

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

February 5, 2007

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

Dear Mr. Cunningham:

TENTATIVE APPROVAL
REVISED PRELIMINARY PLAT MAP
SUBDIVIDER: 1250 OCEANSIDE PARTNERS
"Hokuli'a, Phase 2 Amendment 3"

Proposed Consolidation/Resubdivision of Lots 89 to 98, Inclusive, R-10 and R-1,
Part C of Hokuli 'a Phase 2 (Amended) (File Plan 2307)
Into Lots 1 to 11, Inclusive, and Designation of Easements 1, 2 and 3
At Hokukano 1st, North Kona, Island of Hawaii, Hawaii
TMK: 8-1-034:016 to 025, Inclusive (SUB-06-000424)

We are in receipt of revised preliminary plat maps dated September 21, 2006, limiting the scope of the proposed consolidation and resubdivision action to Parcels 16 thru 25 of Phase 2, and excluding the remaining bulk lot surrounding this subdivision as shown on the original preliminary plat map.

Therefore, please be informed that Tentative Approval of the revised preliminary plat map dated September 21, 2006, 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 Hawaii, as modified. Before final approval can be granted, the following conditions must be met:

- 1) Drainage
 - a) Identify all known watercourses and drainage ways and encumber with drainage easements.
 - b) Identify all known watercourses and drainage ways and designate areas within as "approximate areas of flood inundation."
 - c) Additional storm runoff due to development shall be disposed within the subdivision and shall not be discharged onto adjacent properties or roadways. For planned drywells, satisfy Department of Health (DOH) drywell requirements, including issuance of an underground injection control (UIC) permit to the subdivider.

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- 2) Access and Roadway Improvements
 - a) Provide improvements to the relocated access roads in conformance with the requirements of the Subdivision Code.
 - b) Submit construction plans and drainage report for review and comment of the Department of Public Works.
- 3) 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.
- 4) Property Tax Certification. Submit written proof that all taxes and assessments on the property are paid to date.
- 5) Surveyor's Certification. Place property markers in accordance with the final plat map. Surveyor shall submit certification upon completion.
- 6) 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 **February 5, 2008**. If not, tentative approval to the revised 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.
- 7) Time Limit. Subdivider shall complete all requirements specified as conditions for tentative approval of the revised preliminary plat map within three (3) years of said tentative approval, on or before **February 5, 2010**. 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 Chapter 484, Hawaii Revised Statutes.

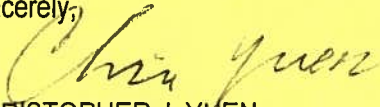
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There has been considerable legal controversy over subdivisions in the agricultural district, including the recent Kelly, et.al. v. 1250 Oceanside Partners, et.al., Civil No. 00-1-0192K. Because of the state of the law at this time, we recommend that 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 revised preliminary plat map to the listed officers for their files.

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

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

DSA:lnm

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Enc. - Revised PPM (09/21/06)

xc: Manager, DWS w/ Revised PPM
 Director, DPW w/ Revised PPM
 District Environmental Health Program Chief, DOH w/ Revised PPM
 District Engineer, DOT w/ Revised PPM
 DPW-ENG-KONA w/ Revised PPM
 Director, DEM w/Revised PPM
 DLNR-HPD-KONA w/Revised PPM
 1250 Oceanside Partners
 Sidney Fuke, Planning Consultant