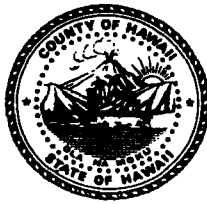


Harry Kim
Mayor



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

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101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
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Fax (808) 961-8742

February 26, 2018

Emily Y. Roberts & Alison M. Woods
P. O. Box 7049
Kamuela, HI 96743

Dear Ms. Roberts & Ms. Woods

SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT (FDA-17-000437)
Applicants: Emily Y. Roberts & Alison M. Woods
Land Owners: Emily Y. Roberts & Alison M. Woods
State Land Use: Agriculture
County Zoning: A-10a
Land Area: 10 acres
Location: 65-1318 Hokulani Place, Kamuela, HI 96743
Tax Map Keys: (3) 6-7-005: 017

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:** Located at Waiki'i Ranch Lot 32 (65-1318 Hokulani Place, Kamuela, HI 96743)
2. **Lot Size:** 10 acres
3. **State Land Use:** Agriculture
4. **County Zoning:** A-10a
5. **Proposed Request:** One Additional Farm Dwelling

6. **Farm Plan** includes the following farm activities:

a. **The existing Farm activities includes:**

- 1) Horse breeding
- 2) Horse training
- 3) Selling horses

b. **Proposed schedule:**

Years 1&2	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Livestock	Work to be done	Work to be done	Work to be done	Work to be done
Horse Breeding	Artificial Insemination	Vet Check Ultra Sound	Pre-Natal Hormones check	Foal watch Monitor 24 hr/day
Horse Training	Ground work after foals weaned	Saddle Training	Riding Training	Competition for Sale

c. **Projected hours:**

Years 1&2	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Hours	20 hours/week	20 hours/week	20 hours/week	20-40 hours

7. In addition, you have provided evidence of a **General Excise Tax License and a Real Property Tax Clearance dated February 27, 2018 effective until June 30, 2018.**

8. **Evidence of Agricultural Income (PROJECTED INCOME CHART)**

- a. 2017-----\$1,000 per month per horse x 2 = \$24,000 per year
- b. 2018----- \$1,000 per month per horse x 4 = \$48,000 per year
- c. 2019----- \$1,000 per month per horse x 4 = \$48,000 per year

9. **Rational for Establishing AFD:**

This horse farm is planned for breeding, training, and selling horses. The horse breeds will be primarily quarter horses, thoroughbreds, and warmbloods. The work force needs two (2) persons to perform a minimum of 8 hours per week. The property currently contains horse paddocks and once the additional farm plan is approved, foaling stalls, to monitor pregnant mares, along with storage, feed and tack rooms and living quarters for farm workers will be constructed. This farm plan will be a full time endeavor for two (2) persons.

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 after June 4, 1976 which requires the first dwelling on the property to be a farm dwelling and requires farming activity of at least one day a week for the first additional 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 attached and dated October 2, 2017. (Note, Waiki'i Ranch has its own private water system.)
 - b. Department of Health (DOH): Memo attached and dated October 10, 2017.

DECISION AND CONDITIONS

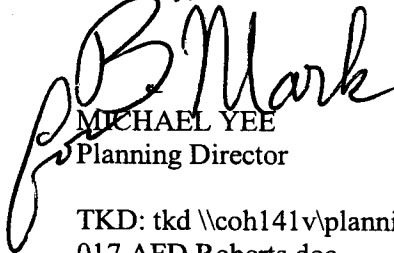
In view of the above, your request to construct **one (1) Additional Farm Dwelling** on the property is **approved** subject to the following conditions:

1. Your AFDA has been approved based on proposed agricultural activity as summarized in your application and this letter.
2. 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.
3. 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.
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 \$41.00 in accordance with the enclosed AFDA Instructions.
5. 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.
6. The applicant is responsible for any State and Federal tax consequences due to the income produced from the farm activity.
7. 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.
8. 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 February 23, 2020, may cause the Director to initiate proceedings to invalidate the AFD.

9. The First Party shall allow the Second Party or its representative to inspect the farm upon reasonable prior notice.

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

Sincerely,


MICHAEL YEE
Planning Director

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Enclosures: AFD document
AFD document instruction sheet
DWS Comment Letter
DOH Comment Letter

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

XC via email
W/encl: GIS Section