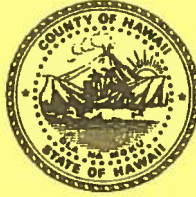


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

November 13, 2006

Robert W. Cunningham, LPLS
Belt Collins Hawaii, Ltd.
2153 North King Street, Suite 200
Honolulu, HI 96819-4554

Dear Mr. Cunningham:

PRELIMINARY PLAT MAP & TENTATIVE APPROVAL
SUBDIVIDERS: 1250 OCEANSIDE PARTNERS/Front Nine, LLC
"Hokulia Phase 2 Amendment 2"

Proposed Consolidation/Resubdivision of Lots 36 to 41, Inclusive into Lots 1 to 5, Inclusive and
Proposed Consolidation/Resubdivision of Lots 42 to 49, Inclusive into Lots 6 to 13, Inclusive,
Hokulia Phase 2 (Amended) (File Plan 2263)
At Hokukano 2nd, North Kona, Island of Hawaii, Hawaii
TMK: 8-1-032:016 to 029, Inclusive (SUB-06-000423)

This is to acknowledge receipt of ten (10) copies of the preliminary plat map dated July 10, 2006, and filing fee of \$550.00 for the referenced application for 13 lots.

This application is being processed under 23-7 of the Subdivision Code whereby the requirements and standards of the Subdivision Code shall not apply to consolidation and resubdivision action resulting in the creation of the same or fewer number of lots than that which existed prior to the consolidation/resubdivision action. The proposed subdivision of this portion of Hokulia-Phase 2 will reduce the number of lots from 14 to 11 lots in order to accommodate the "Stepping Stone Trail" alignment and a landscaping lot. No improvements are being proposed to accommodate the proposed boundary adjustments.

The proposed consolidation and subdivision action is consistent with the scope of improvements permitted under Special Management Area Use Permit No. 356, which allowed for the development of a portion of Hokulia situated within the Special Management Area.

Therefore, please be informed that Tentative Approval of the preliminary plat map dated July 10, 2006, is hereby granted with modifications and conditions.

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Robert W. Cunningham, LPLS
Belt Collins Hawaii, Ltd.
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The subdividers are now authorized to prepare detailed drawings of the subdivision plan in accordance with Chapter 23, Subdivision Control Code, County of Hawaii, as modified. Before final approval can be granted, the following conditions must be met:

- 1) Drainage
 - a) Identify all watercourses and drainage ways and encumber with drainage easements.
- 2) 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. We are only aware of landscape easements affecting the proposed lots.
- ~~6)~~ Property Tax Certification. Submit written proof that all taxes and assessments on the property are paid to date.
- ~~7)~~ Surveyor's Certification. Place property markers in accordance with the final plat map. Surveyor shall submit certification upon completion.
- ~~8)~~ 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 **November 13, 2007**. If not, tentative approval to the preliminary plat map shall be deemed null and void. Only upon written request from the subdivider and for a good cause can a time extension be granted, provided it is submitted forty-five (45) days before the expiration of said period of one year. As part of final plat map submittal, the Planning Director requests an additional copy of the final plat map be submitted as a ".dwg" or ".dxf" diskette file prepared by CAD software.
- 9) 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 **November 13, 2009**. An extension of not more than two (2) years may be granted by the director upon timely request of the subdivider.

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.

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 the Chapter 484, Hawaii Revised Statutes.

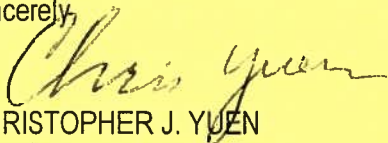
Robert W. Cunningham, LPLS
Belt Collins Hawaii, Ltd.
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There has been considerable legal controversy over subdivisions in the agricultural district, including the recent Kelly, et.al. v. 1250 Oceanside Partners, et.al., Civil No. 00-1-0192K. Because 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, Hawaii Revised Statutes. 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), Hawaii Revised Statutes Section 205-4.5, and Hawaii County Planning Department Rule No. 13, on the requirements to build and occupy dwellings on lots within the subdivision.

By a copy of this letter, we are forwarding a copy of the application and preliminary plat map to the listed officers for their file.

Should you have any questions, please feel free to contact Ed Cheplic of this department.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

DSA:lnm

P:\wp60\SUBDIV\Documents\Subc2006-4\SUB-06-000423 1250OceansideHokuliaPh2Amend2PPMTA.doc

Encl: PPM (07/10/06)
Receipt #5259

xc: Manager, DWS w/application & PPM
Director, DPW w/application & PPM
District Environmental Health Program Chief, DOH w/application & PPM
District Engineer, DOT w/application & PPM
DPW-ENG-KONA w/application & PPM
Director, DEM w/application & PPM
1250 Oceanside Partners
Front Nine, LLC