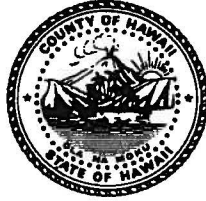


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
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

October 10, 2017

B.J. Leithead Todd (via email hinano.hilo@gmail.com)
118 Lukia Street
Hilo, HI 96720-1425

Dear Ms. Leithead Todd:

**Pre-existing Lots of Record Determination
Parcels 009 & 010, Punalu'u Beach,
Punalu'u Beach, Punalu'u, Ka'u, Hawai'i
TMK: 9-6-001:009 & 010**

We have received your correspondence of July 7, 2017.

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. These parcels date to the original Tax Map Plat from January 1936;
2. Parcel 009 consists of a Portion of Royal Patent 6734, Land Commission Award 2564, Apana 1 (R.P., L.C. Aw.). The 1919 map presented is not ample evidence of this parcel having been two (2) portions of R.P., L.C. Aw. Generally we would look for individual descriptors for each lot, not simply a line with no locating dimension, etc. Our research of the records at hand found no such individual mention of there being two portions of the R.P., L.C. Aw. Should you have further information, the department welcomes it;
3. Parcel 010 actually consists of a Portion of Royal Patent 6734, Land Commission Award 2564, Apana 1, a Portion of Royal Patent 7586, Land Commission Award 10114, a Portion of Land Commission Award 8760-C, Apana 1 & a Portion of Land Commission Award 7715, Apana 15; and
4. We do not have any record of the lots having been **legally** consolidated with each other or any adjoining lands.

Given the above, we have determined that Parcel 009 consists of one (1) pre-existing lot of record and Parcel 010 consists of four (4) legal pre-existing lots 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
 - (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.

B.J. Leithead Todd
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October 10, 2017

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

Sincerely,



MICHAEL YEE
Planning Director

JRH:lnm

\\COH33\planning\public\Admin Permits Division\PELOR(Pre-ExistingLotOfRecord)\2017\9-6-001-009&010BeamerDahlberg
LEITHEADTODD 10-10-17.doc

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

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



County of Hawai'i

BOARD OF APPEALS

Aupuni Center • 101 Pauahi, Suite 3 • Hilo, Hawai'i 96720
(808) 961-8288 • Fax (808) 961-8742

GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR OR PUBLIC WORKS DIRECTOR

(Type or legibly print the requested information. See instructions attached.)

TYPE OF PETITION:

- Appeal of Planning Director's Decision
 Appeal of Public Works Director's Decision

APPELLANT: _____

APPELLANT'S SIGNATURE: _____ DATE: _____

ADDRESS: _____

TELEPHONE: _____ (EMAIL): _____

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: _____ TITLE: _____

REPRESENTATIVE'S SIGNATURE: _____ DATE: _____

REPRESENTATIVE'S ADDRESS: _____

TELEPHONE: _____ (EMAIL): _____

■ See instructions attached.

INSTRUCTIONS

GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR OR PUBLIC WORKS DIRECTOR

Board of Appeals Rules of Practice and Procedure (RPP) can be reviewed in the Planning Department or on the following website: <http://www.cohplanningdept.com/boards-and-committees/>

1. This petition must be accompanied by a filing fee of two hundred fifty dollars (\$250) payable to the County Director of Finance [RPP Section 8-7], and:

2. 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.

3. Proof of Service by the Appellant to the Director and all landowners of the affected property, as reflected in County Real Property Tax Division records, if owners are not the Appellants [RPP Section 8-8].

4. A list of the names, address and tax map keys of all owners of property within three hundred feet (300') of the perimeter boundary of the affected property. [RPP Section 8-11(d)]
If the decision being appealed was made under the Hawai'i County Code (HCC) Zoning Chapter 25 and the affected property is within the state land use agricultural district, Appellant must provide a list of names, address and tax map keys for all owners of property within five hundred feet (500') of the perimeter boundary of the affected property. [HCC Section 25-2-4]

Completed petitions should be remitted to the Board of Appeals, 101 Pauahi Street, Suite 3, Hilo, HI 96720. For questions, please call 808-961-8288 or email planning@hawaiicounty.gov.