



County of Hawai'i

BOARD OF APPEALS

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

August 7, 2008

Randall F. Sakumoto, Esq.
Joel D. Kam, Esq.
Jan Morimoto Sam, Esq.
McCorriston Miller Mukai MacKinnon LLP
Five Waterfront Plaza, 4th Floor
500 Ala Moana Boulevard
Honolulu, HI 96813

Dear Messrs. Sakumoto and Kam, and Ms. Sam:

Board of Appeals (BOA 08-000070)

Petitioner: Kohala Preserve Conservation Trust, LLC

Request: Appeal of the Planning Director's Decision of July 3, 2008,
to defer action on the application for proposed subdivision and
approval of preliminary plat map

Tax Map Key: (3) 5-7-2:11, 5-7-3:3 and 10 North Kohala, Hawai'i

This is to acknowledge receipt of the above-referenced petition on August 1, 2008 relating to the above-referenced matter. Enclosed is your receipt for the filing fee.

According to the Board of Appeals Rules of Practice and Procedure, the Board shall conduct a hearing on the petition within ninety (90) days from the date of receipt of a properly filed petition. The Board shall then act on the petition within a period of ninety (90) days after the close of the hearing.

Your petition will be scheduled for the Board's hearing on October 10, 2008 in Hilo. We will inform you in writing of the time and place of the hearing as soon as they have been determined.

Randall F. Sakumoto, Esq.
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Upon notice that the hearing date has been set, you are required to notify all property owners within 300 feet of the affected property of the hearing. The notice shall be mailed not less than twenty (20) days prior to the hearing, and the proof of mailing shall be filed with the Board prior to the date of the hearing.

Please review the Board's Rule 3-13(g) regarding submission of exhibits to the Board. The time for submission of exhibits is **no later than thirty (30) days** following the filing of the appeal. The responding parties have ten (10) days after the filing to provide exhibits in response.

Should you have any questions in the meantime, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department, who serves as staff to the Board, at 961-8288.

Sincerely,



Joel Gimpel, Chairman
Board of Appeals

AGK:smn

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xc w/appl.: Board of Appeals
Corporation Counsel, BOA Attorney
Corporation Counsel, Planning Department Attorney
Planning Director (w/o appl)
Ministerial Division -- Daryn Arai