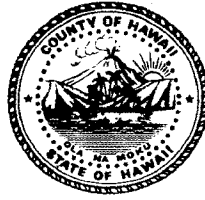


Harry Kim  
Mayor

Wil Okabe  
Managing 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

Michael Yee  
Director

Duane Kanuha  
Deputy Director

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

September 23, 2019

Chrystal Thomas Yamasaki, LPLS  
Wes Thomas Associates  
75-5749 Kalawa Street  
Kailua-Kona, HI 96740-1818

Dear Ms. Yamasaki:

**FINAL SUBDIVISION APPROVAL NO. SUB-19-001900**

**SUBDIVIDERS: SEEL, Jeffrey W. & Carol D./Joseph Leo Barry, III & Carol Ann Martini**

Consolidation of Lot 6-A, Portions of Royal Patent 8214, Land Commission Award 7715, Apana 11, & Grant 3755,

And Lot 6-B, Portion of Royal Patent 8214, Land Commission Award 7715, Apana 11

And Resubdivision Into Lots 6-A-1 & 6-B-1,

Kaloko & Kohanaiki, North Kona, Island of Hawai'i, Hawai'i

TMK: (3) 7-3-008:132 & 133

Please be informed that final subdivision approval for recordation is hereby granted to the final plat map dated May 7, 2019, as attached herewith inasmuch as all requirements of the Subdivision Code, Chapter 23, as modified have been met.

You and the subdividers may wish to consult an attorney for the preparation of the necessary legal documents and description of the certified final plat map for the purpose of recordation with the State of Hawai'i, Bureau of Conveyances.

By approval of this subdivision action and previous subdivision approval SUB-14-001335, Additional Farm Dwelling Agreements, initially approved on TMK 7-3-008:071 (parent parcel of TMKs 7-3-008: 132 & 133), are hereby nullified. It is understood that recordation of the "cancellation of agreements" is being recorded with the State of Hawai'i, Bureau of Conveyances.

By a copy of this letter, we are forwarding a copy of the certified final plat map to the listed officers for their file.

Chrystal Thomas Yamasaki, LPLS  
Wes Thomas Associates  
September 23, 2019  
Page 2

Copies of the certified final plat map are enclosed. Should you have any questions, please feel free to contact Hans Santiago or Jonathan Holmes of this department.

Sincerely,



MICHAEL YEE  
Planning Director

HS:tb

\\coh33\planning\public\Admin Permits Division\Subdivision\2019\2019-4\SUB-19-001900SeelBarryMartini FSA 09-23-19.docx

Encs.: 2 Certified FPM

xc: Manager, DWS  
Director, DPW w/Certified FPM  
Real Property Tax Division-Kona w/Certified FPM  
Tax Maps and Records Supervisor w/Certified FPM & 1 CD  
Jeffrey W. & Carol D. Seel  
Joseph Leo Barry, III & Carol Ann Martini  
TMK file 7-3-008:132; TMK file 7-3-008:133; TMK file 7-3-008:071  
GIS Section

RECORDATION REQUESTED BY:

83-119399

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

AFTER RECORDATION, RETURN TO:

*Planning Dept  
25 Aupuni St  
Hilo HI 96720*

83 OCT 21 P 1: 57

17402 456  
C. F. NEUMANN, III, REGISTRAR

RETURN BY: Mail ( ) Pickup ( )

FARM DWELLING AGREEMENT

WHEREAS, R. A. PETERSON

(hereinafter "Owner"), whose residence mailing address is

P.O. BOX 4398, KAILUA-KONA, HI 96740

\_\_\_\_\_, desires to enter into an agreement with the Planning Department of the County of Hawaii (hereinafter "County"); and

WHEREAS, there exists a <sup>BARN</sup> ~~single family dwelling~~ on land which is within the exclusive use, possession, and control of Owner and which is legally described as follows:

*ONE  
SAP  
N/P: Q*

TMK: 7-3-08:71 Lot 6  
Containing a land area of 10.26 acres  
Por. of L.C.Aw. 7715:11, Kaloko Farm lot  
Kaloko, North Kona, Hawaii

and zoned Agricultural (A-3a) by the County of Hawaii and classified within an agricultural district by the State Land Use Commission; and

WHEREAS, Owner seeks the County's approval for the construction of ~~an~~ <sup>TWO</sup> additional single family dwellings <sup>ONE TO BE A</sup> (hereinafter AND THE OTHER TO BE AN OWNERS DWELLING), "farm dwelling" <sup>^</sup> on the property described above; and

WHEREAS, Owner intends to conduct substantial agricultural activity on the subject property in furtherance of the State

Land Use policies relating to agricultural land and has commenced initial agricultural activity which, if pursued, will develop into a viable and substantial undertaking.

NOW, THEREFORE, IT IS AGREED that the County's approval is given and accepted, subject to the following conditions:

1. The farm dwelling shall be used to provide shelter only to persons conducting agricultural activity on the subject land; and

N/P: 0  
GAC  
JMP

2. The existing <sup>BARN</sup>~~dwelling~~ shall be used in connection with a farm or where agricultural activity provides income to the family, as defined in section 1-4, part I, State Land Use District Regulations, Land Use Commission, which occupies the dwelling; and

3. Owner grants to the County the right-of-entry, after reasonable notice, for inspection of the premises to assure compliance with provisions of this agreement; and

4. This agreement shall run with the land and bind Owner's heirs, successors, and assigns with regard to the future use of the dwellings above described; and

5. The County's approval of the construction of the farm dwelling by this agreement shall be effective only until the agricultural use ceases, unless otherwise extended pursuant to Owner's written request prior to the above termination date. After such timely request, the County shall extend its approval upon the terms of this agreement only if it determines that the agricultural activity that is being conducted is viable, substantial in income production, and conforms to the applicable provisions of the State Land Use District regulations and policies; and

6. Owner shall record this agreement with the State of Hawaii Bureau of Conveyances and shall furnish a recorded copy of it to the County's Planning Department within six (6) months from the date of approval of the building permit for the farm dwelling; and

7. Failure of Owner to abide by this agreement shall result in the immediate removal of the farm dwelling by Owner at Owner's expense upon demand by County. Upon Owner's failure to remove the farm dwelling within one month after demand is made by the County, the parties agree that this agreement will be a nullity and the County may treat the additional farm dwelling as a violation of Chapter 205, Hawaii Revised Statutes, as amended, and applicable ordinances then in existence. This enforcement provision shall be binding on Owner's heirs, devisees, successors, and assigns.

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 and County laws, rules, and regulations change to authorize said dwelling, upon request of the undersigned, this agreement may be reconsidered for possible amendment and/or severance.

IN CONSIDERATION OF THE AFORESAID, the County hereby accepts this agreement as being in conformity with Section 2.14 of the State Land Use District Regulations and Chapter 205, Hawaii Revised Statutes, as amended, relative to permitted uses within the Agricultural District.

17402 459

IN WITNESS WHEREOF, the undersigned parties have caused  
this instrument to be executed on the 12<sup>th</sup> day of  
October, 19 83.

RA Peterson

"Owner"

COUNTY OF HAWAII, through its  
Planning Department,

By [Signature]  
Its Planning Director

APPROVED AS TO FORM  
AND LEGALITY:

Deputy Corporation Counsel  
County of Hawaii

Date: \_\_\_\_\_

17402 460

STATE OF HAWAII )  
 ) SS:  
COUNTY OF HAWAII )

On this 12<sup>th</sup> day of October, 1983,  
before me personally appeared R. A. Peterson

to me known to be the person(s) described in and who executed  
the foregoing instrument, and acknowledged that (he) she/they  
executed the same, by signing, and delivering the same, as  
(his) her/their free act and deed.




Notary Public, State of Hawaii

REBA-MAE SILVA

My Commission Expires: COMMISSION EXPIRES 6/14/86

STATE OF HAWAII )  
 ) SS:  
COUNTY OF HAWAII )

On this 17<sup>th</sup> day of October, 1983,  
before me personally appeared SIDNEY FUKE, to me personally  
known, who, being by me duly sworn, did say that he is the  
DIRECTOR of the Planning Department of the County of Hawaii;  
and that the instrument was signed on behalf of the Planning  
Department of the County of Hawaii, a governmental agency,  
and said SIDNEY FUKE acknowledged said instrument to be the  
free act and deed of said Planning Department, County of  
Hawaii. *said Department has no seal.*



Notary Public, State of Hawaii

My Commission Expires: 9/22/85