

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAI'I REVISED STATUTES, AS AMENDED, NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING/HEARING OF THE MAUI COUNTY BOARD OF VARIANCES AND APPEALS (BVA)

Members: Randall Endo (Chairman), Kevin Tanaka (Vice-Chairman), William Kamai, Rachel Ball Phillips, Stephen Castro, Sr., Ray Shimabuku, Bart Santiago, Jr., Rick Tanner, Bernice Vadla

### AGENDA

DATE: September 9, 2010, Thursday

TIME: 1:30 p.m.

PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Hawaii

A. CALL TO ORDER

B. PUBLIC HEARING

C. APPEALS

1. PAUL K. NISHIDA of the NISHIDA FAMILY TRUST appealing the Planning Director's Notice of Violation for maintaining a construction equipment storage and baseyard within the agricultural district for property located at 756 Pulehu Road, Kula, Maui, Hawaii; TMK: (2) 2-3-060:006 (BVAA 20100005)

- a. Appellee County of Maui's pre-hearing memorandum; certificate of service
- b. Appellee County of Maui's witness list
- c. Appellee County of Maui's exhibit list: Exhibits A - W
- d. Appellant Paul K. Nishida's witness list
- e. Appellant Paul K. Nishida's exhibit list

2. MAUI LAND & PINEAPPLE COMPANY, INC. appealing the Director of Parks and Recreations' requirement of \$4,433,610.00 for the development of a park in Napili for the West Maui Village Affordable Housing Development located off of Honoapiilani Highway, Alaeloa, Lahaina, Maui, Hawaii; TMK: (2) 4-3-001:033 (BVAA 20070007)

- a. Status Report

D. APPROVAL OF THE AUGUST 26, 2010 MEETING MINUTES

E. DIRECTOR'S REPORT

- 1. Status Update on BVA's Contested Cases
- 2. Meeting Scheduled for Lanai on October 14, 2010

F. NEXT MEETING DATE: September 23, 2010, Thursday

G. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.  
EACH APPLICANT IS REQUESTED TO PROVIDE RESPONSIBLE REPRESENTATION  
AT THE MEETING.

INFORMATION RELATIVE TO THE ABOVE APPLICATIONS ARE AVAILABLE FOR  
REVIEW AT THE PLANNING DEPARTMENT'S OFFICE LOCATED AT 250 SOUTH HIGH  
STREET, WAILUKU, MAUI, HAWAII.

ANY PERSONS REQUESTING ACCOMMODATION DUE TO DISABILITIES, PLEASE  
CALL THE MAUI PLANNING DEPARTMENT AT 270-7253, OR NOTIFY THE MAUI  
PLANNING DEPARTMENT IN WRITING AT 250 SOUTH HIGH STREET, WAILUKU, MAUI,  
HAWAII 96793, OR BY FAX NUMBER 270-7634 AT LEAST SIX (6) DAYS BEFORE THE  
SCHEDULED MEETING.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH ANY AGENDA ITEM  
SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND  
THE RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF VARIANCES AND  
APPEALS. WRITTEN TESTIMONY SHOULD BE RECEIVED AT LEAST TWO BUSINESS  
DAYS BEFORE THE MEETING TO INSURE DISTRIBUTION TO THE BOARD. FIFTEEN  
(15) COPIES OF WRITTEN TESTIMONY ARE NEEDED IF TESTIMONY IS PRESENTED  
IMMEDIATELY PRIOR TO OR AT THE MEETING.

ANY FAXES SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 4:30  
P.M. ON THE SECOND WORKING DAY BEFORE THE MEETING TO INSURE THAT IT  
IS CIRCULATED TO THE BOARD.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE BOARD TO CONSULT  
WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S  
POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES.

PLEASE NOTE: If any member of the Commission is unable to attend the scheduled  
meeting, please contact the Planning Department at 270-7253 at least one day prior to the  
meeting date.