

3. **Lot Size:** 6.107 acres.
4. **State Land Use:** Agricultural (A).
5. **County Zoning:** A-3a (Agricultural 3.0 acres).

Background Information #4 and #5, above, confirm that parcel 130, Lot A-1, is classified in the state and county Agricultural land use.

6. **Legal Lot of Record: Subdivision No. 14-001390 (consolidation/re-subdivision approved: December 6, 2014):** generally, parcel 130 originated from TMK: 2-7-008:027 (formerly 70.922 acres) (Grant 2396); and, this lot is a subject of a Planning Director's Determination of Pre-Existing Lots (November 17, 2000). In December 2014, the above-referenced consolidation/re-subdivision produced parcel 130, Lot A-1 (6.107 acres) in its current configuration; and finally, the subdivision record confirm that this parcel is **a legal lot of record created after June 4, 1976.**
7. **Requirement of Farm Dwelling Status.** Since parcel 130, Lot A-1 is a legal lot of record created by a land subdivision approved after June 4, 1976, according to the state law of Hawai'i Revised Statutes (HRS) section (sec.) 205-4.5 (b), **the first dwelling and all other dwellings on parcel 130 are required to be farm dwellings subject to the farm dwelling standards** of HRS sec. 205-4.5 (a)(4). See also Planning Department Rule 13-4 (a) and (a)(1), first farm dwelling.
8. **General Discussion: on parcel 130, Lot A-1, Two Existing Residential Single-Family Dwellings.** Real Property Tax Division building permit records, the submitted application information, and the farm site plan confirm that two existing residential single-family dwellings have been constructed on parcel 130, Lot A-1.

First Farm Dwelling: a 2004 First Farm Dwelling with a Special Permit to Operate a B&B Enterprise. With the county building permit application, a first farm dwelling is approved with a 'Farm Dwelling Notice,' according to Planning Department Rule 13-4 (a)(1). In 2013, the first farm dwelling was approved for a county Special Permit to operate a Bed and Breakfast enterprise (SP No. 2013-000151

First Farm Dwelling & 2013 Special Permit for B&B. In 2013, the Hawai'i County Planning Commission approved a county Special Permit to establish on parcel 130 a three (3) bedroom B&B commercial operation in the existing first farm dwelling. The Goodes' B&B operation is family-operated, owner-occupied, and is the main source of income for this property (submitted Letter Statement [May 1, 2019]).

First Farm Dwelling Requirements: N/A to 2004 First Farm Dwelling & B&B Operation. The approved 2013 Special Permit allows the 2004 first dwelling to operate as a B&B:

for lands classified in State Land Use Agriculture, non-farming or non-agricultural services may be approved with a Special Permit application (SP 14-001390 findings at p. 4). A Special Permit is a type of administrative zoning relief – a preemption authorized by state law, HRS sec. 205-6. Its practical effect relieves the first farm dwelling - B&B of fulfilling the farm dwelling standards of sec. 205-4.5 (a)(4).

9. **Second Farm Dwelling: on parcel 130, Lot A-1**, a second farm dwelling was approved as the first Additional Farm Dwelling (AFD) (approved in 2009 by FDA-09-000255).

This first AFD is occupied by the landowners' son, Jeremiah Goode. Jeremiah is the business manager of the family business operation, the Special Permit B&B operation, and the startup equestrian farming operation.

Approval of the first AFD was based on agricultural farming of approximately two acres for a variety of orchard crop and vegetables (e.g., avocado, mango, lychee, citrus, coconut palm, papaya, sugarcane, pineapple, vegetables, tropical plants), seed propagation, farm animals, chicken poultry for eggs, fertilizer, meat, and pullets (Planning Director's AFD Agreement Letter [approved: October 7, 2009]).

10. **Third Farm Dwelling:**

Request proposing the Third Farm Dwelling as the Second AFD.

The Goodes are requesting to establish a third farm dwelling with the application for the second AFD – (in numerical order, this will be the third single-family residential dwelling.)

Equestrian Farm Plan Operation. The Goodes' family farm operation is transitioning from their original farming of fruit and vegetable crops and farm animals to an equestrian farm business operation. Their plan is to develop the equestrian operation into three categories: to purchase, train or rehabilitate horses for riding and to sell riding horses; at present, the equestrian farm plan is to limit on-site training or rehabilitation operations to no more than six horses. Equestrian Operation Start Up: In 2017, the Goodes initiated startup of the equestrian farm business.

Resumption of Farming for Orchard Fruit, Avocados, Rare Palms, Nursery Stock: the Goodes resumed farming and ag activity according to the resubmitted and updated application and Farm Plan Summary (FPS) and supported by the Schedule F (Form 1040) Profit or Loss from Farming (2018 & 2019) and the County of Hawai'i Department of Water Supply Bill (Account Type Agricultural Rate) (9/14/2020).

Rationale for the Third Farm Dwelling - Second AFD. For parcel 130, Lot A-1, the landowners-applicants request approval to permit the third farm dwelling - second AFD for their equestrian farm operation: it is to provide housing for the head groom or horse trainer, with or without a family. The head groom is responsible for the daily ('24/7') care of the horses. According to the Goodes:

the head groom's duties will be ' ... to maintain tack, grooming and physical care/overseeing of the horses (cleaning, health, feeding), turnout and maintaining the stalls. The amount of hours/time for this job will be according to the number of horses on the property. Daily care of one horse is approximately one to three hours. This person will need to be onsite for the feeding, grooming, and the possible emergency needs/medical care of the horses.'

The horse trainer is needed to evaluate each horse when purchased and then train the animal for eventual sale.

'We will be working with local equine professionals but will also utilize individuals who travel professionally in this field ... thus the requirement for the additional farm dwelling.'

Request for only One Additional Farm Dwelling. According to the Goodes, in their letter (dated May 1, 2019), they revised their application request and seek approval for only one AFD.

The Goodes conceptual description of the 'Possible Design' of the AFD: is for a barn-like building to contain the residential AFD's single-level floor plan and an adjoining separate nonresidential floor plan. The AFD's proposed residential design is to comply with county Building Code standards for an efficiency dwelling unit; and, the proposed adjoining separate nonresidential floor plan, would be designed for storage of training equipment, supplies, saddles, feed, etc.

Commercial Agricultural 'Pursuit': Existing Start-up Equestrian Farm Operation. To substantiate the development of the **startup commercial equestrian farm operation** on parcel 130, the Goodes submitted documentation to satisfy the statutory standards of the two state laws germane to evaluating this application: for agricultural income or an existing farm according to HRS sec. 204-4.5 (a)(4); and, the second statutory standard is the state law of sec. 165-2, defining a "farming operation" to mean ' ... a commercial agricultural ... [or whatever type of agriculture is undertaken] facility or pursuit conducted, in whole or in part,' (Emphasis added).

Investment Costs & Expenditures. The Goodes submitted 79 pages of photocopied receipts to document the costs and expenditures they have made to invest in the startup and establishment of their equestrian farm operation; for example, listed below, are some of these investment costs and expenditures:

- New field fencing enclosure for pasturing of horses: \$4,382.46
 (sales receipt #15819 - Miranda Country Store, Inc. [8/13/19]);
- Fencing labor (installation) + gate material: \$4,388.00
 (receipt August 16, 2019 - Waiākea Uka Ranch;
 paid in full: Aug. 21, 2019 – ck # 1027);
- Purchase (5/7/19) of a 17-year old gelding, Kahu: \$2,000.00
 (email message from L. Goode [Sept. 13, 2019]);
- J.M. Cobb, CPA – Semmens & Cobb Consulting, LLP
 re: Income & Expense Statement: Goode Enterprises, Inc
 Profit & Loss - farming activities 2017-18 (dated, Nov. 1, 2018);
 this financial statement provided approximately eight examples
 of investment cost, expenditures, and income:
 - Animal Purchases – Horse Assets:
 \$1,000 – for ‘Cowboy (2017);’ \$2,500 – for ‘Reggie’ (2018);
 \$1,250 – for ‘Jazzi’ (2019); \$1,250 for ‘Sonny’ (2018) =
 Horse Assets: \$6,000;
 - Horse Stalls: \$4,031.15;
 - Total Professional Fees- Horse Trainer (2018): \$2,900;
 - **Income Sales (2017):** dried bananas - \$25.77; eggs - \$45;
 - **Livestock Sales (2018):** \$1,920;
 - Farm Property Maintenance (2018): \$399.64;
 - Animal Shelter (2017; 2018): \$589.18; \$1,046.24;
 - Livestock Supplies (2017; 2018): \$4,317.57; \$3,768.48;

Additionally, the 79 pages of photocopied receipts of costs and expenses are on record in the department’s TMK and electronic (LaserFiche) file of parcel 130. See, Exhibit: Photocopied receipts of cost & expenditures (79 pgs.).

County Real Property Tax (RPT) Assessment. The county Real Property Tax Division’s official assessment of parcel 130 is homeowner property class. Presently, parcel 130 is not assessed in agricultural usage, production, and value. The county tax assessment status of parcel 130 is a factor that can support but it is not a mandatory requirement in evaluating an AFDA application.

Farm Site Plan for Existing Startup Equestrian Farm Operation. The landowners-applicants’ agricultural usage of parcel 130 is documented on the submitted farm site plan: the site plan shows existing stalls (2); an existing training ring; and, an existing horse shelter within a fenced open-area enclosure.

FINDINGS

1. **Farm Dwellings & Additional Farm Dwellings.** For parcel 130, Lot A-1, it is classified and located in the State Land Use Agricultural District, and therefore, farm dwellings are required by the state law of HRS sec. 205-4.5 (a)(4). Furthermore, *any additional dwelling*, is required to be a farm dwelling or an additional farm dwelling, according to Hawai'i County Zoning Code sec. 25-5-77 (b) and (c).

The state and county Agricultural classification of parcel 130, Lot A-1; the two state laws of sec. 205-4.5 (a)(4) and (b); and, the county laws of Hawai'i County Zoning Code sec. 25-5-77 (b) or (c), and Hawai'i County Planning Department Rule 13-4 (c) - allow the Goodes to apply to permit an AFD on their property. These laws also do not restrict the number of single-family residential dwellings that may be permitted as AFDs:

Parcel 130, Lot A-1 created after June 4, 1976. State law, HRS sec. 205-4.5 (b), permits residential (non-farm) single-family dwellings only on lots existing *before* June 4, 1976. Therefore, since parcel 130, Lot A-1, is classified in State Land Use Agricultural and was created *after* June 4, 1976, the single-family dwellings on this parcel are subject to and are required to fulfill the farm dwelling standards of sec. 205-4.5 (a)(4).

Parcel 130, Lot A-1, in its present configuration, is a legal lot of record created after June 4, 1976 by land Subdivision No. 14-001390 (approved: December 6, 2014).

The State law and County Code sections on farm dwelling standards are discussed below.

Farm Dwelling Standard. According to HRS sec. 205-4.5(a)(4), a **farm dwelling means a single-family dwelling located on and used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling.** (Emphasis added). The farm dwelling definitions of Hawai'i County Code sec. 25-5-77(b) and 25-1-5(b) Zoning, and Planning Department Rule 13-3 (b) are consistent with the State law definition.

Finding of Located on & Used in Connection with a Farm. The Goodes documentation of investment costs and expenditures, demonstrate their financial investment to establish an existing start-up equestrian farm operation and to resume orchard crop farming on parcel 130; therefore, the requested proposed Additional Farm Dwelling application satisfies HRS sec. 205-4.5 (a)(4) and the statutory criteria that specifies the AFD to be located on and used in connection with a farm.

Additionally, a farming operation is defined by state law, HRS sec. 165-2 to be commercial agriculture that includes startup farming operations whether conducted full-time or part-time.

Finding of Agricultural Income & HRS sec. 205-4.5 (a)(4); and, Commercial Agriculture & Farming Operation of HRS sec. 165-2. The Goodes AFD application provided documentation of the ag income generated from their startup commercial farm operation:

- see above, the Goodes 2017-18 farming activities income and expense - profit and loss statement on generated income sales (2017) and livestock sales (2018).
- The Goodes 2018 and 2019 Schedule F (Form 1040) Profit or Loss from Farming: documents farm income – cash method derived from sales of livestock and other sale items at \$1,920 and \$6,230, gross income.

Finding of Ag Income. The above documentation satisfies the ag income standard of sec. 205-4.5 (a)(4) – where the Goodes ag activity of livestock and farm product sales have generated or provided income to their family.

Ag Income Standard. Sec. 205-4.5 (a)(4) does not set a minimum level of ag activity; and, the state law does not require a minimum level of ag income derived from that ag activity: ‘... any residential unit must be used in connection with some agricultural activity that provides income, however, minimal to the [farm dwelling] occupants.’ Memorandum from Haw. County Corporation Counsel (Wurdeman) to Haw. County Council re: ‘Ohana Zoning in Agricultural Districts (Opinion 94-1) (February 9, 1994) (generally, the Corporation Counsel memorandum discusses farm dwellings, ‘ohana dwellings, and the ag activity and ag income statutory requirements of HRS sec. 205-4.5 (a)(4) that apply to lands classified in State Land Use Agricultural).

2. **Working Farm, Farming Operation, and Commercial Agriculture Standard.**

In general, HRS sec. 165-2 defines *a working farm or a farming operation* to mean “... *a commercial agricultural facility or pursuit conducted in whole or in part* ...; the planting, cultivating, harvesting, and processing of crops;” (emphasis added). Additionally, HRS sec. 205-4.5(a)(4) requires the agricultural activity provide income to the family occupying the farm dwelling, discussed above at Findings #1.

The state and county laws do not define the terms *commercial agriculture, farm or pursuit*; however, the available online general definition for *commercial farming* or *commercial agriculture* means a producer-farmer is farming *with the intent to sell* some or all of the agricultural production. In commercial farming, the agricultural harvest (in whatever form that takes) is for a commercial purpose: that means, the agricultural harvest *is produced with the purpose to sell it in the marketplace*.

In the context of the definition of *farming operation* or *working farm*, the term *pursuit* is administratively interpreted to include efforts, investment costs, and expenditures for an agricultural purpose that *pursue or are in pursuit conducted* to establish or maintain a commercial farm.

Finding of Commercial Working Farm, Facility or Pursuit, or Farming Operation. The documentation of investment costs to pursue and realize the Goodes' startup commercial equestrian farm operation, the resumption of farming activity, and the agreement to use the proposed third dwelling for farm-related agricultural activity - document and substantiate that the applicant's proposal and efforts are consistent with and satisfies HRS Chapter 205, the state law that requires *a working farm or a farming operation,* and as defined in HRS sec. 165-2, the Hawai'i Right to Farm Act; the two state laws that preempt this matter.

The Goodes' existing startup equestrian farm operation satisfies the definition standards of HRS sec. 165-2 - for a commercial agricultural pursuit conducted in whole or in part. The sales of livestock and farm harvest have been for the commercial purpose of selling it in the marketplace.

From the foregoing discussion, we find the Goodes' proposal satisfies the basic criteria of a *commercial agricultural pursuit* for an existing startup equestrian farm operation to care for or rehabilitate, professionally train, and sell riding horses on parcel 130, Lot A-1.

As discussed above in Background Information #8, the startup equestrian farm operation has provided income to the Goodes. The above-discussed submittals of cost and expenditure information substantiate the Goodes' 'pursuit' to establish on parcel 130, a startup commercial equestrian farm operation for agricultural income.

- 3. On Parcel 130, Lot A-1: Approval of the Requested Third Farm Dwelling – Second AFD.** Background Information at #6, above, confirmed that parcel 130, Lot A-1, is an official legal lot of record approved and created after June 4, 1976, in 2014 by Subdivision No. 14-001390. Background Information #4 and #5, confirmed that this property is located and classified in the State Land Use Agricultural and the County Agricultural Zoning districts.

As noted above, approval of the Goodes' AFD application permits their proposed AFD to be the third farm dwelling and the second AFD on parcel 130, Lot A-1.

Approval of the farm dwelling requires that it comply with and fulfill the above-discussed farm dwelling standards. The status of an Additional Farm Dwelling was discussed above in Background Information #8.

4. **Approved Water Source System and Wastewater System.** County of Hawai'i Zoning Code sec. 25-4-2 (a) (1) and (2), regulate 'Conditions for Construction of Buildings Designed for Human Occupancy,' and this includes additional farm dwellings. This Zoning Code standard requires two improvements for the second additional farm dwelling - third dwelling on parcel 130, Lot A-1:

The first standard requires an approved water system to provide water to the subject building site; the water service can be delivered from the county water system or from a private or individual delivery system.

The second standard requires a residential wastewater system approved by the State of Hawai'i Department of Health. Furthermore, please note that these two improvements for the additional farm dwelling requires compliance with the construction standards of the county building permit application process.

DECISION AND CONDITIONS

As a result of the above findings, **your request to construct one (1) Additional Farm Dwelling is approved.**

Please note: on parcel 130, Lot A-1, the approved additional farm dwelling will be the third farm dwelling and the second AFD. **The Additional Farm Dwelling is subject to the following conditions:**

1. **Your AFDA (or agreement)** has been approved based on the existing commercial agricultural startup activity or pursuit as summarized in this letter and represented on the submitted Farm Plan Summary and the other above-discussed application or supplemental materials.
2. **Right to Inspect.** As stated in the Additional Farm Dwelling Agreement, the First Party, shall allow the Second Party, the Hawai'i County Planning Department, or its representative, to inspect the farm operation upon reasonable prior notice and at a mutually agreeable date and time.
3. **AFDA Runs with the Land.** 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.
4. **Instructions.** The enclosed AFDA shall 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** (Regular System) in accordance with the enclosed AFDA Instructions.

5. **Requirement of Commercial Agriculture & Working Farm or Farm Operation.** The farming operation shall be for commercial agriculture and the Additional Farm Dwelling shall be used for commercial farm operation purposes and provide shelter for persons involved in the agricultural or farm-operation activity on the building site, parcel 130, Lot A-1. Family members who are not engaged in agricultural or farm-operations may reside in the Additional Farm Dwelling.

Note: The Additional Farm Dwelling (AFD) is not approved for a Short-Term Vacation Rental (STVR) or a Transient Accommodation; the AFD is approved for residential single-family dwelling use, only.

6. **An Additional Farm Dwelling Agreement affidavit** shall be notarized and submitted to the Planning Department for recordation with the State of Hawai'i, Bureau of Conveyances, which states that the additional dwelling shall be used for farm-related purposes.
7. **Recordation.** 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 to the State of Hawai'i by the Planning Department.
8. **Compliance is required with all other applicable rules,** regulations, and requirements of HRS Chapters 205 and 165, the County Planning Department (including, but not limited to the County of Hawai'i Code Chapter 25, Zoning), Department of Public Works, Department of Water Supply, Fire Department, the State of Hawai'i Department of Health, and any other reviewing agencies/divisions listed on the county Building Permit application.
9. **For the construction of the proposed Additional Farm Dwelling,** the applicant shall comply with all standards, specifications, conditions, and requirements of the county building permit application process, of the county Department of Water Supply, the Hawai'i State Department of Health, and the conditions for construction of buildings designed for human occupancy of the Hawai'i County Zoning Code sec. 25-4-2 (a) (1) and (2).
10. **The AFD is not approved for** a transient accommodation or a short-term vacation rental – hosted or not hosted, or for bed and breakfast usage.
11. **Two Year Time Period to obtain a County Building Permit.** The decision to approve the Additional Farm Dwelling shall be valid for a period of two (2) years from the date of this approval letter. Therefore, there is a two-year period to secure a Building Permit (BP)

Mr. Garvin C. Goode
Mrs. Laura J. Goode
November 10, 2020
Page 11

for the AFD. Failure to secure a BP to construct the AFD on or before the two-year period expires, may be cause for the Planning Director to initiate the process to rescind and invalidate the AFD approval.

Should any further questions or concerns arise, please feel free to contact staff planner, Earl Lucero at (808) 961-8160, or via email at Earl.Lucero@hawaiicounty.gov.

Sincerely,



MICHAEL YEE
Planning Director

EML:jaa

P:\Admin Permits Division\AFDA\2018\EARL\FDA-18-000459 Goode\FDA-18-000459 GoodeReconsidApvIFinal.doc

Enclosures: AFDA document
AFDA document instruction sheet

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

cc (via email): GIS Section (letter w/enclosures)
Lisa Miura, Administrator, Real Property Tax Office (letter only)

AFTER RECORDATION, RETURN BY MAIL TO:

County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

TITLE OF DOCUMENT:

ADDITIONAL FARM DWELLING AGREEMENT (FDA-18-000459)

PARTIES TO DOCUMENT:

FIRST PARTY: **GARVIN C. GOODE, TRUSTEE of the GARVIN C. GOODE TRUST
LAURA J. GOODE, TRUSTEE of the LAURA J. GOODE TRUST**

SECOND PARTY: **COUNTY OF HAWAI'I**

PROPERTY DESCRIPTION:

Lot A-1, portions of Grant 2396 to Kaikaina,
Alemai, South Hilo, Hawai'i Island

TMK: (3) 2-7-008:130

ADDITIONAL FARM DWELLING AGREEMENT

THIS AGREEMENT made and executed this ____ day of _____, 2020, by and between GARVIN C. GOODE, TRUSTEE of the GARVIN C. GOODE TRUST and LAURA J. GOODE, TRUSTEE of the LAURA J. GOODE TRUST, herein called the "First Party," whose mailing address is P.O. Box 552, Pāpa'ikou, HI 96781-0552; and, the **COUNTY OF HAWAII**, herein called the "Second Party."

IT IS HEREBY AGREED that the First Party may construct one additional farm dwelling (note: the additional farm dwelling of this agreement is the approved second additional farm dwelling; and, in chronological and numerical order, this second additional farm dwelling is also the third single-family dwelling) located on the real property of Lot A-1. The property Lot A-1 is described as a portion of Grant 2396, Alemai, South Hilo, Island of Hawai'i, containing 6.107 acres, **Tax Map Key (3) 2-7-008:130**, situated in the State Land Use Agricultural district and zoned Agricultural (A-20a) by the Second Party.

IT IS HEREBY ACKNOWLEDGED that the First Party FEE OWNER is the legal owner of the property described above.

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 dwellings 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 this agreement shall run with the land and apply to a lessee or tenant of the lot or of any portion of Lot A-1.

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

IT IS HEREBY FURTHER AGREED, for the property, Lot A-1, situated within the State Land Use Agricultural district, any land use and zoning violations that is determined by the Second Party to be caused by the First Party, a LESSEE or a TENANT, the Second Party may impose fines in violation of Hawai'i Revised Statutes section 205-4.5. If the violation is not corrected within six months of such citation and the violation continues, a citation for a new and separate violation may be imposed. There shall be a fine of not more than \$5,000 for a first violation; for any additional violation, there shall be a fine of not more than \$5,000. The Second Party may also impose fines for any violation of Hawai'i County Code Chapter 25, as amended, according to the procedures and fine schedule of Hawai'i County Code – Zoning Code sections 25-2-30 through 25-2-36.

IN CONSIDERATION OF THE AFORESAID, the Second Party hereby approves this Agreement to be in conformity with Hawai'i Revised Statutes sections 205-4.5, 205-2, and 165-2 consistent with the permitted uses of the State Land Use Agricultural district. This Agreement also conforms to Hawai'i County Code Chapter 25, as amended.

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

FIRST PARTY:

**GARVIN C. GOODE, TRUSTEE of the
GARVIN C. GOODE TRUST**

**LAURA J. GOODE, TRUSTEE of the
LAURA J. GOODE TRUST**

SECOND PARTY:

MICHAEL YEE, Planning Director
County of Hawai'i Planning Department

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this _____ day of _____, 2020, before me personally appeared GARVIN C. GOODE, TRUSTEE of the GARVIN C. GOODE TRUST and LAURA J. GOODE, TRUSTEE of the LAURA J. GOODE TRUST, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary Public, State of Hawai'i

My commission expires: _____

Additional Farm Dwelling Agreement Instructions

Attached is the Additional Farm Dwelling Agreement form for your approved application. It is important that you follow these instructions in the completion of the form. Failure to complete and submit a properly completed agreement form to the Planning Department for recordation with the Bureau of Conveyances may cause your Additional Farm Dwelling Agreement to be rejected by the Bureau and delay approval of your application for a building permit for the additional farm dwelling. Building permit applications for additional farm dwellings will not be approved by the Planning Department until the AFDA form and the required submittals specified below have been returned to the Planning Department. You may make as many copies of the AFDA document for your records as necessary. A copy of the final recordation page will be available from the Planning Department when received back from the Bureau of Conveyances upon request.

1. All persons in the "First Party" must sign before a Public Notary in the appropriate location on the signature page (Page 5). Photocopies of this page may be made and sent to any persons listed on the page whose notarized signatures are required and then attached to the agreement document along with the original signature page. Facsimiles or FAX copies of signatures will not be accepted.

Note: All signatures must be the same as the typed name. Therefore, if John L. Doe is the name typed the signature must also be John L. Doe. Signing John Doe or Jonathan L. Doe will cause the agreement document to be rejected by the Bureau of Conveyances for recordation purposes.

2. The date on page 2 will be filled in when the agreement is signed by the Planning Director; please leave it blank.
3. Enclose a check or money order in **the amount of \$41.00**, made payable to the **Bureau of Conveyances**, for the recordation fee.
4. Return the **original** completed AFDA document with all required signatures and the recordation fee payment to the Planning Department for the Director's signature and submittal to the Bureau of Conveyances for recordation.