

# MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: Corporation Counsel  
Attn: Lionel Meyer

Date: May 25, 1978

From: Planning Director *Sidney M. Aube*

Subject: Legality of Lots  
TMK: 1-7-16:21 & 49 (Subdivision No. 920)

May we have your comments and recommendation regarding whether the two parcels are legal lots of record and can be sold separately. The following are background information on the lots:

1. Parcel 21 originally contained an area of .57 acre. When the New Volcano Road (FAP F-2(4) Road) was constructed this parcel was reduced in size to 7,013 square feet. This was a legal lot (Lot 5) created by the new State Highway right-of-way. No subdivision approval was required at that time for this right-of-way acquisition.
2. On July 18, 1955, Lot 5A was subdivided out of the adjacent parcel with a lot size of 14,113 square feet. At that time, the minimum lot size requirement within the Agriculture zone was 7,500 square feet. This lot met with this requirement.

The Planning and Traffic Commission's letter of July 20, 1955 stated that "Approval was granted with the stipulation that the lots be consolidated with adjoining parcels." No follow up action on the consolidation was ever made. Further, the Commission's action did not specify which adjoining parcels were to be consolidated (new lots with existing?).

3. Olaa Sugar Company's letter of July 7, 1955 stated that "The lots are intended to be sold to adjacent lots as 9A to Lot 9." No mention was made to have lots consolidated once sale was made.
4. Present zoning of the property is RS-20 and lots are considered as non-conforming since they do not meet the minimum 20,000 square foot requirement.
5. The Tax Office has separate parcel numbers assigned to both lots and are taxed separately.

Attached are copies of the final plat and tax map for your information.

Should you have any further questions, please feel free to contact Masa Onuma of my staff.

MO:mh  
Attach.

MAY 26 1978