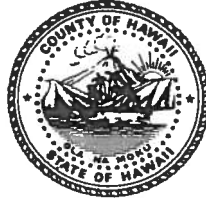


Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
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

July 21, 2017

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-16-001662**

**FINAL PLAT MAP**

**SUBDIVIDER: KIOWAI HUI LLC**

Proposed Consolidation of Lots 7, 8, 9 & 10,  
And Resubdivision into Lots 7-A, 8-A, 9-A & 10-A,  
'Alae 1<sup>st</sup> & 2<sup>nd</sup>, South Kona, Island of Hawai'i, Hawai'i

**TMK: 8-7-005:012, 024, 025 & 026**

This is to acknowledge receipt on June 28, 2017, of ten (10) copies of the final plat map dated June 26, 2017, for the subject application.

Please be informed that final subdivision approval for recordation is hereby granted to the final plat map 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.

Pursuant to Condition No. 3 of SMA Minor Permit No. SMM-07-000051, provide this office with revised Grants of Public Access Easements documents that reflect the realigned public access.

Chrystal Thomas Yamasaki, LPLS  
Wes Thomas Associates  
Page 2  
July 21, 2017

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

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, Hawai'i Revised Statutes (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.

Copies of the certified final plat map are enclosed.

Sincerely,



MICHAEL YEE  
Planning Director

JRH:lnm

\\COH33\planning\public\Admin Permits Division\Subdivision\2017\2017-3\SUB-16-001662KiowaiHuiFPMFSA 07-21-17.doc

Encs.: 3 Certified FPM

xc: Manager, DWS w/Certified FPM & Application  
Director, DPW w/Certified FPM & Application  
District Environmental Health Program Chief, DOH w/Certified FPM & Application  
Planning Department-Kona w/Certified FPM & Application  
Real Property Tax Division-Kona w/Certified FPM  
Tax Maps and Records Supervisor w/Certified FPM & 1-CD  
Planning Department-Long Range Division  
Kiowai Hui, LLC/o Daniel P. McKinley, Managing Partner  
✓FSA-SUB-06-000435

FOTI ALAE  
PROP LLC