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October 12, 2020

Keith Unger
McCandless Land & Cattle Co.
Via email: kaimiunger@gmail.com

Dear Mr. Unger,

**DETERMINATION OF PRE-EXISTING LOTS OF RECORD
Being Lots A to K, Inclusive, & TMK 8-6-001:014,
Shown as Mauka Wailea Coffee Leases,
Waiea, South Kona, Island of Hawai'i, Hawai'i
Tax Map Key: (3) 8-6-001: 005 to 014, inclusive**

This is in response to your email request dated August 14, 2020 (COR-20-135255), requesting a determination of pre-existing lots of record for the subject properties. We have reviewed our department records and those of the Department of Finance-Real Property Tax Division (RPT) in accordance with Article 11 (Pre-existing Lots) of the Subdivision Code (Sections 23-117 through 23-120).

Our review of the records has found the following:

1. These lots were created in 1957 as lease lots;
2. The majority of the lease lots are 10+ acres in size with three (3) TMK parcels being more than 20 acres, TMKs 8-6-001: 009, 013, & 014;
3. The properties were not continually leased since their creation; and
4. We find no records of subdivision or consolidation actions affecting these parcels.

Given the above, and pursuant to Section 23-118. Criteria to determine a pre-existing lot, criteria (a) and (b) state:

- (a) The lot was created and recorded prior to November 22, 1944 or the lot was created through court order (e.g. partition) prior to July 1, 1973, and the lot had never been legally consolidated, provided that no pre-existing lot shall be recognized based upon a lease **except for a lease which complied with all other applicable laws when made**, including Territorial statutes regulating the sale or lease of property by lot number or block number, **and on September 25, 2002, the proposed lot contains a legal dwelling**, or has been continuously leased since January 8, 1948, as a separate unit.*
- (b) The lot was created prior to December 21, 1966, as an agricultural lot in excess of twenty acres pursuant to County ordinance.*

TMK 8-6-001:009 (Lot E, 30.26 acres) qualifies under criteria (b) and is therefore considered a lot of record consisting of 30.26 acres.

TMK 8-6-001:013 (20.97 acres) qualifies under criteria (a) and consists of two lots, Lot J and Lot K. Additionally, building permits were granted for a dwelling that straddles the boundary between Lots J & K, effectively qualifying both lots with a dwelling. Therefore, we determine that TMK 8-6-001:013 consist of two (2) lots of record, Lot J and Lot K. Reestablishing the existing lot boundaries may not be practical considering the placement of the dwelling. A consolidation and resubdivision action may be necessary to clear any setback issues. That being said, to realize your request of a 40+ acre lot consisting of the land area currently contained in TMKs 8-6-001:011, 012, and 013, you would need to apply for a consolidation and resubdivision action with the Planning Department.

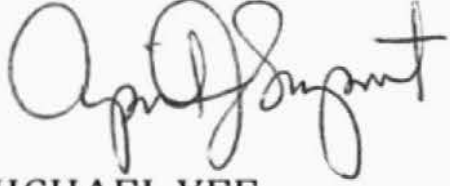
TMK 8-6-001:014 (71.859 acres) qualifies under criteria (b) and is therefore considered a lot of record consisting of 71.859 acres.

TMKs 8-6-001:005, 006, 007, 008, 010, 011, and 012 do not qualify under current criteria used to determine pre-existing lots. You may wish to request removal of the separate TMK numbers with the Tax Mapping Section of this department.

Keith Unger
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October 12, 2020
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Should you have any questions, please feel free to contact Hans Santiago at hans.santiago@hawaiicounty.gov or Jonathan Holmes jonathan.holmes@hawaiicounty.gov of this department.

Sincerely,



M MICHAEL YEE
Planning Director

HS:tb

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xc: Tax Maps and Records Supervisor
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