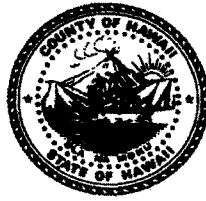


William P. Kenoi
Mayor



Duane Kanuha
Director

Joaquin Gamiao-Kunkel
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

May 13, 2016



Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
75-5749 Kalawa Street, Suite 201
Kailua-Kona, HI 96740-1818

Dear Ms. Yamasaki:

TENTATIVE APPROVAL

SUBDIVIDER: LORANT TRUST, Jean A.

Proposed Subdivision of Lot 3, Block 6,
Kaloko Mauka Subdivision, Increment 2 (File Plan 1010),
Into Lots 3-A & 3-B,
Kaloko, North Kona, Island of Hawai'i, Hawai'i
TMK: 7-3-026:003 (SUB-16-001576)

Please be informed that Tentative Approval of the preliminary plat map dated January 7, 2016, is hereby granted with modifications and conditions.

The subdivider is now authorized to prepare detailed drawings of the subdivision plan in accordance with Chapter 23, Subdivision Control Code, County of Hawai'i, as modified. Before final approval can be granted, the following conditions must be met:

- 1) Water System
 - a) Provide the Department of Water Supply (DWS), in writing, the designation of which existing water meter will serve which lot.
 - b) Show the existing meters and meter numbers on the final plat map.
 - c) Submit water system construction plans for approval by affected agencies should the water meters not front the lot served and need to be relocated to do so.
- 2) Drainage
 - a) Identify all watercourses and drainage ways and designate areas within as "approximate areas of flood inundation."
 - b) Additional storm runoff due to development shall be disposed within the subdivision and shall not be discharged onto adjacent properties or roadways.

MAY 17 2016

- 3) Comply with all conditions of approved Change of Zone Ordinance No. 15 105 (REZ-15-000188), including, but not necessarily limited to, restrictive covenants in the deeds for various special setbacks and preservation easements; limitations on the lot areas that can be developed; no second dwelling units or condominium property regimes; and implementation of a forest management plan. **Also note that Ohana Dwelling Unit Permits OHD-89-0127 & OHD-93-0281 are hereby null and void.**
- 4) All easements affecting proposed lots shall be identified for its purpose and to which proposed lot(s) and/or grantee(s) the easement is in favor of. This shall be shown on the final plat map.
- 5) Property Tax Certification. Submit written proof that all taxes and assessments on the property are paid to date.
- 6) Surveyor's Certification. Place property markers in accordance with the final plat map. Surveyor shall submit certification upon completion.
- 7) Final Plat Map. **Submit ten (10) copies of the final plat map** prepared in conformity with Chapter 23, Subdivisions, within one year from the date of tentative approval, on or before **May 13, 2017**. If not, tentative approval to the preliminary plat map shall be deemed null and void. Only upon written request from the subdivider and for good cause, the director may grant to the subdivider an extension of time within which the subdivider may file the final plat. **As part of final plat map submittal, the director request an additional copy of the final plat map be submitted as a ".dwg" or ".dxf" diskette file prepared by CAD software.**
- 8) Time Limit. Subdivider shall complete all requirements specified as conditions for tentative approval of the preliminary plat map within three (3) years of said tentative approval, on or before **May 13, 2019**. An extension of not more than two (2) years may be granted by the director upon timely request of the subdivider.
- 9) Condominium Property Regime. The existing condominium property regime shall be voided, pursuant to H.R.S. Section 514A-21, before the conveyance of any subdivided lots.

Please be aware that if at any time during the fulfillment of the foregoing conditions, should concerns emerge such as environmental problems or other problems which were earlier overlooked or not anticipated/accounted for in data/reports available to date, this could be sufficient cause to immediately cease and desist from further activities on the proposed subdivision, pending resolution of the problems. The Planning Director shall confer with the listed officers to resolve the problems and notify you accordingly.

No final approval for recordation shall be granted until all the above conditions have been met.

Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
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Land shall not be offered for sale, lease or rent until final approval for recordation of the subdivision is granted by the Planning Director or the proposed subdivision has been issued a preliminary order of registration by the Department of Commerce and Consumer Affairs (DCCA) in accordance with the requirements of Chapter 484, Hawai'i Revised Statutes (HRS).

There has been considerable legal controversy over subdivisions in the agricultural district, including the recent Kelly, et.al. v. 1250 Oceanside Partners, et.al., Civil No. 00-1-0192K. Because of the state of the law at this time, we recommend that subdividers in the State Land Use Agricultural district consult with, and rely on, independent legal counsel in deciding whether their subdivisions comply with the requirements of Chapter 205, HRS. We also recommend that you advise lot purchasers to consult with, and to rely on, independent legal counsel regarding permissible uses and the effect of Land Use Commission Rule 15-15-25(b), HRS Section 205-4.5, and Hawai'i County Planning Department Rule No. 13, on the requirements to build and occupy dwellings on lots within the subdivision.

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

Sincerely,



DUANE KANUHA
Planning Director

JRH:lnm

\\COH33\planning\public\Admin Permits Division\Subdivision\2016\2016-2\SUB-16-001576LorantTrustTA 05-13-16.doc

Enc.: PPM (01-07-16)

xc: Manager, DWS
Director, DPW
District Environmental Health Program Chief, DOH
Planning Department-Kona
DPW-ENG-KONA
Jean A. Lorant Trust
G. Bailado, GIS Section (Void 2 OHD Permits)
REZ-15-000188 (Ord. No. 15 105); TMK File 7-2-026:003 (CPR)

May 9, 1989

Mrs. Jean A. Lorant
P.O. Box 359
Kailua-Kona, HI 96745

Dear Mrs. Lorant:

Ohana Dwelling Permit (OD 89-127)
Tax Map Key: 7-3-26:3, Lot 3

The subject application has been reviewed by the concerned agencies and note:

1. The subject tax map key parcel is served by an acceptable street;
2. The subject application can meet with the State Department of Health wastewater treatment and disposal systems requirements;
3. The copy of document(s) received relating to subject tax map key parcel to establish title and exhibits contained therein do not include any deed restriction or covenant to prohibit construction of requested ohana dwelling; and,
4. The submitted site plan with staff annotations denotes two off-street parking stalls on the property.

In view of the above, by this letter, you are hereby granted permission to construct the Ohana Dwelling subject to the following condition(s):

- (a) The building permit for the Ohana Dwelling shall be secured on or before May 9, 1991. If the applicant and/or owner fails to secure a building permit within two (2) years of the date of this letter, permission to construct the subject ohana dwelling shall be deemed void. A time extension may be granted for good cause, provided, the permittee and/or owner applies in writing at least forty-five (45) calendar days before the expiration of the two (2) year period.
- (b) Off-street parking space for two vehicles is designated on the submitted site plan to fulfill the off-street parking requirement. The off-street parking spaces may not be employed for storage or other use unless and until approved alternative on-site parking arrangements are established.

MAY 11 1989

Mrs. Jean A. Lorant
Page 2
May 9, 1989

- (c) All construction drawings together with approved site plan drawn to scale submitted with the ohana dwelling building permit application shall denote location and identify required two (2) off-street parking spaces.
- (d1) The ohana dwelling shall conform to all requirements of codes and statutes pertaining to access and building construction.
- (d2) Applicant shall secure a driveway permit from the Department of Public Works prior to constructing a permanent driveway connection.
- (e) The applicant shall conform to State Department of Health standards and regulations and following comment(s) dated April 20, 1989:

"The property is located above the Underground Injection Control Line and cesspools would not be allowed as a means of sewage disposal from January 1, 1990.

An individual wastewater system may service a maximum of 800 gallons per day of sewage, which is generated from a single or multiple dwelling unit complex, containing a total of only four (4) bedrooms.

Minimum setback requirements for cesspools (as per Administrative Rules 11-62) must be met."

- (f) This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements, including but not limited to those of the Planning Department, Department of Public Works, and State Department of Health.

Please bring or attach a copy of this Permit to expedite processing the building plans and building permit application to construct the ohana dwelling. Should you have any questions regarding the above, please feel free to contact either Masa Onuma or William Yamanoha of my staff at 961-8200.

Sincerely,



DUANE KANUHA
Planning Director

WRV:etn

cc: Department of Health,
Chief Sanitarian
Department of Public Works
Real Property Tax Division

Scanned Map
Unavailable
Due to Size

See File

