

BOARD OF APPEALS  
COUNTY OF HAWAI'I

MINUTES  
NOVEMBER 9, 2007

The County of Hawai'i Board of Appeals met in regular session at 10:30 a.m. in the West Hawai'i Mayor's Office, Conference Room, 75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i, with Chairman Valta A. Cook presiding.

PRESENT: Valta A. Cook  
David Drury  
Peter Hendricks  
Joel Gimpel  
Diane Gentry  
Kim Tavares

ABSENT & EXCUSED: Kelly Ann Soo

Brooks Bancroft, Counsel to the Board  
Alice Kawaha, Staff to the Board

PUBLIC STATEMENTS There was no one wishing to make a public statement at this time.

BOA 05-000014 The Board took this item up at 10:01 a.m. with 9 people  
MARLENE E. CALVERT from the public in attendance.  
KAHUKU,  
KA'U

**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.

(SEE EXHIBIT A)

BOA 07-000049 The Board took this item up at 10:10 a.m. with 7 people  
PACIFIC HORIZONS from the public in attendance.  
DEVELOPMENT CO. LP  
KUKUIOPAE 1ST,  
SOUTH KONA

**PACIFIC 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, Kukuiope 1st, South Kona, Hawai'i, TMK: (3) 8-7-10:9.

(SEE EXHIBIT B)

MINUTES

The Board took this item up at this time, 10:34 a.m.

October 12, 2007 – Upon the staff's request, approval of the minutes was deferred to a future meeting.

ADMINISTRATIVE MATTERS

The Board took up the following Administrative Matters at 10:35 a.m.

Status of appeals filed on Board of Appeals decisions - Corporation Counsel – Mr. Bancroft had no report to present.

Other Board matters – Regarding Marlene Calvert's appeal, Mr. Drury affirmed for the record that although he was not in attendance in the September meeting as he was in India he has read all the materials and the Board Members in attendance affirmed that they have also read all the materials regarding the appeal. The Chair informed the Board that an election of officers will be held in December, noting the Chair's and Vice-Chairman's terms end this year.

ANNOUNCEMENTS

Ms. Kawaha noted the next meeting is scheduled for December 14<sup>th</sup> in Hilo.

ADJOURNMENT

There being no further business, at 10:37 a.m., it was moved by Commissioner Gentry and seconded by Ms. Tavares that the meeting be adjourned. A voice vote carried with all members in attendance voting aye.

Respectfully submitted,

Sharon M. Nomura, Secretary

A T T E S T:

Valta A. Cook Chairman  
Board of Appeals