

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: West Hawai'i Mayor's Office, Conference Room
75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i

DATE: Friday, March 13, 2009

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONER: KOHALA PRESERVE CONSERVATION TRUST, LLC (BOA 08-000070)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding on the Appeal of Decision by the Planning Director dated July 3, 2008, to defer action on the application for proposed subdivision and approval of preliminary plat map. The project area consists of approximately 365.5 acres and is located in the vicinity and north of Mahukona Harbor, Kapaaunui, Kou, Kamano, and Mahukona, North Kohala, Hawai'i, TMK: (3) 5-7-2:11, 5-7-3:3 and 10.
2. **PETITIONERS: JAMES S. AND NANCY J. PHILLIPS TRUST (BOA 08-000071)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Petition for Variance to Section 504(a) & (b), Section 1711 and Table No. 5-A, Part III, relating to projections (eaves) requirements of the Uniform Building Code. The subject property consists of approximately 14,500 square feet and is located at Lanikepu Place, Lalamilo House Lots, Waimea, South Kohala, Hawai'i, Tax Map Key: (3) 6-6-4:90.

NEW BUSINESS - 10:00 a.m.

3. **PETITIONER: MAIKA'I KAMAKANI`O KOHALA INC., 501(c)(3) Nonprofit Organization (BOA 09-000074)** - Appeal of the Planning Director's Decision of November 28, 2008, that granted Revised Tentative Subdivision Approval to subdivider Kohala Preserve Conservation Trust, LLC. The project area consists of approximately 365.5 acres and is located in the vicinity and north of Mahukona Harbor, Kapaaunui, Kou, Kamano, and Mahukona, North Kohala, Hawai'i, TMK: (3) 5-7-2:11, 5-7-3:3 and 10.

MINUTES

February 13, 2009

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.

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.

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.

JOEL GIMPEL, CHAIRPERSON
BOARD OF APPEALS

Hawai`i County is an Equal Opportunity Provider and Employer

(Hawaii Tribune Herald: February 19, 2009)

(West Hawaii Today: February 19, 2009)