

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 96720-4224
(808) 961-8288 • FAX (808) 961-8742

February 5, 2008

Clyde Matsunaga
Imata & Associates, Inc.
171 Kapiolani Street
Hilo, HI 96720

Dear Mr. Matsunaga:

DETERMINATION OF PRE-EXISTING LOTS
"Lalamilo Farm Lots", South Kohala, Hawai'i
Tax Map Key: 6-6-005:022

We have received your request dated October 6, 2005. Please accept our apology for the length of time taken to reply.

We have reviewed the documents submitted, our department records and those of the Department of Finance – Real Property Tax Division (RPT) in accordance with Article 11 (Pre-existing Lots) of the Subdivision Code (Sections 23-117 through 23-120).

Our review of the records has found the following:

1. Parcel 22, consisting of 16.958 acres, was created in a twenty seven (27) lot subdivision which was approved by the Planning Director on September 6, 1961 (SUB No. 1704). Although described as a "portion of Grant 1157" and a "portion of Land of Lalamilo," the above mentioned subdivision extinguished those entities.

In view of the above, Parcel 22 is currently described as one (1) Tax Map Key Parcel and remains as a single lot of record consisting of 16.958 acres, being a portion of Grant 1157 and a portion of Land of Lalamilo (Government Land of Waimea).

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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.

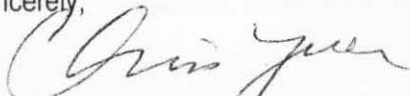
According to Section 23-5, Hawaii County Code, the board of appeals may affirm the decision of the director, or it may reverse or modify the decision, or it may reverse or modify the decision or remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds 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 Jonathan Holmes or Daryn Arai of this Department.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

RDS/JRH/DSA:lnm

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Enc.: County of Hawaii 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-Kona
Manager, DWS
Director, DPW
SUB-05-000153 (Kawamata Farms, Inc.)