

Harry Kim  
Mayor



Michael Yee  
Director

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**County of Hawai'i**  
**PLANNING DEPARTMENT**

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October 8, 2018

Paul H. Murray, LPLS  
Paul H. Murray & Associates, LLC  
P.O. Box 1189  
Hilo, HI 96720

Dear Mr. Murray:

**RETURN PRELIMINARY PLAT MAP AND SUBDIVISION APPLICATION**

**SUBDIVIDERS: HAYAKAWA TRUST, Warren, Trustee**

Proposed Consolidation of 11.080 Acres & 0.16 Acre Portions of Lot 17, Ka'ie'ie Homesteads, Being Portions of Grant 6892;

And All of Parcel 7 (8?), Abandoned Flume Right-of-Way, Being Grant S-14951,  
And Resubdivision Into Lot 17-A, Lot 17-B and Lot 17-C,

Ka'ie'ie Homesteads, South Hilo, Island of Hawai'i, Hawai'i

**TMK: 2-7-005:020 & 038**

This is to acknowledge receipt on August 15, 2018, of ten (10) copies of the preliminary plat map dated August 14, 2018 and filing fee of \$325.00 for the referenced application for 3 lots.

However, we must return these submittals to you for the reasons that follow. Check #1630 for the filing fee of \$325.00 will be returned to the applicant by copy of this letter.

Although Section 23-7 allows that "The requirements and standards of this chapter shall not apply to consolidation and resubdivision action resulting in the creation of the same or fewer number of lots than that which existed prior to the consolidation/resubdivision action."

And Section 25-2-11 allows that "... the director may waive portions or all of the requirements and standards of this chapter for consolidation and resubdivision action resulting in the creation of the same or less number of lots than that which existed prior to the consolidation or resubdivision action."

Paul H. Murray, LPLS  
Paul H. Murray & Associates, LLC  
Page 2  
October 8, 2018

However, Section 23-120 states that "A pre-existing lot that was created for use as a road lot, a railroad right-of-way, a flume line, or a pole anchor, shall be excluded for calculating the number of lots in applying section 23-7, unless it is conforming, except to create road lots or other non-buildable lots."

We will note here that, prior to the effective date of Ordinance No. 02 110 on September 25, 2002, which amended the Subdivision Control Code, Chapter 23 of the Hawai'i County Code (HCC), to address pre-existing lots, your proposal for three lots would have been valid with the exception of one (1) lot still being required to be conforming as to minimum lot size of 10 acres.

Therefore, when using the abandoned flume right-of-way to create a third buildable lot, Section 23-7 no longer applies and the action is a straight subdivision of two buildable lots into 3 buildable lots, and, within the A-10a zoning district, each lot is required to contain a minimum of 10 acres.

Given the above, the options available to your client are:

1. A determination of the flume right-of-way bisecting Parcel 020 (we verify that it does) and subsequent issuance of additional parcel numbers for the r-o-w and remainder portion of 020; or
2. Consolidation of the three lots and resubdivision into two buildable lots, with one conforming to the minimum 10 acres (because of the one (1) existing lots that is already conforming).

Should you have any questions, please feel free to contact Hans Santiago or Jonathan Holmes of this department.

Sincerely,

  
MICHAEL YEE  
Planning Director

JRH:tb

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Paul H. Murray, LPLS  
Paul H. Murray & Associates, LLC  
Page 3  
October 8, 2018

Encs.: 6-copies Subdivision Application Form 7/23/18  
Original & 5-copies Transmittal Letter 8/13/18  
10-PPM (8-14-18)  
Copy of this letter for Warren Hayakawa, Trustee w/Check #1630

xc: C. Lato, Senior Account Clerk w/Voided Receipt #5349  
G. Bailado, GIS Section (Pre-X Lots)