

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: County Building, Councilroom - Room 201
25 Aupuni Street, Hilo, Hawai'i

DATE: Thursday, April 13, 2006

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONER: RAY M. SHIRAKAWA (BOA 05-010)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated June 6, 2005 (Notice of Violation and Order) relating to unpermitted use of track for motorcycle activities within the Single Family Residential (RS-15) zoned district. The subject properties consist of approximately 3.49 acres and located within Waiohinu Town Lots, Ka'u, Hawai'i, Tax Map Key: (3) 9-5-1:16 and 18.
2. **PETITIONER: PUU LANI RANCH CORP. (BOA 05-000016)** - Continued hearing on the Appeal of Decision by the Planning Director dated October 24, 2005 relating to the refusal to sign off on any approval for any building permit for Lot 1 of File Plan 2241. The property consists of approximately 1.001 acres in the Puu Lani Ranch Subdivision, Pu'uuanahulu, North Kona, Hawai'i, TMK: (3) 7-1-6:54.

NEW BUSINESS - 10:00 a.m.

3. **PETITIONERS: HOWARD & LORRAINE STAHR, WAYNE BROUSSARD, STEVE OLIKER, AND JAMES MOORE (BOA 06-000019)** - Appeal of Decision by the Planning Director dated December 6, 2005 relating to the Denial of Request for Nullification of Final Consolidation Approval No. 1116. The property consists of 49,534 square feet located in Kapoho Beach Lots Subdivision, Halekamahina, Puna, Hawai'i, TMK: (3) 1-4-11:63.
4. **BOARD OF APPEALS INITIATED** - Public hearing on proposed repeal of Part 9, relating to Business Development Related Approvals, of the County of Hawai'i Board of Appeals Rules of Practice and Procedure. The proposal is to repeal Part 9 in its entirety because Part 9 is contrary to Section 13-4(i) of the Hawai'i County Charter, and is not required or authorized by the state "automatic approval" law, Hawaii Revised Statutes Section 91-13.5.

MINUTES

February 10, 2006
March 10, 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. A copy of the rule proposed to be repealed will be mailed to any interested person who requests a copy, pays the required fees for the copy and the postage, if any. Requests can be directed to Alice Kawaha at the Planning Department, Aupuni Center, 101 Pauahi Street Suite 3, Hilo, Hawai'i 96720. A copy of the proposed rule to be repealed may be reviewed at 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, 25 Aupuni Street, 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: March 21, 2006)
(West Hawaii Today: March 21, 2006)