

NOTICE OF PUBLIC MEETING AND HEARINGS
BOARD OF APPEALS AGENDA
COUNTY OF HAWAI'I

NOTICE IS HEREBY GIVEN of hearings to be held by the Board of Appeals of the County of Hawai'i in accordance with the provisions of Section 6-10.2 of the Charter of the County of Hawai'i and the Board's Rules of Practice and Procedure.

PLACE: West Hawai'i Mayor's Office, Conference Room
75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i

DATE: Friday, January 26, 2007

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONERS: JAN R. HERRON WHITEHEAD AND LAVERNE TILL (DR 06-000001)** - Adoption of the Proposed Order Granting Christopher J. Yuen, Planning Director, County of Hawai'i's Motion to Dismiss Petition for Declaratory Ruling filed November 17, 2006, relating to the Petition for Declaratory Ruling relating to Change of Zone Ordinance No. 96-117 (M)(1)(b); Hawai'i Revised Statutes §92F, Uniform Information Practices Act; and County of Hawai'i General Plan §13.2.5.6.2(g) "Connector Road" Course of Action.

NEW BUSINESS - 10:00 a.m.

2. **PETITIONER: MICHAEL A. FERRINGTON (BOA 06-000034)** - Appeal of Decision by the Planning Director dated October 19, 2006, that denied the variance request (VAR 06-037) relating to minimum water supply requirements of Chapter 23, Subdivision Code; and the Decision on the subdivision preliminary plat within the 45-day period pursuant to Chapter 23, Section 23-62(b). The property is located on the north side of Milolii Road, approximately 350 feet makai of Māmalahoa Highway-Milolii intersection, Papa 2nd, South Kona, Hawai'i TMK: (3) 8-8-16:20.

MINUTES

October 13, 2006
December 8, 2006

ADMINISTRATIVE MATTERS

Corporation Counsel Report on status of appeals filed on decisions by Board of Appeals
Staff Report

ADJOURNMENT

Additional information related to the above matters are on file and open to inspection during office hours in the Planning Department, Aupuni Center, 101 Pauahi Street Suite 3, Hilo,

Hawai'i 96720 and/or in the Planning Department's West Hawai'i Office, 75-5706 Kuakini Highway, Suite 109, Kailua-Kona, Hawai'i 96740.

Intervention to the proceeding may be filed by the following agencies or individuals:

1. Any department or agency of the State or the County shall be admitted as a party upon timely application for intervention.
2. Any person who has some property interest in the land, who lawfully resides on the land, or who can demonstrate that person will be so directly and immediately affected by the Board's decision that that person's interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as a party upon timely application for intervention.
3. Any other person may be admitted as a party upon a timely application, when the Board finds there is just cause for intervention.

The petition to intervene with proof of service on all parties shall be filed with the Board at least ten days prior to the date of the scheduled hearing. Petitions to intervene shall be in conformity with Part 2, Section 2-7 of the Rules of Practice and Procedure. The Board's Rules may be viewed at the County of Hawaii website (<http://www.co.hawaii.hi.us>).

If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist. { Article 15, Section 2-91.3(b), Hawai'i County Code } A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." { Article 15, Section 2-91.3(a)(6), Hawai'i County Code } Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 333 Kilauea Avenue (Ben Franklin Building), 2nd Floor, Hilo, Hawai'i 96720.

Any disabled person requiring special assistance or person requiring auxiliary aid and/or services to participate in the hearing should contact the Planning Department at 961-8288 five (5) working days prior to the hearing so that appropriate arrangements can be made.

VALTA A. COOK, CHAIRPERSON
BOARD OF APPEALS

Hawai'i County is an Equal Opportunity Provider and Employer

(Hawaii Tribune Herald: January 4, 2007)

(West Hawaii Today: January 4, 2007)