify all potential sources of contamination and evaluate alternative control measures which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the State Laboratories Division of the State of Hawaii, must be submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her review of the information submitted.

All sources of public water system sources must undergo a source water assessment which will delineate a source water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the source of drinking water.

Projects proposing to develop new public water systems or proposing substantial modifications to existing public water systems must receive construction plans approval by the Director prior to construction of the proposed system or modification in accordance with HAR 11-20-30, titled "New and Modified Public Water Systems". These projects include treatment, storage and distribution systems of public water systems. The approval authority for projects owned and operated by a County Board or Department of Water or Water Supply has been delegated to them.

All public water systems must be operated by certified distribution system and water treatment plant operators as defined by HAR 11-25 titled, "Rules Pertaining to Certification of Public Water System Operators".

All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing potable water system to meet irrigation or other needs must be carefully design and operate these systems to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the potable system. The two (2) systems must be clearly labeled and physically separated by air gaps or reduced pressure principle back flow prevention devices to avoid contaminating the potable water supply. In addition backflow devices must be tested periodically to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with HAR Chapter 11-21, titled Cross-Connection and Backflow Control is also required.

All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawaii Source Water Assessment Plan) within the source water protection area