

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
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County of Hawai'i
PLANNING DEPARTMENT

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

April 2, 2018

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

Dear Ms. Yamasaki:

FINAL SUBDIVISION APPROVAL NO. SUB-17-001695

SUBDIVIDERS: JUVIK REVOCABLE TRUST, James O., et al.

Proposed Subdivision of Lot 1, Block 12,
Kaloko Mauka Subdivision, Increment 5 (File Plan 1434),
Being Also a Portion of Royal Patent 8214,
Land Commission Award 7715, Apana 11,
Into Lots 1-A & 1-B,
Kaloko, North Kona, Island of Hawai'i, Hawai'i
TMK: 7-3-048:001

Please be informed that final subdivision approval for recordation is hereby granted to the final plat map dated July 18, 2017, as attached herewith inasmuch as all requirements of the Subdivision Code, Chapter 23, have been met.

You and the subdividers may wish to consult an attorney for the preparation of the necessary legal documents and description of the certified final plat map for the purpose of recordation with the State of Hawai'i, Bureau of Conveyances.

Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
Page 2
April 2, 2018

Copies of the certified final plat map are enclosed. Should you have any questions, please feel free to contact Jonathan Holmes of this department.

Sincerely,



MICHAEL YEE
Planning Director

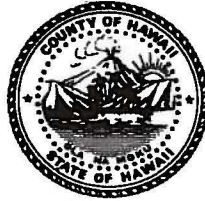
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Encs.: 2 Certified REVFP

xc: Manager, DWS
 Director, DPW
 District Environmental Health Program Chief, DOH
 Real Property Tax Division-Hilo w/Certified FPM
 Tax Maps and Records Supervisor w/Certified FPM & 1 CD
 Planning Department-Kona w/Certified FPM
 DPW-ENG-KONA w/Certified FPM
 James O. Juvik Revocable Trust, et al.
 G. Bailado, GIS Section (Void OHD Permit)
 REZ-16-000206 (Ord. No. 16 099); TMK File 7-3-048:001 (OHD)

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June 20, 2017

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

Dear Ms. Yamasaki:

TENTATIVE APPROVAL

SUBDIVIDERS: JUVIK REVOCABLE TRUST, James O., et al.

Proposed Subdivision of Lot 1, Block 12,
Kaloko Mauka Subdivision, Increment 5 (File Plan 1434),
Being Also a Portion of Royal Patent 8214,
Land Commission Award 7715, Apana 11,
Into Lots 1-A & 1-B,
Kaloko, North Kona, Island of Hawai'i, Hawai'i
TMK: 7-3-048:001 (SUB-17-001695)

Please be informed that Tentative Approval of the preliminary plat map dated January 25, 2017, is hereby granted with modifications and conditions.

The subdividers are 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.

- 3) Comply with all conditions of approved Change of Zone Ordinance No. 16 099 (REZ-16-000206), 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 Permit OHD-93-0063 is 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 **June 20, 2018**. If not, tentative approval to the preliminary plat map shall be deemed null and void. Only upon written request from the subdividers and for good cause, the director may grant to the subdividers an extension of time within which the subdividers 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. Subdividers 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 **June 20, 2020**. An extension of not more than two (2) years may be granted by the director upon timely request of the subdividers.

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
Page 3
June 20, 2017

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,



MICHAEL YEE
Planning Director

JRH:lnm

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Enc.: PPM (01-25-17)

xc: Manager, DWS
Director, DPW
District Environmental Health Program Chief, DOH
Planning Department-Kona
DPW-ENG-KONA
James O. Juvik Revocable Trust, et al.
G. Bailado, GIS Section (Void OHD Permit)
REZ-16-000206 (Ord. No. 16 099); TMK File 7-3-048:001 (OHD)

April 15, 1993

Hal and Krista Markowitz
c/o 223 Makani Circle
Hilo, HI 96720

Dear Mr. and Mrs. Markowitz:

Ohana Dwelling Permit (OD 93-63)
Tax Map Key: 7-3-48:1

3072

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 site plan 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 (Additional Single Family Dwelling), subject to the following condition(s):

- (a) The building permit for the Ohana Dwelling shall be applied for and secured from the Department of Public Works, Building Division on or before April 15, 1994. It should be noted that the permit is effective for only one (1) year and should applicant fail to secure a building permit within this period, a new application must be applied for.

Please bring or attach a copy of this Permit to expedite processing the building plans and building permit application to construct the ohana dwelling.

APR 16 1993

Hal and Krista Markowitz
April 15, 1993
Page 2

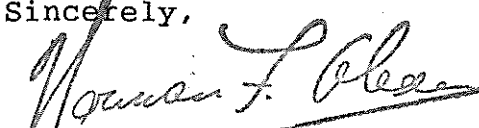
- (b) Off-street parking space for two vehicles is designated on the submitted site plan to fulfill the off-street parking requirement. The off-street parking spaces may not be employed for storage or other use unless and until approved alternative on-site parking arrangements are established.
- (c) 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.
- (d) The ohana dwelling shall conform to all requirements of codes and statutes pertaining to access and building construction.
- (e) The applicant shall conform to State Department of Health standards and regulations and following comment(s) dated March 16, 1993:

"The subject proposal is located in a Critical Wastewater Disposal Area. The existing cesspool may service a total of 1,000 gallons per day of wastewater. A total of five bedrooms are allowed in the two dwelling units. A second cesspool is not allowed. A septic tank system designed by a Registered Professional Engineer in the State of Hawaii may be utilized."

- (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.

Should you have any questions regarding the above, please feel free to contact Gilbert Bailado of my staff at 961-8288.

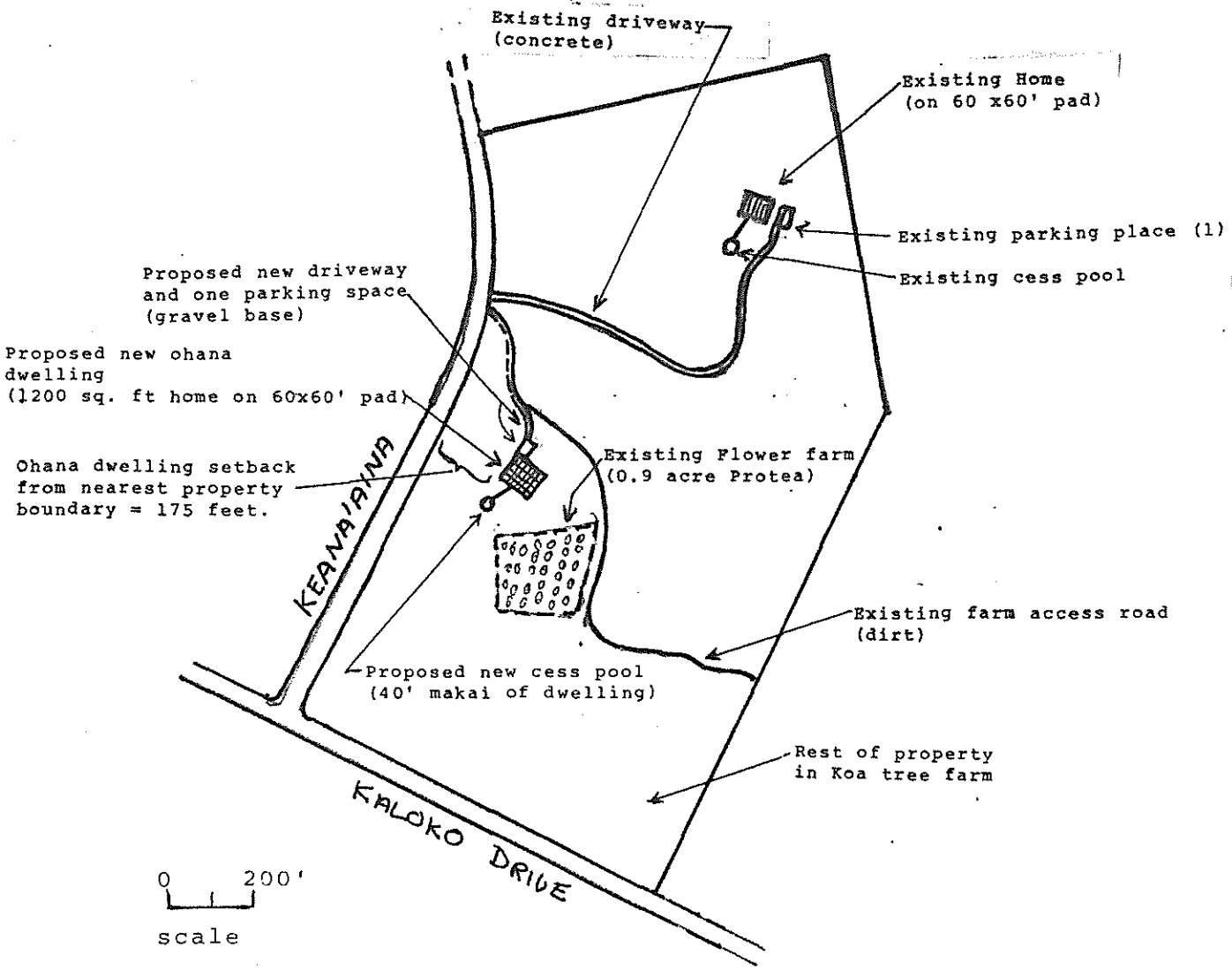
Sincerely,


for VIRGINIA GOLDSTEIN
Planning Director

GB:mjs
8712D (4)

xc: Department of Health,
Chief Sanitarian
Department of Public Works
Real Property Tax Division - Kona
West Hawaii Office

OHANA DWELLING (PROPOSED LOCATION)
 KALOKO MAUKA, NORTH KONA
 (TMK: 7-3-48-1)



Total Property area 21 acres