

Stephen K. Yamashiro
MAYOR



Virginia Goldstein
Director
Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

December 1, 1998

Mr. Joseph W. Withers
27-987 Old Mammaloha Hwy.
Pepeekeo, Hawaii 96783

Dear Mr. Withers:

Additional Farm Dwelling Agreement
Applicant: Joseph W. Withers
Land Owner: Joseph W. Withers
Tax Map Key: 2-7-11-26, Lot 13

Pursuant to authority conferred to the Planning Director in Ordinance 96-160, Chapter 25, Article 5, Division 7, Section 25-5-77 of the Zoning Code and Planning Department Rule 13, Farm Dwellings, we have reviewed your request for an additional farm dwelling on the subject property. Your submittal included the following information:

- (a) A notarized affidavit that the additional dwelling shall be used for farm-related purposes in the form of the proposed Additional Farm Dwelling Agreement.
- (b) Name and address of the landowner or lessee, if the latter has a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement.
- (c) Written authorization of the landowner.
- (d) A farm plan of the applicant's continual agricultural productivity or farming operation within the County. The plan shows how the farm dwelling will be utilized for engagement in agricultural productivity or farming operation.
- (e) In support, evidence of a State of Hawaii Department of Taxation's Gross Income License (GE 30101564) has also been presented.

011079

Findings:

1. In Chapter 205, Hawaii Revised Statutes, 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 Section 205-4.5, Chapter 205, HRS, 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 Farm Plan, GE Tax License, and the agreement to use the dwelling for agricultural or farm-related activity on the building site demonstrate that there is agricultural activity and that income is being/will be taxed.
3. In addition, the following agencies have submitted their comments as stated below:
 - a. Department of Water Supply (Memorandum dated July 28, 1998):

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

For your information, the existing 5/8-inch meter which services the property is adequate for only one dwelling at 600 gallons per day. This application is proposing an additional detached dwelling, so normally, the installation of a separate 5/8-inch meter by the applicant would be required in accordance with Department regulations. However, the Department's existing water system facilities cannot support an additional meter for the proposed additional farm dwelling at this time. Extensive improvements and additions, including source, storage, transmission, booster pumps, and distribution facilities must be constructed. Currently, sufficient funding is not available and no time schedule is set.

Should there be any questions, please call our Water Resources and Planning Branch at 961-8660.

Mr. Joseph W. Withers
Page 3
December 1, 1998

b. Department of Health (Memorandum dated November 25, 1998):

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

4. In reference to the November 23, 1998 letter from Esther Ueda, Executive Officer of the Land Use Commission, it appears that the location of the proposed farm dwelling is in the area designated Agricultural.

Decision:

In view of the above, your request to construct an additional farm dwelling is approved subject to the following conditions:

1. The additional farm dwelling shall be used to provide shelter to only person(s) involved in the agricultural or farm-related activity on the building site.
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.

The Planning Director has completed the appropriate portions of the enclosed Additional Farm Dwelling Agreement. You must record this approved Additional Farm Dwelling Agreement with the State Bureau of Conveyances and/or Land Court within thirty days of receipt of this approval. In sending this document out for recordation, please note the following:

1. The original and one copy of the document must be submitted for recordation.
2. A check in the amount of \$25.00 to cover the recordation fee should be made out to the State of Hawaii, Bureau of Conveyances and attached to the Agreement. Their address is as follows:

State of Hawaii
Bureau of Conveyances
P. O. Box 2867
Honolulu, HI 96803

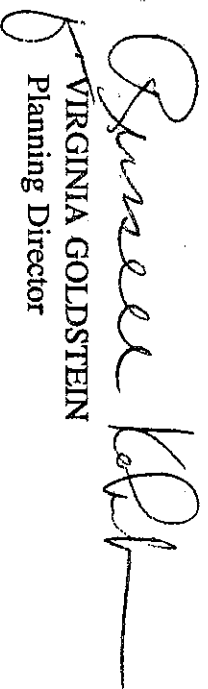
3. Also required is a self-addressed stamped envelope to have the recorded document returned to you.

Mr. Joseph W. Withers
Page 4
December 1, 1998

You must submit a copy of the recorded Farm Dwelling Agreement to the Planning Director prior to approval of the building permit for the farm dwelling.

Should you have questions or require further information, please feel free to contact Esther Imamura at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

ETI:jkg
F:\WPWIN60\ETI\AGRMENT\WITHERS.BOC

Enclosure

c: Kalani Schutte, Finance Department
Milton Pavao, Dept. of Water Supply