

**COUNTY OF HAWAII  
BOARD OF APPEALS**

**GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR**

(Type or legibly print the requested information)

APPELLANT: Maika'i Kamakani 'O Kohala, Inc., 501(c)(3) nonprofit organization

APPELLANT'S SIGNATURE: \_\_\_\_\_ DATE: December 26, 2008

ADDRESS: P.O. Box 40, Kapa'au, Hawai'i 96755-0040

TELEPHONE:(Bus.) \_\_\_\_\_ (Home) 808-884-5757

**APPELLANT'S INTEREST IN THE PROPERTY:**

Maika'i is a Hawaiian nonprofit organized to protect and preserve traditions and customs of and for the Hawaiian community. Mahukona is rich in archeological and cultural sites and supports many local cultural and recreational uses. Maika'i is a long-timer user of Mahukona.

**APPELLANT'S NATURE OF APPEAL AND REQUEST:**

Maika'i requests that the Nov 28, 2008 Planning Director's tentative approval be reversed for the third submittal of the second revised preliminary plat map dated May 5, 2008 for subdivider Kohala Preserve Conservation Trust (KPCT). KPCT is not in compliance with Change of Zone conditions, the Special Management Area and the Planning Director's conditions. The COZ required the developer to "complete construction" of the resort by July 14, 2008". The construction was not complete, nor conditions of the COZ met. No extension of the COZ has been issued, so the COZ should be null and void.

LAND OWNER: Kohala Preserve Conservation Trust, LLC (formerly Surety Kohala and Chalon)

TAX MAP KEY:(land in question) 5-7-002:011, 5-7-003: 003 & 010 (SUB-88-000111) \_\_\_\_\_ AREA OF PROPERTY:

STATE LAND USE DESIGNATION: Conservation and Ag COUNTY ZONING: Ag

STREET ADDRESS OF PROPERTY: N/A - Akoni Pule Hwy

APPELLANT'S REPRESENTATIVE: Fred Chacola

REPRESENTATIVE'S SIGNATURE: \_\_\_\_\_ DATE: December 26, 2008

REPRESENTATIVE'S ADDRESS: P.O. Box 40, Kapa'au, Hawai'i 96755-0040

TITLE: Board Member, Vice-President TELEPHONE:(Bus.) 808-884-5757

**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.