

William P. Kenoi
Mayor



Duane Kanuha
Director

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Deputy Director

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County of Hawai'i
PLANNING DEPARTMENT

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May 3, 2016

Robert G. Williams, Member
Kona Three, LLC
101 Hualālai Street
Hilo, HI 96720

Dear Mr. Williams:

Pre-existing Lots of Record Determination
TMK: 7-6-021:016 & 017

We have received your correspondence of April 19, 2016.

We have reviewed the information 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:

These previously existing portions of associated Royal Patent Grants and Land Commission Awards have been subject to consolidation and resubdivision action, SUB 3863, granted final approval on October 18, 1976, which has extinguished those previously existing land recordations. Therefore, Parcel 016 is only one (1) Existing Lot of Record.

Should you disagree with this determination, the remedy is to bring the matter before the Board of Appeals.

In accordance with Ordinance No. 99-112, you may appeal the director's decision as follows:

- (a) Any person aggrieved by the decision of the director in the administration or application of this chapter, may, within thirty days after the date of the director's written decision, appeal the decision to the board of appeals.
- (b) A person is aggrieved by a decision of the director if:
 - (1) The person has an interest in the subject matter of the decision that is so directly and immediately affected, that the person's interest is clearly distinguishable from that of the general public; and

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(2) The person is or will be adversely affected by the decision.

(c) 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 fee 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.

(d) The appellant, the owners of the affected property, 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.

The board of appeals may affirm the decision of the director, or it may reverse or modify the decision, or it may remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds that:

(1) The director erred in its decision; or

(2) The decision violated this chapter or other applicable law; or

(3) The decision was arbitrary or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

In view of the above and for your reference, we have enclosed the GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR OR PUBLIC WORKS DIRECTOR form.

Should you have any questions, please feel free to contact Jonathan Holmes of this department.

Sincerely,



DUANE KANUHA
Planning Director

JRH:lnm

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Enc.: General Petition for Appeal of Decisions by Planning Director or
Public Works Director

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xc: Tax Maps and Records Supervisor
Real Property Tax Division-Kona
Manager, DWS
G. Bailado, GIS Analyst (via e-mail)
SUB 3863



100% Cotton Fiber