

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 28, 2006

John Heaster, M.D.  
John Heaster, MD Ltd.  
122 Haili Street  
Hilo, HI 96720

Dear Dr. Heaster:

**DETERMINATION OF PRE-EXISTING LOTS**  
**TMK: 2-7-11:05**

This is to acknowledge receipt of your letter of May 31, 2006, and documents regarding the subject matter. Specifically, you are requesting recognition of two (2) pre-existing lots.

Please be advised that we have reviewed the documents submitted, our department records, as well as those of the Real Property Tax Division, and determined that the subject property consist of one (1) legal lot of record:

Parcel 5, consisting of 50.26 acres.

The existing property was the result of a consolidation/resubdivision action which was approved by the Planning Director on March 18, 1983 (SUB 4926).

The action consisted of the consolidation of TMK: 2-7-10:01 consisting of approximately 113.7 acres; TMK: 2-7-11:01 consisting of approximately 78.68 acres; TMK: 2-7-11:05 consisting of approximately 12.83 acres; and resubdivision resulting into five (5) lots consisting of approximately 21 to 50 acres each.

As such, the portion of Royal Patent Grant 531 and portion of Royal Patent 2755, Land Commission Award 72 are no longer recognized as separate pre-existing lots of record.

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Should you not concur with the above finding, your recourse is as follows:

In accordance with Section 23-5 of the Hawaii County Code, Section 6-10.2 of the Hawaii County Charter, and Rule 8 of the Board of Appeals, you may appeal the director's decision as follows:

- (a) An appeal shall be in writing, in the form prescribed by the board of appeals and shall specify the person's interest in the subject matter of the appeal and the grounds of the appeal. A filing of \$250 shall accompany any such appeal. The person appealing a decision of the director shall provide a copy of the appeal to the director and to the owners of the affected property and shall provide the board of appeals with the proof of service.
- (b) The appellant and the director shall be parties to an appeal. Other persons may be admitted as parties to an appeal. Other persons may be admitted as parties to an appeal, as permitted by the board of appeals.

According to Section 23-5, Hawaii County Code, the board of appeals may affirm the decision of the director, or it may reverse or modify the decision, or it may reverse or modify the decision or remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds that the decision is:

- (a) In violation of this chapter or other applicable law; or
- (b) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (c) Arbitrary, or capricious, or characterized by and abuse of discretion or clearly unwarranted exercise of discretion.

In view of the above, we have enclosed COUNTY OF HAWAII BOARD OF APPEALS GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR.

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

Sincerely,

  
CHRISTOPHER J. YUEN  
Planning Director

ETC:lnm

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Enc. - Board of Appeals General Petition for Appeal of Decisions by Planning Director

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xc: Tax Maps and Records Supervisor I  
Real Property Tax Division-Hilo  
Manager-DWS  
Scott Leithead  
SUB 4926