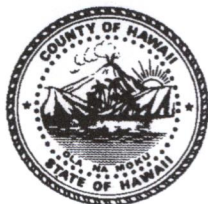


Harry Kim
Mayor



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

May 8, 2017

Ross D. & Mary Ann Dodge
P.O. Box 154
Ninole, HI 96773-0154

Dear Mr. & Ms. Dodge:

**SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT
(FDA-17-000419)**
Applicants: ROSS D. & MARY ANN DODGE
Land Owners: ROSS D. & MARY ANN DODGE AND CHRISTIAN R. KAY
State Land Use: Agricultural
County Zoning: A-20a
Land Area: 99.767 acres
**Location: Lot 65, Being Also Grant 5364, Upper Mau lua
Homesteads, Ninole, North Hilo, Island of Hawai'i,
Hawai'i**
Tax Map Key: (3) 3-2-004:013

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 65, Being Also Grant 5364, Upper Mau lua Homesteads, Ninole, North Hilo, Island of Hawai'i, Hawai'i.
2. **Lot Size:** 99.767 Acres.
3. **State Land Use:** Agricultural (A).
4. **County Zoning:** A-20a.

5. **Proposed Request:** One Additional Farm Dwelling.
6. **Existing Structures:** There is a single-family dwelling in progress, which was permitted in 2013.
7. **Building Permits:** There is a building permit of record in Real Property Tax Records.
8. **Farm Plan:** Includes the following existing income -producing agricultural activities.
 - a. **Existing agricultural activities include:**
 - i. Presently there are approximately 30 acres of Ko'a for harvest and milling into lumber for sale, largely to woodworkers;
 - b. **Expanded agricultural activities include:**
 - i. Addition of approximately 25 more acres of koa;
 - ii. Approximately 7 acres of orchard to include citrus, banana plants, papaya, Surinam cherry, Jaboticaba, low-chill apple, peach, mulberry, hooded pear and miracle berry for value-added processing and commercial sale; and
 - ii. Approximately 10 acres to plant Norfolk Pine, Leyland Cypress, and Blue Ice and Carolina Sapphire trees to sell as local Christmas tree stock.
9. **Evidence of Agricultural Activity:** Evidence of miscellaneous receipts from the purchase of a back hoe and a John Deere tractor have been included.
10. **Rationale for Establishing AFD:** To accommodate family members as 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 April 3, 2017. (***See attached Exhibit A***)
 - b. Department of Health (DOH) memo dated April 17, 2017. (***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 and 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 farming enterprise shall be commercial in nature and up to seventy-five percent (75%) of your proposed farm plan shall be implemented within three (3) years from the AFDA approval date. The Planning Department shall be allowed to inspect the farm upon reasonable prior notice.
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 **\$41.00** 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.

Ross D. & Mary Ann Dodge
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May 8, 2017

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) 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 not have a County approved water service at present, and an additional water service is not available for the additional dwelling.
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 **May 8, 2019**, 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

Ross D. & Mary Ann Dodge
Page 5
May 8, 2017

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 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

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

April 3, 2017

TO: Mr. Michael Yee, Director
Planning Department

FROM: Keith K. Okamoto, Manager–Chief Engineer

SUBJECT: **Additional Farm Dwelling Agreement
(17-000419)
Applicant – Ross D. and Mary Ann Dodge
Tax Map Key 3-2-004:013**

2017 APR 4 pm 2 10
PLANNING DEPARTMENT
COUNTY OF HAWAII

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. Ross D. and Ms. Mary Ann Dodge

EXHIBIT
A

110769

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

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

DAVID Y. IGE
GOVERNOR OF HAWAII



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

VIRGINIA-PRESSLER, WEDSTON
 DIRECTOR OF HEALTH
 COUNTY OF HAWAII
 PLANNING DIVISION
 APR 17 2017
 PM 2 02

MEMORANDUM

DATE: April 17, 2017

TO: Mr. Michael Yee
Planning Director, County of Hawaii

FROM: Eric Honda *EH*
District Environmental Health Program Chief

SUBJECT: Application: ADDITIONAL FARM DWELLING (FDA-17-000419)
 Applicant: ROSS D. & MARY ANN DODGE
 Land Owner: ROSS D. & MARY ANN DODGE
 SLU: Agricultural
 CZ: A-20a
 Location: Lot 65, Being Also Grant 5364 Upper Mau lua
 Homesteads, Ninole, North Hilo, Island of Hawaii
 TMK: 3-2-004:013

The Health Department found no environmental health concerns with regulatory implications in the submittals.

EXHIBIT
B

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