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STATE OF HAWAII



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STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

August 1, 2005

The Honorable Christopher J. Yuen, Director
Planning Department
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720-3043

Dear Mr. Yuen:

Subject: La'i'opua Village 5
Tax Map Key: 7-4-021:006
Kealakehe, North Kona, Island of Hawaii

The Department of Hawaiian Home Lands (DHHL), as applicant, is developing the above subject subdivision on Hawaiian Home Lands for 116 residential lots and access roadways.

Under provisions of the Hawaiian Homes Commission Act, 1920, as amended (HHCA), DHHL is not subject to the Land Use Ordinance, Subdivision Code and Zoning Code. The project is situated on lands zoned A-52, Agricultural, (County of Hawaii), designated as "Urban Expansion" by the Hawaii County General Land Use Pattern Allocation Guide Map, and Urban (State Land Use Classification).

In December 2002, DHHL entered into a Memorandum of Agreement (MOA) with the County to clarify roles, responsibilities and obligations relating to land use planning. Section III.C. of this MOA provided that "DHHL will determine the appropriate zoning districts that shall apply to the property in question. DHHL will communicate these zoning districts to the County"

In accordance with the provisions of the MOA, DHHL has determined that Single-Family Residential, 7,500 square feet (RS-7.5) zoning designation shall apply to this project.

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Accordingly, DHHL has directed our engineer to design the project in conformance to the County Standards for that zoning and any Variances to the Hawaii County Code as may apply to this project upon approval of our Application for Planned Unit Development (PUD) dated April 28, 2005.

DHHL also exempts itself from the following requirements of the Subdivision Code:

- **Section 23-10. (Acceptance of highways; compliance with chapter)** The HHCA mandates that the County maintain the roadways on Hawaiian home lands. DHHL will work with the County to ensure the acceptability of the roadways and improvements. Although dedication of the land may be desirable, DHHL is prohibited from alienating Hawaiian home lands and must retain ownership.
- **Section 23-74 (Final approval of plat), Section 23-80 (Construction required for final approval, and Section 23-81 (Final Approval before construction completed; bond required).** DHHL desires to obtain final map approval without posting a subdivision bond and prior to completing site work improvements. DHHL will certify funds for the construction of site work improvements. A copy of the certification will be provided to your department. The selection of a contractor shall be through the bidding process in accordance with the State procurement regulations.

Should you have any questions, please call William Makaanui of our Land Development Division at 587-6449.

Aloha and mahalo,



Micah A. Kane, Chairman
Hawaiian Homes Commission

C: Akinaka and Associates, Ltd.