

NOTICE OF PUBLIC MEETING AND HEARINGS
BOARD OF APPEALS AGENDA
COUNTY OF HAWAII

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 of Hawai'i, Aupuni Center Conference Room
101 Pauahi Street, Hilo, Hawai'i

DATE: Friday, November 13, 2009

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONER: KALANI KAI (BOA 09-000079)** - Continued hearing on the Appeal of Decision by the Planning Director dated May 18, 2009, Or, in the Alternative, Petition for Declaratory Ruling relating to the Notice of Violation and Order (ZCV 2009-036E), violation of Special Permit and Special Management Area (SMA) conditions. The subject property is located on the mauka side of the Kalapana-Kapoho Road, Keekee Homesteads, Puna, Hawai'i, TMK: (3) 1-2-9:29.

NEW BUSINESS - 10:00 a.m.

2. **PETITIONER: RICHARD E. ALDERSON (BOA 09-000082)** - Appeal of Decision by the Planning Director dated July 21, 2009, relating to the Notice of Violation and Order (ZCV 2009-025E), relating to illegal dwellings. The subject area is located approximately a mile northwest of Honomū Village, Honomū, South Hilo, Hawai'i, TMK: (3) 2-8-011:013 and 2-8-015:038.
3. **PETITIONER: MARK C. KELLBERG (BOA 09-000084)** - Appeal of the Planning Director's Decisions dated January 12, 2005, July 11, 2005 and October 23, 2006, relating to the application, review and approval of SUB 05-00064. The subject property is located to the west (mauka) of Mamalahoa Highway, at Kapena and Ninole, North Hilo, Hawai'i, TMK: (3) 3-2-2:35.

COMMUNICATION FOR DISCUSSION – Letter dated October 1, 2009 from Neil C. Erickson relating to Appeal Petition (BOA 09-000078).

ADMINISTRATIVE MATTERS

Status of appeals filed on Board of Appeals decisions - Corporation Counsel
Report on the Hawaii Congress of Planning Officials (HCPO) 2009 Conference
Other Board matters

MINUTES

July 10, 2009

September 11, 2009

ANNOUNCEMENTS

ADJOURNMENT

Additional information related to the above matters is on file and open to inspection during office hours in the Planning Department, Aupuni Center, 101 Pauahi Street Suite 3, Hilo, Hawai'i 96720.

Under New Business, 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 Hawai'i 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.

Anyone who requires an auxiliary aid or service, other reasonable modification, or language interpretation to access this meeting please contact the Planning Department at 961-8288 as soon as possible, but no later than five (5) working days prior to the meeting date, to

arrange for accommodations. “Other reasonable modification” refers to communication methods or devices for people with disabilities who are mentally and/or physically challenged.

JOEL GIMPEL, CHAIRPERSON
BOARD OF APPEALS

Hawai‘i County is an Equal Opportunity Provider and Employer

(Hawaii Tribune Herald: October 23, 2009)

(West Hawaii Today: October 23, 2009)