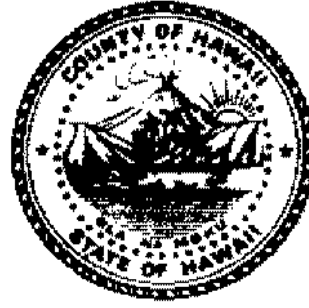


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

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County of Hawai'i PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

East Hawai'i Office
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Fax (808) 961-8742

August 16, 2021

Kim Chiodo
Land Planning Hawai'i, LLC
1944 Wiwoole Street
Hilo, HI 96720

Dear Ms. Chiodo:

**DETERMINATION OF PRE-EXISTING LOTS OF RECORD
Being Grant 2368,
Ka'oho 5th, South Kona, Island of Hawai'i, Hawai'i
Tax Map Key: (3) 8-7-009:002**

This responds to your correspondence of July 6, 2021, requesting a determination of pre-existing lots of record for subject TMK.

We have reviewed 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. Although the 1.0 acre Houselot is shown on the plat map and the field book entry indicates a different taxing designation, this does not indicate the separation of the two areas into distinct entities.

Therefore, we find that TMK (3) 8-7-009:002 is one lot lot of record containing approximately 60.0 acres.

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

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.

A person is aggrieved by a decision of the director if:

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

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

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.

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, 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:

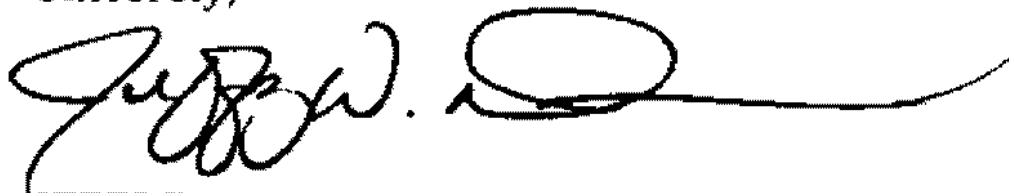
- (1) The director erred in its decision; or
- (2) The decision violated this chapter or other applicable law; or
- (3) The decision was arbitrary or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

Kim Chiodo
Land Planning Hawai'i, LLC
August 16, 2021
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In view of the above and for your reference, we direct you to the General Petition for Appeal of Decisions by Planning Director form at:
<http://records.hawaiicounty.gov/weblink/1/edoc/89591/Appeal%20-%20Decisions%20by%20PL%20or%20PW%20Dir.pdf>

Should you have any questions, please feel free to contact Hans Santiago at hans.santiago@hawaiicounty.gov or Jonathan Holmes jonathan.holmes@hawaiicounty.gov.

Sincerely,



JEFFREY DARROW
Deputy Director

JRH:tb

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