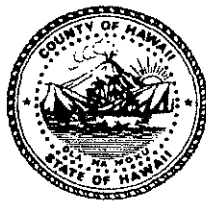


William P. Kenoi  
Mayor



Duane Kanuha  
Director

Bobby Command  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
**PLANNING DEPARTMENT**

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

February 14, 2014

William (Bill) Peebles  
Windvista Farms Hawai'i, LLC  
PO Box 544  
Nā'ālehu, HI 96772

Dear Mr. Peebles:

**PRE-EXISTING LOTS OF RECORD DETERMINATION**  
**Portions of Grants 2445 and 2905**  
**Waiopua & Kea'ā 2<sup>nd</sup>, Ka'ū, Island of Hawai'i, Hawai'i**  
**TMK: 9-3-004:027, 028, 029 & 030**

We have received your letter of January 27, 2014, regarding the above subject properties.

We have reviewed the documents submitted, our department records and those of the Department of Finance-Real Property Tax Office (RPT). Our review of the records has found the following:

1. The subject properties are shown as Lots 1 through 4, Inclusive as created by Subdivision No. SUB 3226 which was approved by the Planning Director on February 2, 1973. The portions of Grants 2445 and 2905 within Lots 1 through 4 no longer exist inasmuch as subdivided lots extinguish and supersede prior land conveyances.
2. This action appears to have left remnant portions of Grants 2445 and 2905 within Parcel 010.
3. Parcel 010 was deemed to contain seven (7) pre-existing lots of record on May 29, 2003, including the remnants of Grants 2445 and 2905, and subsequently was subject to Section 23-7 consolidation and resubdivision into seven (7) lots (Final Subdivision Approval No. SUB-04-000121).

Therefore, we affirm that Grants 2445 and 2905 have been extinguished, through the consolidation and resubdivision action of Final Subdivision Approval No. SUB-04-000121.

14-089673'  
FEB 18 2014

William (Bill) Peebles  
Windvista Farms Hawai'i, LLC  
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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
  - (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.

William (Bill) Peebles  
Windvista Farms Hawai'i, LLC  
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February 14, 2014

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

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

Sincerely,



DUANE KANUHA  
Planning Director

JRH/DK:lnm

P:\Admin Permits Division\PELOR(Pre-ExistingLotOfRecord)\2014\19-3-004-027to030BassanPEEBLES 02-14-14.doc

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

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

COUNTY OF HAWAII  
BOARD OF APPEALS

GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR

(Type or legibly print the requested information)

APPELLANT: \_\_\_\_\_

APPELLANT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: (Bus.) \_\_\_\_\_ (Home) \_\_\_\_\_

APPELLANT'S INTEREST IN THE PROPERTY: \_\_\_\_\_

APPELLANT'S NATURE OF APPEAL AND REQUEST: \_\_\_\_\_

LAND OWNER: \_\_\_\_\_

TAX MAP KEY: (land in question) \_\_\_\_\_ AREA OF PROPERTY: \_\_\_\_\_

STATE LAND USE DESIGNATION: \_\_\_\_\_ COUNTY ZONING: \_\_\_\_\_

STREET ADDRESS OF PROPERTY: \_\_\_\_\_

APPELLANT'S REPRESENTATIVE: \_\_\_\_\_

REPRESENTATIVE'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

REPRESENTATIVE'S ADDRESS: \_\_\_\_\_

TITLE: \_\_\_\_\_ TELEPHONE: (Bus.) \_\_\_\_\_

THIS PETITION MUST BE ACCOMPANIED BY A FILING FEE OF TWO HUNDRED FIFTY DOLLARS (\$250) PAYABLE TO THE COUNTY DIRECTOR OF FINANCE AND:

1. The Original and ten (10) copies of this completed petition with the following:
  - a. A description of the property involved in the appeal in sufficient detail for the public to precisely locate the property.
  - b. A statement explaining the nature of the appeal and the relief requested.
  - c. A statement explaining:
    - (i) How the decision appealed from violates the law; or
    - (ii) How the decision appealed from is clearly erroneous; or
    - (iii) How the decision appealed from was arbitrary or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.
  - d. A clear and concise statement of any other relevant facts.
2. Proof of Service by the Appellant on the Planning Director for an appeal from the Planning Director's decision relating to the Zoning Code.
3. A list of the names, address and tax map keys of all owners of property within boundaries established by Section 8-11(d) of the Board of Appeals Rules of Practice and Procedure.