

Harry Kim
Mayor



Christopher J. Yuen
Director

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County of Hawaii
PLANNING DEPARTMENT

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January 9, 2008

Rodney Puou
P.O. Box 493
Captain Cook, HI 96704

Dear Mr. Puou,

DETERMINATION OF PRE-EXISTING LOTS
"Coffee Farm Lots", South Kona, Hawaii
Tax Map Key 8-1-021:018

We have received your request dated February 25, 2006. 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. Coffee Farm Lots boundaries were determined as follows in a letter from Carlsmith, Wichman and Case dated September 3, 1974, "The boundaries were determined by stonewalls, fences and ownership of coffee trees as described by the lessees and others well acquainted with the boundaries."
2. "Plan Showing Coffee Farm Lots Existing ..." approved by Planning Director May 11, 1977 (SUB No. 3540). On this map it shows the existing and original boundaries for Parcel 18.

In 1977, the Planning Department acknowledged that lots in the Coffee Farm Lots had been created prior to the enactment of the subdivision laws. The result was Subdivision No. 3540, whereby the Planning Department formally recognized the boundaries of those lots. Subdivision No. 3540 shows Parcel 018 as consisting of only one (1) lot.

We do not have any records of this parcel being consolidated with any other lot adjoining it.

In view of the above, Parcel 18 is currently described as one (1) Tax Map Key Parcel and remains as a single lot of record, despite the two lot numbers associated with it.

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.

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

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

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Enc.: County of Hawaii Board of Appeals General Petition for Appeal of Decisions by Planning Director

xc: ~~Tax~~ Maps and Records Supervisor I
Real Property Tax Division-Kona
Manager, DWS
Director, DPW