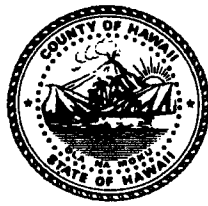


Harry Kim  
Mayor



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 29, 2018

Stephen and Kimberly Shirk  
P.O. Box 2416  
Kealahou, HI 96750-2416

Dear Stephen and Kimberly Shirk,

**SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT  
(FDA-18-000442)**  
**Applicants: Stephen and Kimberly Shirk**  
**Land Owners: Stephen and Kimberly Shirk**  
**State Land Use: Agriculture**  
**County Zoning: A-5a**  
**Lot 26 Area: 9.126 acres**  
**CPR 4 Land Area: 4.0 acres**  
**Location: 82-1146 Nanaina Place, CPR Unit 4, Elemakule III Condo  
Map 3074 South Kona, HI**  
**Tax Map Keys: (3) 8-2-011: 026 - 0004**

---

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 lot, which is specifically for (1) one farm dwelling on CPR unit 4 and have **approved** your request subject to the following:

**BACKGROUND INFORMATION**

1. **Subject Property:** Located Mauka of Hawaii Belt Road approximately 4.5 miles south of Kalamako Wall Homestead Road
2. **Lot Size:** (3) 8-2-011: 026 ---9.1206 acres  
**CPR Unit Size:** (3) 8-2-011: 026 0004 (CPR unit 4) --- 4.0 acres
3. **State Land Use:** Agriculture
4. **County Zoning:** A-5a
5. **Proposed Request:** One Additional Farm Dwelling

6. **Farm Plan** includes the following agricultural activities:
  - a. **Existing agricultural activities include the following newly planted crops:**
    - 1) Existing Avocado-----200 sq. ft.
    - 2) Existing Bananas-----200 sq. ft.
  - b. **Proposed Plantings**
    - 1) Coffee to be planted: 10,890 sq. ft.
    - 2) Avocado increase to 400 sq. ft.
    - 3) Bananas increase to 400 sq. ft.
7. In addition, you have provided evidence of a **General Excise Tax License and a Real Property Tax Clearance dated March 9, 2018 paid until June 30, 2018.**
8. **Evidence of Agricultural Income (PROJECTED INCOME CHART)**
  - a. 2018-----\$1,450.00

9. **Rational for Establishing AFD:**

Mr. & Mrs. Shirk reside on a property that has been partitioned into separate CPR ownership units and is the owner of CPR Unit 4 where the dwelling was built without permits. This request for an additional farm dwelling is required before the Shirks can submit for as-built permits for their farm dwelling. The Additional Farm Dwelling will be on the CPR unit 4 where the existing building is located. The work time required to justify the farm dwelling on CPR unit 4 is at least one day a week of farm work entirely within CPR unit 4.

**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 lot to be a farm dwelling.
3. The lot was partitioned into four separate CPR ownership units on April 17, 2000, Elemakule III Declaration of Property Regime, Doc. 2000-05387, filed with the Bureau of Conveyances.
4. 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.

5. Building Permits for Farm Dwelling on the lot 26 were as follows:
  - CPR # 1 – Building Permit (BP) # 955242 – 3/24/95 Farm Dwelling – 2 BR/2B, kitchen, living, dining and covered lanai. Shown on RPT Record 955242.
  - CPR # 2 – BP # 966011 – 11/27/96 - dwelling, BP # 26575 – 11/22/02 - addition – Farm Dwelling – 1 BR/1B, kitchen, living, dining. Acknowledged to be a Farm Dwelling by Planning Department letter of 8/10/2000.
  - CPR # 3 – BP # 015175 – 1/31/2001  
Additional Farm Dwelling Approval – 8/10/2000
6. In addition, the following agencies have submitted their comments as identified below:
  - a. Department of Water Supply (DWS): Memo May 14, 2018. (See attached Exhibit A).
  - b. Department of Health (DOH): Memo May 11, 2018 (See attached Exhibit “B”)
  - c. Department of Finance – Real Property Tax (RPT): Memo May 14, 2018 (See attached Exhibit “C”)

### DECISION AND CONDITIONS

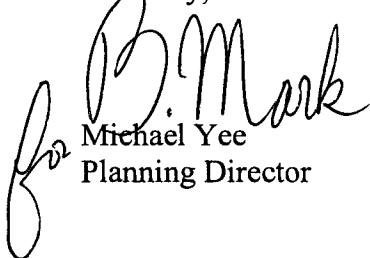
In view of the above, your request to construct **one (1) Additional Farm Dwelling** on the lot specifically within the property described as CPR unit 4, is **approved** subject to the following conditions:

1. Your AFDA for one farm dwelling on CPR Unit 4 has been approved based on existing and proposed agricultural activity as summarized in this letter.
2. The AFD for one farm dwelling on CPR Unit 4 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. DWS has noted that no additional water meter is available at this time. Planning recommends 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.
9. Department of Health has responded that existing wastewater disposal/systems associated with the existing unpermitted farm dwelling is also considered unauthorized. An engineer must submit wastewater plans for a new septic system.
10. The Department of Finance – Real Property Tax (RPT) has remarked that RPT is requesting a refile of Non-dedicated Agricultural Use Exemption application as there is no submission by current owner. This will be removed for 2019/FY if an application is not received. The unpermitted Dwelling noted is not on County records for taxation purposes. RPT reports that appraiser tags left at gate have not been responded to by property owner. Contact Jennifer Long at RPT at 808-323-4883.
11. 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 May 28, 2020 may cause the Director to initiate proceedings to invalidate the AFD.
12. Prior to the submittal of a building permit application, copies of deeds recorded with the Bureau of Convenues, must be provided to the Planning Department to verify ownership.

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

Sincerely,



Michael Yee  
Planning Director

Stephen and Kimberly Shirk  
Additional Farm Dwelling (FDA-18-000442)  
May 29, 2018  
Page 5

TKD: tkd

\\coh141v\planning\Staff\Terry\AAA-REVIEWS\AFDA TMK-8-2-011-026 0004 Shirk\TMK-8-2-011-026 AFD Review Shirk.doc

Enclosures: AFD document  
AFD document instruction sheet  
Department of Water Supply Comment Letter  
Department of Health Comment Letter  
Department of Finance - Real Property Tax Comment Letter

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

XC via email  
W/encl: GIS Section

Planning Department  
Route Slip

Route Slip Date: \_\_\_\_\_

Director \_\_\_\_\_  
 Deputy \_\_\_\_\_  
 Pvt. Secretary \_\_\_\_\_

Long Range Division

Manager \_\_\_\_\_  
 Planner \_\_\_\_\_

Administrative Permits

Manager \_\_\_\_\_  
 Planner \_\_\_\_\_

Zoning Inspector \_\_\_\_\_  
 Zoning Clerk \_\_\_\_\_

Planning Division

Manager \_\_\_\_\_  
 Planner \_\_\_\_\_  
 Sec. to Commission \_\_\_\_\_

West Hawaii Office

Manager \_\_\_\_\_  
 Planner \_\_\_\_\_  
 Inspector \_\_\_\_\_

Drafting Section

Draftsman \_\_\_\_\_

General Administration

Personnel Clerk \_\_\_\_\_  
 Account Clerk \_\_\_\_\_

File \_\_\_\_\_  
 See Me \_\_\_\_\_  
 Circulate \_\_\_\_\_  
 Draft Reply \_\_\_\_\_  
 Review & Comment \_\_\_\_\_  
 Appropriate Action \_\_\_\_\_  
 Investigate & Report \_\_\_\_\_  
 Recommendation \_\_\_\_\_

Remarks: \_\_\_\_\_

2018 JUL 11 PM 2 14  
PLANNING DEPARTMENT  
COUNTY OF HAWAII

119453

THE ORIGINAL OF THE DOCUMENT  
RECORDED AS FOLLOWS:  
STATE OF HAWAII

BUREAU OF CONVEYANCES

DOCUMENT NO. \_\_\_\_\_

DATE - TIME Doc A - 67610689  
July 06, 2018 8:02 AM

---

---

AFTER RECORDATION, RETURN BY MAIL TO:

County of Hawaii Planning Department  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

---

---

TITLE OF DOCUMENT:

**ADDITIONAL FARM DWELLING AGREEMENT**

---

---

PARTIES TO DOCUMENT:

**FIRST PARTY:     STEPHEN SHIRK  
                          KIMBERLY SHIRK**

**SECOND PARTY:    COUNTY OF HAWAII**

---

---

PROPERTY DESCRIPTION:

**TMK: (3) 8-2-011: 026-0004**

---

---

## ADDITIONAL FARM DWELLING AGREEMENT

THIS AGREEMENT made and executed this 2<sup>nd</sup> day of July, 2018,  
by and between STEPHEN SHIRK AND KIMBERLY SHIRK hereinafter referred to as the "First  
Party," whose mailing address is P. O. Box 2416, Kealakekua, HI 96750 and the COUNTY OF  
HAWAII, hereinafter referred to as the "Second Party."

WHEREAS,

IT IS HEREBY AGREED that the First Party may construct an additional farm dwelling  
located on the property described by Tax Map Key (3) 8-2-011: 026-0004 situated within the State  
Land Use Agricultural district and zoned Agricultural (A-5a) (the "Property") by the Second Party.

IT IS HEREBY ACKNOWLEDGED that the First Party is the legal owner of the Property  
above described.

IT IS HEREBY FURTHER AGREED that this approval to construct one additional farm  
dwelling is given subject to the following conditions:

1. The additional farm dwelling shall be used to provide shelter to person(s) involved in the  
agricultural or farm-related activity on the property. Family members who are not  
engaged in agricultural or farm-related activity are allowed to reside in the farm dwelling.
2. 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.
3. This agreement shall include any and all conditions specified in the Additional Farm  
Dwelling Agreement letter, attached to this document as Exhibit "A".

IT IS HEREBY FURTHER AGREED that if this agreement is with a lessee, the legal  
owner shall be a party to this agreement.

IT IS HEREBY FURTHER AGREED that should the pertinent provisions of the State of  
Hawai'i and County laws and rules and regulations change to authorize said farm dwelling, upon  
request of the First Party, its successors, heirs, personal representatives and assigns, this  
Agreement may be reconsidered for possible amendment and/or severance.

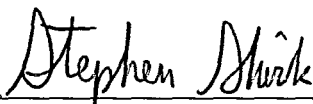


IT IS HEREBY FURTHER AGREED that if the property is situated within the State Land Use Agricultural district, the Second Party shall impose a fine against the First Party, its successors, heirs, personal representatives and assigns, of not more than \$5,000.00 for violation of any provision under section 205-4.5, Hawaii Revised Statutes. If the First Party fails to remove such violation within six months of such citation and the violation continues to exist, the First Party shall be subject to a citation for a new and separate violation. There shall be a fine of not more than \$5,000 for any additional violation. The Second Party may impose fines for any violation of Chapter 25, Hawaii County Code, as amended, in accordance with the procedures and fine schedule outlined in Section 25-2-35 of said code.

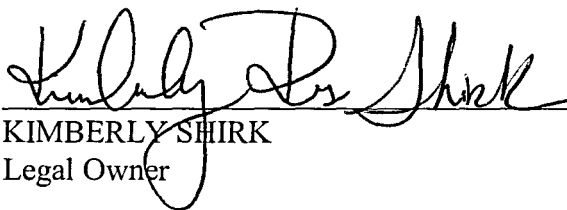
IN CONSIDERATION OF THE AFORESAID, the Second Party hereby approves this Agreement as being in conformity with Sections 205-2 and 205-4.5 of the Hawaii Revised Statutes, relative to permitted uses within the State Land Use Agricultural district. This Agreement is also in conformance with Chapter 25, Hawaii County Code, as amended.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year  
first above written.



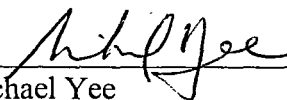
STEPHEN SHIRK  
Legal Owner



KIMBERLY SHIRK  
Legal Owner

FIRST PARTY

COUNTY OF HAWAII

By 

Michael Yee  
It's Planning Director

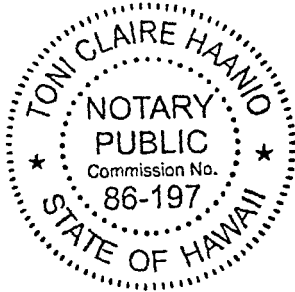
SECOND PARTY

STATE OF HAWAII )  
 ) SS.  
COUNTY OF HAWAII )

On this 8<sup>th</sup> day of June, 2018 before me personally appeared STEPHEN SHIRK AND KIMBERLY SHIRK to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

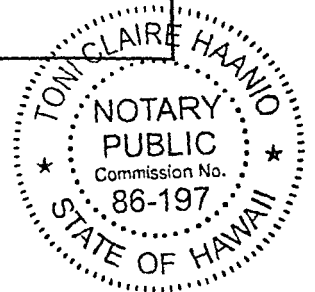
Toni Claire Haano

Notary Public, State of Hawaii



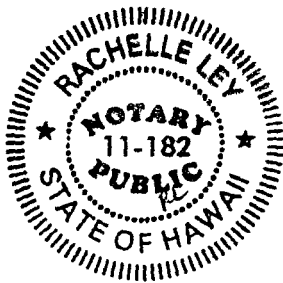
My commission expires: May 4 2022


NOTARY CERTIFICATION	
Doc. Date: <u>Undated</u>	# Pages: <u>6</u>
Name: <u>Toni Claire Haano</u>	Third Circuit
Doc. Description: <u>Additional Farm Dwelling Agreement</u>	
Signature: <u>Toni Claire Haano</u>	
Date: <u>6-8-18</u>	



STATE OF HAWAI'I )  
 ) SS.  
COUNTY OF HAWAI'I )


On this 2<sup>nd</sup> day of July 2018, before me personally appeared Michael Yee, to me personally known, who, being by me duly sworn, did say that Michael Yee is the Planning Director of the County of Hawai'i, and that the Planning Department of the County of Hawai'i has no corporate seal; and that the instrument was signed on behalf of the Planning Department of the County of Hawai'i, a government agency, and said Michael Yee acknowledged the instrument to be the free act and deed of said Planning Department, County of Hawai'i.

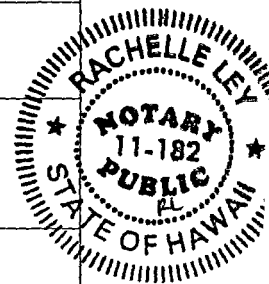


  
Rachelle Ley

Notary Public, State of Hawai'i  
Third Judicial Circuit

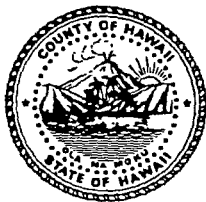
My Commission Expires: June 12, 2019

Document Date:	<u>JUL 2 2018</u>	No. of Pages:	<u>6</u>
Notary Name:	<u>Rachelle Ley</u>		<u>Third Judicial Circuit</u>
Doc. Description:	<u>Additional Farm Dwelling Agreement</u>		
	<u>Tax Map Key (3) 8-2-011: 026-0004</u>		
Notary Signature			<u>7/2/2018</u>
		Date	



# Exhibit A

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 29, 2018

Stephen and Kimberly Shirk  
P.O. Box 2416  
Kealahou, HI 96750-2416

Dear Stephen and Kimberly Shirk,

**SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT  
(FDA-18-000442)**  
**Applicants: Stephen and Kimberly Shirk**  
**Land Owners: Stephen and Kimberly Shirk**  
**State Land Use: Agriculture**  
**County Zoning: A-5a**  
**Lot 26 Area: 9.126 acres**  
**CPR 4 Land Area: 4.0 acres**  
**Location: 82-1146 Nanaina Place, CPR Unit 4, Elemakule III Condo  
Map 3074 South Kona, HI**  
**Tax Map Keys: (3) 8-2-011: 026 - 0004**

---

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 lot, which is specifically for (1) one farm dwelling on CPR unit 4 and have **approved** your request subject to the following:

**BACKGROUND INFORMATION**

1. **Subject Property:** Located Mauka of Hawaii Belt Road approximately 4.5 miles south of Kalamako Wall Homestead Road
2. **Lot Size:** (3) 8-2-011: 026 ---9.1206 acres  
**CPR Unit Size:** (3) 8-2-011: 026 0004 (CPR unit 4) --- 4.0 acres
3. **State Land Use:** Agriculture
4. **County Zoning:** A-5a
5. **Proposed Request:** One Additional Farm Dwelling

6. **Farm Plan** includes the following agricultural activities:
  - a. **Existing agricultural activities include the following newly planted crops:**
    - 1) Existing Avocado-----200 sq. ft.
    - 2) Existing Bananas-----200 sq. ft.
  - b. **Proposed Plantings**
    - 1) Coffee to be planted: 10,890 sq. ft.
    - 2) Avocado increase to 400 sq. ft.
    - 3) Bananas increase to 400 sq. ft.
7. In addition, you have provided evidence of a **General Excise Tax License and a Real Property Tax Clearance dated March 9, 2018 paid until June 30, 2018.**
8. **Evidence of Agricultural Income (PROJECTED INCOME CHART)**
  - a. 2018-----\$1,450.00

9. **Rational for Establishing AFD:**

Mr. & Mrs. Shirk reside on a property that has been partitioned into separate CPR ownership units and is the owner of CPR Unit 4 where the dwelling was built without permits. This request for an additional farm dwelling is required before the Shirks can submit for as-built permits for their farm dwelling. The Additional Farm Dwelling will be on the CPR unit 4 where the existing building is located. The work time required to justify the farm dwelling on CPR unit 4 is at least one day a week of farm work entirely within CPR unit 4.

**FINDINGS**

1. Chapter 205, Hawaii 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 after June 4, 1976 which requires the first dwelling on the lot to be a farm dwelling.
3. The lot was partitioned into four separate CPR ownership units on April 17, 2000, Elemakule III Declaration of Property Regime, Doc. 2000-05387, filed with the Bureau of Conveyances.
4. 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.

5. Building Permits for Farm Dwelling on the lot 26 were as follows:

- CPR # 1 – Building Permit (BP) # 955242 – 3/24/95 Farm Dwelling – 2 BR/2B, kitchen, living, dining and covered lanai. Shown on RPT Record 955242.
- CPR # 2 – BP # 966011 – 11/27/96 - dwelling, BP # 26575 – 11/22/02 - addition – Farm Dwelling – 1 BR/1B, kitchen, living, dining. Acknowledged to be a Farm Dwelling by Planning Department letter of 8/10/2000.
- CPR # 3 – BP # 015175 – 1/31/2001  
Additional Farm Dwelling Approval – 8/10/2000

6. In addition, the following agencies have submitted their comments as identified below:

- a. Department of Water Supply (DWS): Memo May 14, 2018. (See attached Exhibit A).
- b. Department of Health (DOH): Memo May 11, 2018 (See attached Exhibit “B”)
- c. Department of Finance – Real Property Tax (RPT): Memo May 14, 2018 (See attached Exhibit “C”)

### DECISION AND CONDITIONS

In view of the above, your request to construct **one (1) Additional Farm Dwelling** on the lot specifically within the property described as CPR unit 4, is **approved** subject to the following conditions:

1. Your AFDA for one farm dwelling on CPR Unit 4 has been approved based on existing and proposed agricultural activity as summarized in this letter.
2. The AFD for one farm dwelling on CPR Unit 4 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.

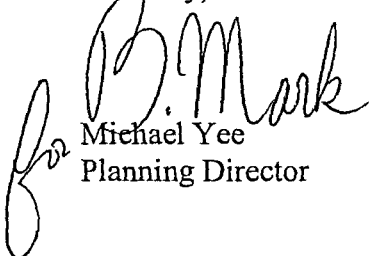


: Stephen and Kimberly Shirk  
Additional Farm Dwelling (FDA-18-000442)  
May 29, 2018  
Page 4

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. DWS has noted that no additional water meter is available at this time. Planning recommends 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.
9. Department of Health has responded that existing wastewater disposal/systems associated with the existing unpermitted farm dwelling is also considered unauthorized. An engineer must submit wastewater plans for a new septic system.
10. The Department of Finance – Real Property Tax (RPT) has remarked that RPT is requesting a refile of Non-dedicated Agricultural Use Exemption application as there is no submission by current owner. This will be removed for 2019/FY if an application is not received. The unpermitted Dwelling noted is not on County records for taxation purposes. RPT reports that appraiser tags left at gate have not been responded to by property owner. Contact Jennifer Long at RPT at 808-323-4883.
11. 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 May 28, 2020 may cause the Director to initiate proceedings to invalidate the AFD.
12. Prior to the submittal of a building permit application, copies of deeds recorded with the Bureau of Conveniences, must be provided to the Planning Department to verify ownership.

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

Sincerely,

  
Michael Yee  
Planning Director

Stephen and Kimberly Shirk  
Additional Farm Dwelling (FDA-18-000442)  
May 29, 2018  
Page 5

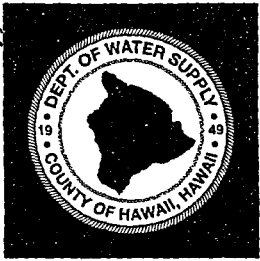
TKD: tkd

\\coh141v\planning\Staff\Terry\AAA-REVIEWS\AFDA TMK-8-2-011-026 0004 Shirk\TMK-8-2-011-026 AFD Review Shirk.doc

Enclosures: AFD document  
AFD document instruction sheet  
Department of Water Supply Comment Letter  
Department of Health Comment Letter  
Department of Finance - Real Property Tax Comment Letter

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

XC via email  
W/encl: GIS Section



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

May 14, 2018

TO: Mr. Michael Yee, Director  
Planning Department

FROM: Keith K. Okamoto, Manager–Chief Engineer

SUBJECT: Additional Farm Dwelling Agreement  
(FDA-18-000442)  
Applicant – Stephen and Kimberly Shirk  
Tax Map Key 8-2-011:026

2018 MAY 16 AM 10 19  
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.

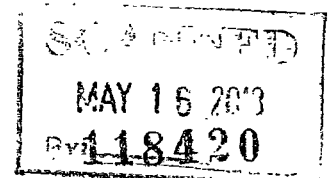
Sincerely yours,

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

TS:dfg

copy – Mr. Stephen and Ms. Kimberly Shirk  
DWS Customer Service Sections (Hilo and Kona)

Exhibit A



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

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



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

2018 MAY 14 AM 9:20  
PLANNING DEPARTMENT  
COUNTY OF HAWAII

MEMORANDUM

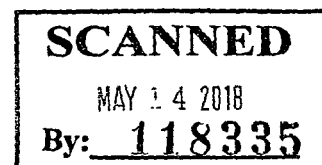
DATE: May 11, 2018

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

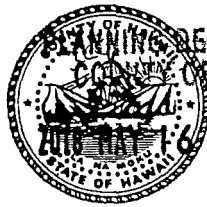
FROM: Eric Honda  
District Environmental Health Program Chief

SUBJECT: Application: ADDITIONAL FARM DWELLING AGREEMENT  
Applicant: Stephen and Kimberly Shirk  
LandOwner: Stephen and Kimberly Shirk  
TMK: (3) 8-2-011:026 0004 (FDA-18-000442)

Any/all existing wastewater disposal/systems associated with the existing unpermitted farm dwelling is also considered unauthorized. Please have your engineer submit wastewater plans for a new septic system.



Harry Kim  
Mayor



PLANNING DEPARTMENT  
COUNTY OF HAWAII  
MAY 16 1:49 PM

Deanna S. Sako  
Finance Director

Nancy Crawford  
Deputy Director

PLANNING DEPARTMENT  
COUNTY OF HAWAII  
MAY 16 1:49 PM

## County of Hawai'i

### DEPARTMENT OF FINANCE - REAL PROPERTY TAX

Aupuni Center • 101 Pauahi Street • Suite No. 4 • Hiló, Hawai'i 96720-4679 • Fax (808) 961-8415  
Appraisers (808) 961-8354 • Clerical (808) 961-8201 • Collections (808) 961-8282  
West Hawai'i Civic Center • 74-5044 Ane Keohokalole Hwy. • Bldg. D, 2nd Flr. • Kailua Kona, Hawai'i 96740  
Fax (808) 327-3538 • Appraisers (808) 323-4881 • Clerical (808) 323-4880

Date: 5/14/18 Tax Map Key: 8-2-011-026-0004

FDA-18-000442

To: Planning Director  
From: Real Property Tax Office  
Subj: Request for Comments and/or Review

#### Comments from the Appraisal Section:

- Property is receiving agricultural use value \*
- Property is dedicated to agricultural use
- Possible rollback taxes
- There are no comments at this time

Remarks: \*RPT has requested a refile of Non-dedicated Agricultural Use Exemption application as there is no submission by current owner. Will be removed for 2019FY if not received.\*\* Unpermitted Dwelling noted is not on County records for taxation purposes. Appraiser tags left at gate have not been responded to by property owner.

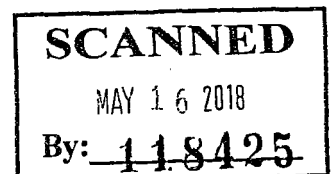
Appraiser to Contact: Jennifer Long Phone: 808-323-4883

#### Comments from the collection section:

- Status of real property taxes:
- Current
- Delinquent / Amounts \$ \_\_\_\_\_  
Amount includes tax, penalty & interest up to \_\_\_\_\_

Remarks:

Collection personnel to contact: Toni Ann Quitarior  
Phone: 808-961-8284



State of Hawaii  
Department of Land & Natural Resources  
Bureau of Conveyances  
1151 Punchbowl St, Honolulu HI 96813

Issue to: S D SHIRK      Receipt

Received By: CSOJOC  
Receipt #: 201800037043

A-67610689	AGM	\$41.00
Check# 1086		\$41.00
Total		\$41.00
-----		\$41.00
		-----
		\$0

Paid by: S D SHIRK  
Thank you  
July 06, 2018 8:02 AM