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Mayor



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County of Hawai'i
PLANNING DEPARTMENT

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February 4, 2019

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

Dear Mr. Murray:

PRE-EXISTING LOTS DETERMINATION

11.080 Acres & 0.16 Acre Portions of Lot 17, Ka'ie'ie Homesteads,
Being Also Portions of Grant 6892;
And All of Parcel 7 (8?), Abandoned Flume Right-of-Way, Being Grant S-14951,
Ka'ie'ie Homesteads, South Hilo, Island of Hawai'i, Hawai'i
TMK: 2-7-005:020 & 038 and Parcel 7 (8?)

We are in receipt of your correspondence of January 6, 2019 regarding the referenced properties.

We have reviewed the documents submitted, our department records and those of the Department of Finance-Real Property Tax Division (RPT) and find the following:

We concur that the Abandoned Flume Right-of Way, Grant 14,951, bisects the main body of Parcel 020 into two (2) portions, sizes indeterminate.

1. We have verified that the flume r-o-w is a parcel of land as opposed to an easement;
2. Therefore, we find that Parcel 020 contains two (2) buildable portions of Lot 17, and the non-buildable flume r-o-w;
3. Parcel 038 is a buildable lot of record; and
4. We have no record of the lots having been consolidated with each other or any adjacent lands.

In the Subdivision Code, Chapter 23 of the Hawai'i County Code (HCC), Section 23-120 addresses the use of certain pre-existing lots in consolidation and resubdivision. 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.

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Therefore, for the subject parcels, a consolidation and resubdivision of the existing two (2) portions of Parcel 020, Parcel 038 and the Abandoned Flume Right-of-Way through a Section 23-7 (no additional lots created) could be used to create **three (3)** buildable lots and **one (1)** non-buildable lot, or simply 3 buildable lots.

Therefore, if using the abandoned flume right-of-way to create a fourth buildable lot, Section 23-7 would not apply and the action would be a straight subdivision Subject to the provisions of the Subivision and Zoning Codes.

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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xc: Tax Maps and Records Supervisor
Real Property Tax Division-Hilo
Manager, DWS
G. Bailado, GIS Section (Pre-X Lots)