

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

August 11, 2017

Ky K Okino and Bridgette K. Banir
P. O. Box 2367
Kailua-Kona, HI 96745

Dear Mr. Okino and Ms. Banir,

**SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT
(FDA-17-000430)**
Applicants: Ky K. Okino and Bridgette K. Ganir
Land Owners: Ky K. Okino and Bridgette K. Ganir
State Land Use: Agriculture
County Zoning: A-5a
Land Area: 8.06 acres
Location: 74-5036 Palani Road, Kailua-Kona, HI 96740
Tax Map Key: (3)7-4-004: 025

Pursuant to authority conferred to the Planning Director by Chapter 25 (Zoning), Article 5, Division 7, Section 25-5-77 of the Hawaii 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: Drawing 2623, Tax Map Bureau, indicates this parcel existed as of February 1936. (Tax Map is attached)**
2. **Lot Size: 8.06 Acres**
3. **State Land Use: Agriculture**
4. **County Zoning: A-5a**
5. **Proposed Request: One Additional Farm Dwelling**
6. **Farm Plan includes the following existing agricultural activities:**
 - a. **Existing agricultural activities include:**
 - i. Avocado Orchard (48 ex. trees) with 54 more avocado trees to be planted = 3.50 acres
 - ii. Citrus Trees (20 existing trees) with 6 more trees to be planted = 1.00 acre
 - iii. Mango Trees (6) existing trees) with 24 more trees to be planted = 1.00 acre
 - iv. Goats (1) existing with 15 more goats which will need fencing



7. In addition, you have provided evidence of a General Excise Tax License.

8. Evidence of Agricultural Income: Estimated gross income: Future projected earnings. These prices are based on estimates of total production per year per individual species. Time required per week for farm help is estimated at 20 hours.

| Product | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Year 9 | Year 10 | Total |
|---------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|----------|
| Avocado | | | 2000 | 3000 | 4000 | 5000 | 6000 | 7000 | 8000 | 9000 | 44,000 |
| Mango | | | 400 | 600 | 800 | 1000 | 1200 | 1400 | 1600 | 1800 | 8,800 |
| Citrus | | | 600 | 800 | 1000 | 1200 | 1400 | 1600 | 1800 | 2000 | 10,400 |
| Goats | | | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 1,600 |
| Total | | | 3200 | 4600 | 5000 | 7400 | 8800 | 1020 | 1160 | 13000 | \$64,800 |
| | | | | | | | | | 0 | | |

9. Rational for Establishing AFD: To accommodate farm help.

FINDINGS

- 1 Chapter 205, Hawaii Revised Statutes (HRS), the State Land Use Law does not authorize residential dwellings as a permitted used 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 before June 4, 1976 therefore, the first dwelling on the lot is not a farm dwelling.
3. The Farm Plan and the agreement to use the additional dwelling for agricultural or farm-related activity on the building site demonstrate that there will be income-producing agricultural activity in the future.
4. In addition, the following agencies have submitted their comments as identified below:
 - a. Department of Water Supply (DWS): Memo dated August 3, 2017, DWS does not have any objections to the proposed application as long as the applicant is aware that the DWS cannot provide service to the proposed additional farm dwelling. The existing 5/8 inch water meter cannot be shared with or interconnected in any way to any other dwelling unit.

- b. Department of Health (DOH) found no environmental health concerns with regulatory implications in the submittals. DOH recommends that the applicant review all of the Standard Comments on their 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 Web Site recommends that parties apply the healthy built environment principles in the Checklist.

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:

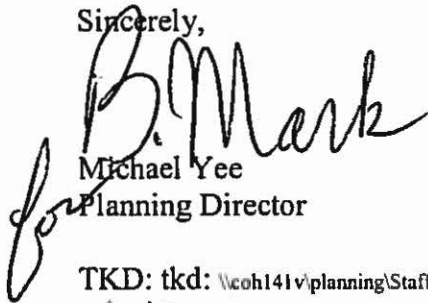
Your AFDA has been approved based on existing and proposed agricultural activity as summarized in your application and this letter.

1. The AFD shall be used for farm-related purposes and provide shelter for persons involved in the agriculture 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.
2. An Additional Farm Dwelling Agreement affidavit shall be notarized and submitted to the Planning Department for recordation with the Registrar of the Land Court, State of Hawaii, which states that the additional dwelling shall be used for farm-related purposes.
3. 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.
4. All other applicable rules, regulations, and requirements of the Planning Department (including but not limited to the Hawaii 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.
5. The applicant is responsible for any State and Federal tax consequences due to the income produced from the farm activity.
6. 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.

7. DWS has noted that no additional water meter is available at this time. Planning suggests the following:
- a. Any dwelling not serviced by a County water system should be provided with and maintain a private potable rain-water catchment system with a minimum capacity of 6,000 gallons for domestic consumption or potable uses. This catchment system should adhere to the Department of Public Works, Building Division's "Guidelines for Owners of Rain Catchment Water Systems" as well as the State Department of Health requirements related to water testing and water purifying devices.
 - b. Any farm dwelling should be provided with and maintain a private water supply system with an additional minimum storage capacity of 3,000 gallons for fire-fighting and other emergency purposes. The emergency water supply system, including the necessary compatible connection devices and the location of the water storage unit on the property, should meet with the approval of the Hawaii County Fire Department
10. This AFD shall be valid for a period of two 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 August 10, 2019 may cause the Director to initiate proceedings to invalidate the AFD.

Please feel free to contact Terry Dunlap of this office at (808) 323-4770 or email terry.dunlap@hawaiicounty.gov should you have any further questions and/or concerns.

Sincerely,



Michael Yee
Planning Director

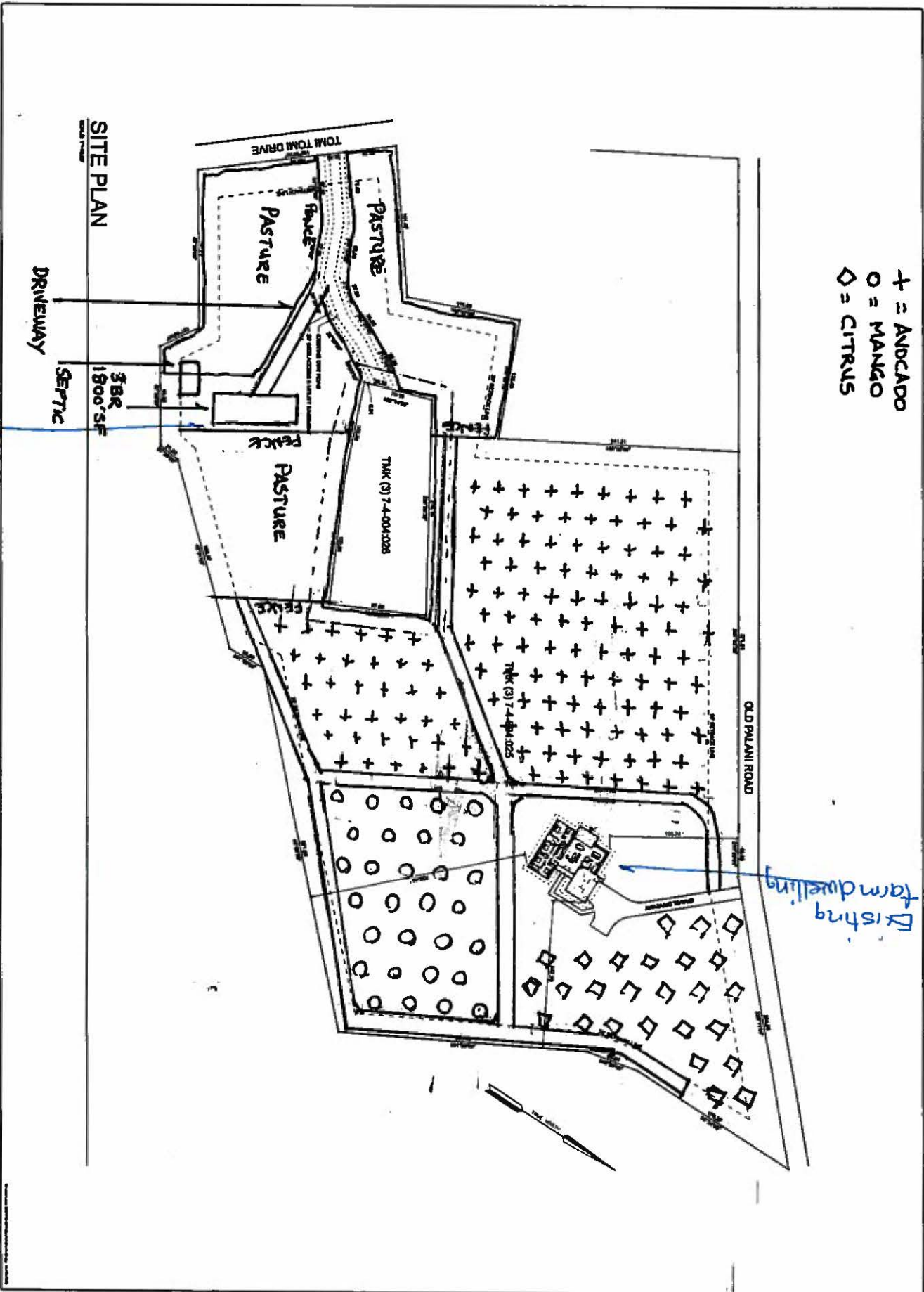
TKD: tkd: \\co141\planning\Staff\Terry\AAA-REVIEWS\TMK-7-4-004-025 Okino-Ganir AFD\TMK7-4-004-025 AFD Okino-Ganir review.doc

Enclosures: AFD document
AFD document instruction sheet
DWS and DOH Comment Letters

XC: Chief Sanitarian, DOH
Manager-Chief Engineer, DWS
Administrator, RPT

XC via email
W/encl: GIS Section

Proposed Addition Dwelling



- + = ANDCADO
- O = MANGO
- ◇ = CITRUS

SITE PLAN

DRIVEWAY

3BR
1800'SF
SEPTIC

TOM TOMI DRIVE

PASTURE

PASTURE

PASTURE

T.M.K. (3) 7-4-004-025

T.M.K. (3) 7-4-004-025

OLD PALANI ROAD

Fishing Farm dwelling

| | |
|---------------|---|
| NO. OF SHEETS | 3 |
| SHEET NO. | 3 |
| DATE | |
| SCALE | |
| PROJECT | |
| CLIENT | |
| DESIGNER | |
| CHECKED | |
| DATE | |

A PROPOSED NEW RESIDENCE FOR:
KY OKINO & BRIDGETTE GANIR
 KAILUA-KONA, HAWAII
 T.M.K. (3) 7-4-004-025



PIPER DESIGNS

Piper Piper
 201-2244
 Kailua-Kona, HI 96740

| | |
|---------------|---|
| NO. OF SHEETS | 3 |
| SHEET NO. | 3 |
| DATE | |
| SCALE | |
| PROJECT | |
| CLIENT | |
| DESIGNER | |
| CHECKED | |
| DATE | |

| Year 1: | 1 st Quarter | 2 nd Quarter | 3 rd Quarter | 4 th Quarter |
|----------------|-------------------------|--|---|---------------------------------|
| Crop/Livestock | Work to be done | Work to be done | Work to be done | Work to be done |
| AVOCADOS | Plant trees | water weed control trimming care | water weed control Fertilize | water weed control |
| Mango | Plant trees | ↓ | ↓ | ↓ |
| Citrus | Plant trees | ↓ | ↓ | ↓ |
| GOATS | Fence create Paddock | establish Grass | establish grass impliment w weed control | establish grass weed control |

| Year 2: | 1 st Quarter | 2 nd Quarter | 3 rd Quarter | 4 th Quarter |
|----------------|--------------------------|-------------------------------|-------------------------------|-------------------------------------|
| Crop/Livestock | Work to be done | Work to be done | Work to be done | Work to be done |
| AVOCADOS | SAME AS ABOVE until | → | → | → |
| MANGO | Fruit trees are ready | → | → | → |
| Citrus | to harvest | → | → | → |
| GOATS | introduce Animals | Water / Feed move to graze | Water / Feed move to graze | Water Feed move to graze Sell |

1976-8



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

August 3, 2017

2017 AUG 4 PM 2 17
PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Mr. Michael Yee, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Additional Farm Dwelling Agreement Application**
(FDA-17-000430)
Applicant – Ky K. Okino and Bridgette K. Ganir
Tax 7-4-004:025

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

Please be informed that an existing 5/8-inch meter (Account No. 871-41081) currently serves the subject parcel. 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 regulations. However, the parcel does not front upon a Department of Water Supply waterline and is, therefore, considered to be out of bounds. Parcels that are out-of-bounds are limited to just one (1) unit of water. One (1) unit of water allows for an average daily usage of 400 gallons served through a 5/8-inch meter and is suitable for one single-family dwelling.

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, all dwellings shall not share the existing meter, and the water system plumbing between any dwellings shall not be interconnected in any way.

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 (if one does not already exist) 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.



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

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

Mr. Michael Yee, Director
Page 2
August 3, 2017

Should there be any questions, please contact Mr. Troy Samura of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Keith K. Okamoto', written in a cursive style.

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

TS:dfg

copy – Ky K. Okino and Bridgette K. Ganir (w/copy of backflow prevention handout)
DWS Customer Service Section (Hilo and Kona)
DWS Cross Connection Section



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

2017 AUG 2 AM 9 26
PLANNING DEPARTMENT
COUNTY OF HAWAII

MEMORANDUM

DATE: August 2, 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-17-000430)
(COR 17-112278)
Applicant: Ky K. Okino and Bridgette K. Ganir
Land Owner: Ky K. Okino and Bridgette K. Ganir
SLU: Agricultural
CZ: A-5a
Location: 74-5036 Old Palani Road, Kailua Kona, Island of Hawaii
TMK: 7-4-004:025

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

