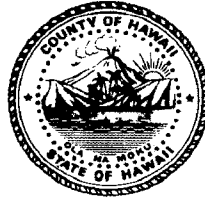


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April 30, 2019

Sandra E. Mendonca
County of Hawai'i, Department of Environmental Management
108 Railroad Avenue
Hilo, HI 96720

Dear Ms. Mendonca:

**Pre-Existing Lot of Record Determination
Hionamoia, Ka'u, Island of Hawai'i, Hawai'i
TMK: (3)9-6-002:018**

This is to acknowledge receipt of your letter of April 9, 2019, regarding the subject matter.

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. Through Territory of Hawai'i Tax Map Bureau Plat 1710, and deed dated December 17, 1949, Parcel 018, Portion of Grant 7704, Apana 2 was recorded with the Bureau of Conveyances, containing 42.50 acres;
2. The lot was created through evidence of a properly prepared deed and/or subdivision plat ... which deed was recorded at the State of Hawai'i Bureau of Conveyances ... prior to May 1, 1999; and
3. We find no record of this lot having been consolidated with any other adjacent land.

Therefore, we confirm that Parcel 018, containing 42.50 acres is a legal, pre-existing lot of record, a Portion of Grant 7704, Apana 2.

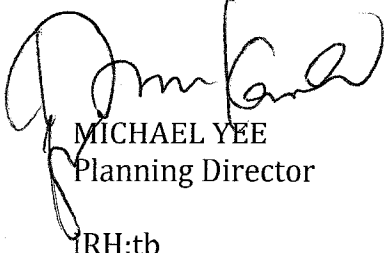
In response to the request for verification of the zoning, subdivision and special permit processes that are applicable to the proposed Pāhala Wastewater Treatment facility, we offer the following:

1. The parcel is Zoned Agricultural (A-20a) by the County;
2. It is Situated in the State Land Use (SLU) Agricultural District;
3. The parcel is designated Low Density Urban (LDU) and Industrial (IND) in the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map;
4. The subject parcel is not located within the Special Management Area (SMA);
5. Hawai'i County Code (Zoning), Section 25-5-72(c), Public uses and structures, other than those necessary for agricultural practices are permitted in the Agricultural district, provided that a special permit is obtained for such use if the building site is located within the SLU agricultural district. Therefore, the treatment and disposal facility, considered a public use, would require a special permit;
6. The Land Study Bureau (LSB) classifies the subject parcel as B and D soils. Agricultural Lands of Importance to the State of Hawai'i (ALISH) classifies the subject parcel as a mix of Type 0 (Unclassified), Type 1 (Prime Lands), and Type 3 (Other). Hawai'i Revised Statutes (HRS), Section 205-4.5 (a) states "Within the agricultural district, all lands with soil classified by the land study bureau's detailed land classification as overall productivity rating class A or B shall be restricted to the following permitted uses: ... Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment buildings, solid waste transfer stations, major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, treatment plants, corporation yards, or other similar structures;" Therefore, when considering the Special Permit application, it would be advisable to locate the treatment facility on the proposed property in the LSB D soil and ALISH Type 0 area; and
7. Finally, Chapter 23 of the Hawai'i County Code (HCC), Subdivisions, Section 23-11. Public utility or public rights-of-way subdivisions, states that "... the requirements, including lot sizes, and standards of this chapter shall not be applicable to public utility... subdivisions and their remnant parcels; ..." Therefore, the Subdivision Plat Map included with your inquiry prepared by Imata & Associates, Inc., dated March 7, 2018, would be an acceptable subdivision proposal.

Sandra E. Mendonca
County of Hawai'i, DEM
May 6, 2019
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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: Manager-DWS
Real Property Tax Division-Hilo
Tax Maps and Records Supervisor
G. Bailado, GIS Manager (via e-mail)