

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, September 14, 2007

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONER: EDMUND JIN AND EVA Y. LU (BOA 07-000043)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated February 12, 2007, that denied the Variance Application (VAR 06-101) relating to variance from minimum water supply requirements of Chapter 23, Subdivision Code for a proposed subdivision. The property consists of approximately 35.9 acres and is located on the west (mauka) side of Mamalahoa Highway in the Kolo Subdivision, South Kona, Hawai'i, TMK: (3) 8-7-13:11.
2. **PETITIONER: MARLENE E. CALVERT (BOA 05-000014)** - Continued proceedings, including arguments, on this matter relating to the decision by the State of Hawaii Third Circuit Court which remanded the appeal to the Board. This matter relates to Appeal of Decision by the Planning Director dated September 29, 2005 relating to the Denial of Variance Application WH(VAR 05-056) relating to water supply requirements of Chapter 23, Subdivision Code, for proposed 7-lot subdivision on each parcel. The subject properties consist of approximately 42.6 acres and is located in Kona-South Estates Unit III, Kahuku, Ka'u, Hawai'i, TMK: (3) 9-2-150:13 and 18.

NEW BUSINESS - 10:00 a.m.

3. **PETITIONER: ALI I GARDENS (BOA 07-000047)** - Stipulation to Dismiss Without Prejudice relating to the Appeal of Determination by the Planning Director dated May 1, 2007, regarding Use Permit No. 142 and Special Management Area Use Permit No. 358 request for 5-year time extension. The property consists of approximately 5.0 acres and is located on the mauka side of Ali'i Drive, across the Ali'i Point Subdivision, Puapuaa 2nd, North Kona, Hawai'i, TMK: (3) 7-5-20:70.
4. **PETITIONERS: JAN R. HERRON-WHITEHEAD AND LAVERNE TILL (BOA 07-000048)** - Appeal of Final Subdivision Approval (SUB 04-000221) granted by the Planning Director dated May 8, 2007, for Luala'i at Parker Ranch Phase 3. The

subject project area is located to the southwest of the Waimea Shopping Center, Waikoloa and Pu`ukapu, South Kohala, Hawai`i, TMK: (3) 6-7-2:57, 58 & 60.

5. **PETITIONER: PACIFIC HORIZONS DEVELOPMENT CO. LP (BOA 07-000049)**
- Appeal of Decision by the Planning Director dated May 29, 2007 Denial of the Variance Application (VAR 07-028) relating to minimum water supply requirements of Chapter 23, Subdivision Code, for a proposed 6-lot subdivision. The subject property consist of approximately 47.906 acres and is located on the west (mauka) side of Mamalahoa Highway at approximately the 96 mile marker, Kukuiope 1st, South Kona, Hawai`i, TMK: (3) 8-7-10:9.

MINUTES

July 13, 2007

August 10, 2007

ADMINISTRATIVE MATTERS

Status of appeals filed on Board of Appeals decisions - Corporation Counsel
Other Board matters

ANNOUNCEMENTS

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: August 23, 2007)

(West Hawaii Today: August 23, 2007)