

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, November 9, 2007

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONER: MARLENE E. CALVERT (BOA 05-000014)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order 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.

2. **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 consists of approximately 47.906 acres and is located on the west (mauka) side of Mamalahoa Highway at approximately the 96 mile marker, Kukuiopeae 1st, South Kona, Hawai'i, TMK: (3) 8-7-10:9.

MINUTES

October 12, 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: October 15, 2007)

(West Hawaii Today: October 15, 2007)