

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAII REVISIED 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 23, 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. APPEALS

1. THOMAS D. WELCH, ESQ., MANCINI WELCH & GEIGER, LLP representing MAKILA LAND CO., LLC, appealing the Director of the Department of Public Works' letter dated March 25, 2008, amending the preliminary approval letter dated March 3, 2008 for the Makila Nui Subdivision (DSA File No. 4.957) located off of Pua Niu Way, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-001:025 (BVAA 20080003).
2. THOMAS D. WELCH, ESQ., MANCINI WELCH & GEIGER, LLP representing MAKILA LAND CO., LLC, appealing the Director of the Department of Public Works' letter dated March 25, 2008, amending the preliminary approval letter dated September 11, 2006 for the Makila Ranches - Phase 1 Subdivision (DSA File No. 4.924) located at 373 Haniu Street, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-001:027 (BVAA 20080004).
3. THOMAS D. WELCH, ESQ., MANCINI WELCH & GEIGER, LLP representing MAKILA LAND CO., LLC, appealing the Director of the Department of Public Works' letter dated March 25, 2008, amending the preliminary approval letter dated October 17, 2006 for the Makila Ranches - Phase 2 Subdivision (DSA File No. 4.927) located off of Kai Hele Ku Street, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-001:026 (BVAA 20080005).
4. THOMAS D. WELCH, ESQ., MANCINI WELCH & GEIGER, LLP representing MAKILA LAND CO., LLC, appealing the Director of the Department of Public Works' letter dated March 27, 2008, amending the preliminary approval letter dated October 17, 2006 for the Makila Ranches - Phase 3 Subdivision (DSA File No. 4.929) located off of Kai Hele Ku Street, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-001:030 (BVAA 20080006).
  - a. Hon. E. John McConnell (Ret.), Report of Hearing Officer: Recommended Findings of Fact, Conclusions of Law and Order.
  - b. Appellant Makila Land Co., LLC's memorandum in support of exceptions to Hearing Officer's report and recommended findings of fact, conclusions of law and order, dated March 29, 2010; appendices "1" - "2"; certificate of service.
  - c. Appellant Makila Land Co., LLC's exceptions to Hearing Officer's report and

- recommended findings of fact, conclusions of law and order, dated March 29, 2010; certificate of service.
- d. Appellant Makila Land Co., LLC's post-hearing brief; appendix "1"; certificate of service
- e. Appellant Makila Land Co., LLC's proposed findings of facts, conclusions of law, decision and order in consolidated appeals; certificate of service
- f. Appellee Director of Public Works' closing brief
- g. Appellee Director of Public Works' proposed findings of fact, conclusions of law, and decision and order.

C. APPROVAL OF THE SEPTEMBER 9, 2010 MEETING MINUTES

D. DIRECTOR'S REPORT

- 1. Status Update on BVA's Contested Cases

E. NEXT MEETING DATE: October 14, 2010, Thursday, Island of Lanai

F. 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, HAWAI'I.

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, HAWAI'I 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.