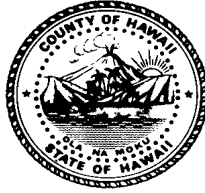


Mitchell D. Roth
Mayor



Stacey Aguiar, Chair
Richard Henderson, Vice Chair
Cathy Lewis
Scott Martin
Lisa McNamarra
Scott Trefethen
Daina (Noc) Saiki

County of Hawai'i BOARD OF APPEALS

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
(808) 961-8288 • Fax (808) 961-8742

AMENDED AGENDA

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 Chapter 92-7, Hawai'i Revised Statutes, as amended; Section 6-9.2 of the Charter of the County of Hawai'i; and Rule 1-5 of the Board's Rules of Practice and Procedure.

DATE: Friday, December 8, 2023
TIME: 9:30 a.m.
PLACE: West Hawai'i Civic Center Council Chambers, Building A
74-5044 Ane Keohokālole Highway, Kailua-Kona, HI 96740

Board of Appeals board members and applicants may attend via Zoom or in person. The public may provide verbal testimony by joining Zoom or via the physical location listed above. See "Submitting Testimony" below for more information.

The public will be able to view and listen to the live meeting at:
<https://www.youtube.com/@cohplanningdepartment/streams>.

A full schedule of active Board of Appeals cases can be viewed on the Planning Department's website. This schedule is updated regularly and will reflect changes made subsequent to the publication of this agenda: <https://records.hawaiiicounty.gov/weblink/Browse.aspx?dbid=1&startid=103626>. Minutes of the Board of Appeals meeting will be transcribed and posted on the Planning Department's website.

CALL TO ORDER

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

Pursuant to HRS 92-3 interested persons that want to provide oral testimony may do so either at the time the board takes public statements on the agenda or at the time the specific agenda item is called or as otherwise allowed at the sole discretion of the Chair.

OLD BUSINESS

1. BOA-21-000299 – COMPREHENSIVE REVIEW OF BOA RULES OF PRACTICE AND PROCEDURES AND PROPOSED AMENDMENTS (This item was previously posted on

November 8, 2023, in accordance with Hawai'i Revised Statutes 92 for rule making.)

The Board of Appeals passed a motion to initiate rule amendment proceedings at its hearing on April 9, 2021, in accordance with Hawai'i County Board of Appeals Rules of Practice and Procedure, Rule 5 Rulemaking Procedures. The proposed amendments include a comprehensive review and update to provide more consistency and adherence to related statutes and codes. In accordance with Hawai'i Revised Statutes 92-2.5, the Board created a Permitted Interaction Group at its May 12, 2023, hearing to review the rules and make recommendations to the Board. The Permitted Interaction Group provided a summary report of its findings at the September 14, 2023, hearing. The Board reviewed and discussed the draft rule amendments at its October 13, 2023, hearing. The Board will review and deliberate the draft rule amendments for adoption.

2. ELLIOT FABRI (PL-BOA-2023-000066)

Appeal of Decision by the Planning Director Dated January 23, 2023, Regarding Notice of Violation and Order (PL-PCV-2022-00235) Relating to Unpermitted Events, Retreat Center/Activity, Church Practice and Renting Cabins
Location: Noni Farms Road, Puna, HI
TMK: (3) 1-4-020:007

NEW BUSINESS

3. CHRISTINE L. BAILEY (PL-BOA-2023-000076)

Appeal of Decision by the Planning Director Dated August 22, 2023, Approval of Subdivision Variance (PL-SVAR-2023-000036)
Location: 52-4653 Akoni Pule Highway, Waimea, HI 96743
TMK: (3) 5-2-009:035

EXECUTIVE SESSION

With reference to the agenda items listed, one or more executive meetings may be anticipated. The Board may convene an executive meeting pursuant to Chapter 92- 5(a)(4), Hawai‘i Revised Statutes, as amended, for the purpose of consulting with the Board’s attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities. Pursuant to Chapter 92-4, Hawai‘i Revised Statutes, as amended, and Rule 1- 5e, Board of Appeals Rules of Practice and Procedure, an affirmative 2/3 vote of the members present is necessary to hold an executive meeting.

MINUTES

Approval of the November 17, 2023, Board of Appeals meeting minutes.

ADMINISTRATIVE MATTERS

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

Status of outstanding petitions - Staff

ANNOUNCEMENTS

ADJOURNMENT

SUBMITTING TESTIMONY: To provide verbal testimony via Zoom, please use the link below to register no later than 4:00 p.m. on Wednesday, December 6, 2023.

<https://www.zoomgov.com/meeting/register/vJltcuCprTwpHUW7-e6ezRHmmdPbEKVeI4s>. Written testimony may be submitted via email at boardofappeals@hawaiicounty.gov, by mail, or in person. Mail or hand-deliver written testimony to Hilo Planning Department at 101 Pauahi Street, Suite 3, Hilo, Hawai‘i 96720 up to two business days prior to the hearing by 4:30 p.m.

According to Board of Appeals Rules of Practice and Procedure 1-5 (i) 1-3, any person desiring to testify shall indicate his or her name and residence address and indicate whether he or she is testifying on his or his own behalf, or as a representative of the applicant/appellant, or an organization.

Documents provided to members of this board for this meeting is available for public inspection online at <https://records.hawaiicounty.gov/Weblink/Browse.aspx?dbid=1&startid=109683> or during regular business hours at the Hilo office of the Planning Department, Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawai‘i and at the Kona office of the Planning Department, West Hawai‘i Civic Center, 74-5044 Ane Keohokālole Highway, Building E, 2nd Floor, Kailua-Kona, Hawai‘i.

Notice to Lobbyists: 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, Hawai‘i County Building, 25 Aupuni Street, Room 1402, Hilo,

Hawai'i 96720.

If you need an auxiliary aid/service or other accommodation due to a disability, contact the Planning Department at (808) 961-8288 as soon as possible, and no later than five (5) working days prior to the meeting date. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice may be made available in alternate/accessible formats.

STACEY AGUIAR, CHAIRPERSON
BOARD OF APPEALS

Hawai'i County is an Equal Opportunity Provider and Employer