

**BOARD OF VARIANCES AND APPEALS
REGULAR MEETING
March 12, 2015**

A. CALL TO ORDER

The regular meeting of the Board of Variances and Appeals (Board) was called to order by Chairman Rick Tanner at approximately, 1:35 p.m., Thursday, March 12, 2015, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Board was present. (See Record of Attendance.)

Chairman Tanner: The meeting of the Board of Variances and Appeals will now come to order. It is now 1:32 p.m. and let the record show that we do have a quorum.

B. PUBLIC TESTIMONY

Chairman Tanner: Public testimony will be taken at the start of the meeting on any agenda item in order to accommodate those individuals who cannot be present when the agenda item is considered before the BVA.

However, a person testifying at this time will not be allowed to testify again when the agenda item comes up before the Board. Unless there is new or additional information. Public testimony will also be taken when the agenda item comes before the Board. There will be a maximum time limit of three minutes.

Are there any individuals from the public at this time who would wish to come forward? Seeing none, we will close Public Testimony.

And at this time, we have a request and this is for the Board, we have a request from the applicant that the three agenda items be combined into one and I've consulted with Counsel and if everybody's in agreement we will go ahead and do that.

Ok, seeing none opposed, we will add these three agenda items together. And I will ask staff to read them into the record. . .

...Discussion amongst Corp Counsel and Board Members...

Chairman Tanner: Sorry. I did. Ok. I'm sorry. I'm out of order. I'm going to hold on one second here. I'm new at this.

C. RESOLUTION THANKING OUTGOING MEMBERS RICK TANNER AND SCOTT MATSUURA

Item C is a resolution. Thanking outgoing members Rick Tanner and Scott Matshu...

Mr. Scott Matsuura: Matsuura.

Chairman Tanner: I'm never good at that. Scott.

Mr. Matsuura: It's ok. It's ok.

Chairman Tanner: And our minutes are verbatim, that's wonderful.

...Laughter...

Chairman Tanner: So, I thank myself and I thank Scott. You've been great.

Vice Chairman Clark Abbott: And we thank you.

Chairman Tanner: Thank you.

Mr. Howard Kihune: Thank you for your time.

Mr. John Rapacz: Mr. Chair?

Chairman Tanner: Yes?

Mr. Rapacz: There are actually a couple of resolutions to read onto the record, I think as part of this agenda Item C.

Chairman Tanner: Am I missing them?

Mr. Raymond Sung: They're over here.

Chairman Tanner: Oh ok.

Mr. Rapacz: They're here. I need them to read them.

Chairman Tanner: Oh, excellent.

Mr. Rapacz: Thank you.

"Resolution of the Maui County Board of Variances and Appeals. Whereas the Maui County Board of Variances and Appeals was established in 1983; and Whereas, Rick Tanner has served the County of Maui since April 2010 as a member of the Maui County Board of Variances and Appeals; and Whereas Mr. Tanner has served as Vice-Chair from April 2011 through March 2013, and Chairman from April 2013 through March 2015; and Whereas Mr. Tanner has served with dedication, performed his duties in the highest professional manner, and provided valuable guidance in serving the needs of the people of Maui County; and Whereas, Mr. Tanner's term of office will expire on March 31, 2015; now, therefore, Be it resolved, by the Maui County Board of Variances and Appeals that it does hereby express its deepest gratitude and appreciation to Mr. Tanner for his service during the past five years; and does hereby extend its best wishes in his

future endeavors; and Be it further resolved that copies of this resolution be transmitted to the Honorable Alan M. Arakawa, Mayor of the County of Maui, and the Honorable Mike White, Chair of the Maui County Council.”

That’s Resolution number one.

...Applause...

Mr. Rapacz: And Resolution number two.

“Whereas, the Maui County Board of Variances and Appeals was established in 1983; and Whereas, Scott Matsuura has served the County of Maui since May 2015. . . (I think that’s probably not correct-would that be 2014? Ok, we’ll correct the record) . . . as a member of the Maui County Board of Variances and Appeals; and Whereas, Mr. Matsuura has served with dedication, performed his duties in the highest professional manner, and provided valuable guidance in serving the needs of the people of Maui County; and Whereas, Mr. Matsuura’s term of office will expire on March 31, 2015; now, therefore, Be it resolved, by the Maui County Board of Variances and Appeals, that it does hereby express its deepest gratitude and appreciation to Mr. Matsuura for his service during the past 10 months; and does hereby extend its best wishes in his future endeavors; and Be it further that copies of this resolution be transmitted to the Honorable Alan M. Arakawa, Mayor of the County of Maui, and the Honorable Mike White, Chair of the Maui County Council.”

...Applause...

D. PUBLIC HEARING

Chairman Tanner: Thank you very much John. Ok, at this time if staff would read the first item on the agenda into the record.

Ms. Malia Balberdi: *Reads item into record.*

4. DAVID JORGENSEN OF TAKITANI, AGARAN & JORGENSEN representing DALE SANAE AGENA, SUCCESSOR TRUSTEE OF THE HIDEO AGENA FAMILY TRUST is requesting a variance from Maui County Code (MCC) §18.16.060(C) to allow a portion of the existing access rights-of-way from Kula Highway to the subdivision, over which the owner has access rights, to remain at 20 feet in width, when MCC requires that the rights-of-way of access streets be at least 24 feet in width, for the subject property located at 851 Naele Road, Kula, Hawaii; TMK (2) 2-3-003:167, (BVAV 2015/0001); (M. Balberdi)
5. DAVID JORGENSEN OF TAKITANI, AGARAN & JORGENSEN representing ROBERT MITSUO ITO AND GAEL PUALANI ITO , TRUSTEES OF THE ROBERT MITSUO ITO AND GAEL PUALANI ITO

REVOCABLE LIVING TRUST, DATED SEPTEMBER 19, 1997 is requesting a variance from Maui County Code (MCC) §18.16.060(C) to allow a portion of the existing access rights-of-way from Kula Highway to the subdivision, over which the owner has access rights, to remain at 20 feet in width, when MCC requires that the rights-of-way of access streets be at least 24 feet in width, for the subject property located at 755 Naele Road, Kula, Hawaii; TMK (2) 2-3-003:168, (BVAV 2015/0002); (M. Balberdi)

6. DAVID JORGENSEN OF TAKITANI, AGARAN & JORGENSEN representing MOLLY TANIGUCHI JONES, TRUSTEE OF THE EUGENE T. TANIGUCHI AND HARRIET S. A. TANIGUCHI EXEMPTION TRUST is requesting a variance from Maui County Code (MCC) §18.16.060(C) to allow a portion of the existing access rights-of-way from Kula Highway to the subdivision, over which the owner has access rights, to remain at 20 feet in width, when MCC requires that the rights-of-way of access streets be at least 24 feet in width, for the subject property located at Naele Road, Kula, Hawaii; TMK (2) 2-3-003:203, (BVAV 2015/0003); (M. Balberdi)

Chairman Tanner: Thank you.

Mr. David Jorgensen: Good afternoon Chairman Tanner, members of the BVA staff. My name is Dave Jorgensen, I'm the attorney for the applicants. All the applicants are here with me today and maybe they can just wave their hands when I say their names.

But, Dale Sanae Agena, Robert Mitsui Ito and Gael Pualani Ito and Molly Taniguchi Jones as well as Harriet Taniguchi are all here today. As well as some members of the family.
Chairman Tanner: Mr. Jorgensen, are you agreeable to the waving of the reading of the staff report?

Mr. Jorgensen: Yes sir.

Chairman Tanner: Ok. Please proceed.

Mr. Jorgensen: We actually have these three applications before you today. They're seeking essentially the same relief. They're all in the same upcountry neighborhood off of Naele Road in Kula. Each property is the subject of a subdivision application that is currently going on. As part of the application process for the subdivision, certain issues needed to be addressed at Naele Road.

The owners and their Engineer Kirk Tanaka who's also here today have worked out those issues with the one remaining matter being the right-of-way width. Each of these three families has owned this property for decades and they've been farming the land for most of that time. The desire and intent of each family is to keep the property in their respective

families and to come. . . continue farming the land. Whoever in order to pass on the property to their children in the most practical way, they need to subdivide the land and this variance will allow that process to move forward.

In the applications I had attached some pictures, there's some colored pictures in the application itself. This is aerial view of Kula Highway. . . if you can kind of see, it's a little bit hard to see. But Kula Highway. . . Thank you. . .

Kula Highway is running, top to bottom on the right hand side. The white line is Naele Road that comes down and then it actually turns a sharp left here. And then comes down between the property, comes right to left again.

The Ito property is this property, the Agena property is this property and the Taniguchi property is this property. So just so you have an idea. The road as it comes straight down from Kula Highway, dead ends right here and when it comes here, it dead ends right at the Agena property. So there is no through street, there's no other access coming in and out. It's just off of Kula Highway.

So, as you can see, from the pictures. . . some of the pictures we included . . . When you come up Kula Highway and turn down Naele Road, about a couple hundred yards down, there's a second road that runs parallel to it, that's private. But there is a right-of-way there that is not. . . that my client's don't have a right to. But there is two paths coming down from Kula Highway for most of the distance.

So there's parallel roads. . . parallel pavement that comes down to about this distance. That is owned by the people on that side of Naele Road. Then when you continue coming down, there's a sharp left and from this area, there's a 20 foot right-of-way on the lower side, it drops off down to the property below. And on the upside there's a hill that's right at the edge of the property and you can kind of see that in the pictures.

One of the issues is always whether this is a unique situation. And among the individual applicants, it's granted not a unique situation. But for this particular. . . what we'll call a neighborhood. This is a unique situation, where all these families have been there for decades. They know each other. There's a couple other owners who are here offering moral support. And they're working together to make some improvements on the waterline and things like that in this area.

The area, all these properties are currently in ag production. I know the Ito's have farm the land since 1977 and continue to do that. So we submit that this does present a unique situation where these owners are trying to perpetuate the agricultural lifestyle. And to make improvements to the land so that this property can be there for the benefit of their families in the future.

We didn't receive any objections to the applications except for a letter from Mr. David Brown with Public Access Trails Hawaii. Several of the other owners on the property along Naele Road have expressed their support for this request.

Regarding Mr. Brown's letter, with all do respect, it mentions that he's traveled on Naele Road many times and he may have, but we're not sure why. Because there's no access. I mean there's no where go except go down and come back up. So, anybody that goes down Naele Road is really there, either because they live there or because they're visiting one of the properties. Where the residence do live. It's a dead end road and again, there's not really much traffic at all on Naele Road.

We believe the applications address all the requirements for the granting of this variance. The bottom line is there's at least a 20 foot right-of-way from Kula Highway down to each of the parcels. Which was created back in 1948 and when in certain places the right-of-way is currently 40 feet. When you get down from this corner, down to the Agena property, that's a 40 foot right-of-way in that area.

In the areas where the right-of-way is not at least 24 feet as provided in Code Section 18.16.060c, we ask that the variance be granted so that these families my proceed with their plan.

Thank you very much and myself, Mr. Tanaka or any of the applicants are all available for any question you might have.

Chairman Tanner: Board, any questions for the applicant? Very good job.

Vice Chairman Abbott: Yes, I have a question if I may.

Chairman Tanner: Go ahead.

Vice Chairman Abbott: It may be an irrelevant question, I don't know. But, 20-24 foot section that we're discussing here or trying to grant the variance for is located in how many feet?

Mr. Jorgensen: Well, it's basically this length. It's that length. There's a lot 157 that is 20 feet wide. Which are. . . the applicant's do have the right to traverse. Then, as I said there is a separate path that goes parallel to that but they do not have a right-of-way over that. And then there is a section right here, that is only a 20 foot right-of-way, and then as you come down here, that is only 20 feet as well.

Vice Chairman Abbott: If I may ask approximately how many feet blocks? Length?

Mr. Jorgensen: I can ask Mr. Tanaka.

Vice Chairman Abbott: Thank you.

Mr. Jorgensen: Thank you sir.

...(inaudible)...

Vice Chairman Abbott: Mr. Jorgensen, you'll have to get closer to the mic for the minutes.

Mr. Jorgensen: I'm very sorry, very sorry.

Vice Chairman Abbott: It's ok.

Mr. Jorgensen: It's about 1,400 feet from Kula Highway down to the turn and then from there down, you can kind of. . . I mean, you can eye ball it. Mr. Tanaka has . . . the section going to the left is - -

Mr. Kirk Tanaka: - - it's about 400 feet.

Mr. Jorgensen: About 400 feet.

Mr. Tanaka: Then going down pass the sharp left turn is about another 450 feet.

Mr. Jorgensen: About 450 feet going further down. Straight down.

Vice Chairman Abbott: So, we're talking roughly around figures 1,900 feet?

Mr. Jorgensen: Approximately sir yes.

Vice Chairman Abbott: 1,900-2,000 feet.

Mr. Jorgensen: Yes sir.

Vice Chairman Abbott: I'm a little at lost to figure out. . . to reason for asking for the variance other than cost of widening the road. Because it does not interfere with any other as it is with anything to do with the property.

Mr. Jorgensen: And just to clarify this is not a variance for widening the road, the paved portion. It's just for the actual right-of-way that would be on the map. And part of that is because of the properties on either side, have not been willing to grant easements to widen the actual - -

Vice Chairman Abbott: Could you show me on the map what you're talking?

Mr. Jorgensen: The Naele Road. . . there's pavement. But the actual right-of-way, which is... without sounding amateurish that there's two different issues. One is, how wide is the actual pavement and the other is on a map, how wide is the right-of-way.

So the actual right-of-way from. . . it's actually not right at Kula Highway. It starts about here, coming down is only 20 feet. The properties on either side... they're the ones that would have to give up area for an easement to widen the right-of-way and that has not been possible to accomplish and the families are trying to move forward. And they also have some pending work with the Water Department on some other improvements that is contingent upon getting this done.

Vice Chairman Abbott: Thank you.

Chairman Tanner: Yes Raymond?

Mr. Raymond Sung: So as a clarification Mr. Jorgensen, as a clarification, is it the case that the applicant's all three of them are not asking for a variance with respect to that part for the right-of-way that needs to be widened pursuant to the MCC but as to which they do control?

Mr. Jorgensen: I'm sorry.

Mr. Sung: So as I understood it, what you just said was that along the stretch that borders the property owned by other people who are not your current clients- -

Mr. Jorgensen: Right.

Mr. Sung: - - and who are unwilling to give permission to widen that road. Your clients, the three applicants combined are asking for relief in the form of a variance from the 24 foot requirement. But is there a section of right-of-way that borders the property that they do own that's required to be widened to 24 feet and as to which you are also asking a variance? Or is it the case that the applicants are willing to widen the road to 24 feet as to any part of right-of-way that does border their property and they do control?

Mr. Jorgensen: Well the only part of the road where the borders the properties are on this side, which is already a 40 foot right-of-way.

Mr. Sung: Ok.

Mr Jorgensen: And then, the property that's subject of the subdivision starts right about here, I believe and comes down. And so there's a relatively short stretch that would. . .that this would be subdivided into two parcels. And the lower part, the lower parcels starts I believe right about here. So- -

Mr. Sung: And that right-of-way is 24 - -

Mr. Jorgensen: That's only 20 feet.

Mr. Sung: Ok. And are you asking for the variance to apply to that section as well?

Mr. Jorgensen: Yes.

Mr. Sung: But that part is entirely within your client's control. Or one of your client's control?

Mr. Jorgensen: Mr. Tanaka, can you. . .

Mr. Tanaka: Good afternoon members of the Board of Variances and Appeals. My name is Kirk Tanaka and I work for Tanaka Engineers. If I understand Commissioner's Sung's question.

Mr. Sung: Yes.

Mr. Tanaka: The area that we're. . . I think it might be a little bit of. . . it is confusing, I understand. But, I think we're talking about the pavement width versus right-of-way width. And those are two different things. We don't need a variance for pavement width. It's right-of-way width.

Mr. Sung: Right.

Mr. Tanaka: Ok. So the area that is on the left side of the sharp left turn. . .

Mr. Sung: Right.

Mr. Tanaka: This area here. This is a 20 foot wide roadway lot. And the access to the bottom of the Taniguchi subdivision, would be off of this 20 foot roadway lot, 20 foot right-of-way. Excuse.

So the variance request is for. . . from here to here and here. That's where there's only 20 feet of right-of-way.

Mr. Sung: And so, to take my question and divide it into two parts. There's one part of the 20 foot right-of-way that. . . if nothing were done the MCC would require your clients to widen to 24 feet. And that first portion, is along the long straightaway to the right of that sharp left turn. That is essentially bordering property that is owned by other parties whose permission is needed in order to allow for the 24 foot widening.

Mr. Tanaka: Yes.

Mr. Sung: But, to the left of that. . . sharp left turn going along that top portion, right where your pointer is right now. Correct. That part also would be required by the MCC to be widened by 24 feet. But that part of the roadway, currently 20 feet in width and required to be widened to 24, does not have the exact same issue, because that part of the roadway does border Mr. Jorgensen's client's, the applicant's property. Is that correct?

Mr. Tanaka: Actually, I think I understand your question.

Mr. Sung: Yeah.

Mr. Tanaka: This property is not part of the application. This right here. The Taniguchi property begins around here and then goes here.

Mr. Sung: Ok. So is that last part of the roadway that needs to be widened right above where it says Taniguchi, yeah right there?

Mr. Tanaka: Right here?

Mr. Sung: Is that part of the roadway currently at 20 feet and is it currently required to be widened to 24 feet? Is it part of your request for a variance to not have to be widened to 24 feet and is it controlled or adjacent to property of at least one of the applicants?

Mr. Tanaka: I see. So, I'm trying to understand your question. In this area here, this short section here where its 20 feet and it accesses the bottom part of the Taniguchi property.
Mr. Sung: Ok.

Mr. Tanaka: Are you asking . . .

Mr. Sung: Who would have to give permission for that road to be widened to 24 feet? Does it have a similar issue of you can't get the owner to allow for the 24 foot widening because that's what the issue is for that first stretch, that long stretch to the right of the sharp left turn.

Mr. Tanaka: The applicant's property starts around here.

Mr. Sung: Ok.

Mr. Tanaka: So if your question entails . . . what happens. . . can Taniguchi give themselves four feet of right-of-way? For this short section? I believe the answers yes.

Mr. Sung: So, I just want to clarify because member Abbott's question had been. . . was the only reason one of cost and then Mr. Jorgensen said "no" because at least with respect to that long part the right-of-way would require. . . the right-of-way widening would require the permission of the parties who are not available and not willing to give that.

So I wanted to see if there was any part of the roadway that needs to be widened, that it is within the control essentially of one or more of the applicants. And now as I understand, you've answered that. That short part, right there above where it says Taniguchi property on the map. That doesn't have a similar issue. Right?

Mr. Tanaka: No it doesn't.

Mr. Sung: And so, at least for that part, would it be correct to say that cost is the only reason to request a variance? Would that be a fair. . . - -

Mr. Tanaka: I imagine that practically speaking, just from my personal opinion. Practically speaking, the right-of-way . . . if the Board seeks to grant the variance and the subdivision proceeds. Then practically speaking it would be 20 feet up here, 20 feet, 20 feet and then all of a sudden from here it would be 24. Which I would. . . which would generally access the bottom of the Taniguchi property.

So just as a practical matter. . . just as a practical matter it'll be. . . again if the Board choose to grant the variance, it would be 20 feet and then all of sudden a section would be 24.

Mr. Chad Fukunaga: Kirk, would it be 24 feet? Or 22 feet? Half the widening?

Mr. Tanaka: My understanding of the ordinance requires that access from the subdivision to a main roadway, the right-of-way needs to be 24 feet. So, in the case. . . in this case we have 20. So we're short for. . . I understand. . . I think I understand what you're talking about Commissioner Fukunaga. It is. . . if roadway widening was required. Then we would give up two instead of four. But then that would still leave us with two feet short. I mean it's something that we would discuss. Of course we would discuss with DSA.

Mr. Fukunaga: Can we ask staff for. . .

Mr. Lance Nakamura: There are two different requirements that we are talking about I think here. You can have road widening that is fronting a property, which is the area you're talking about.

You also have roadways providing access to the property. Which is what is the subject of their variance. Our. . . And I'm sitting in for Lesli Otani, the subdivision engineer so I'm not fully up to speed on what is going on. But we had a requirement to provide that road

widening for the portion that you're talking about. Which is the roadways abutting the subdivision.

They have since deleted that requirement. They're not asking for that requirement. I cannot tell you exactly why that happened. But Public Works is not requiring that portion that you're talking about to be widened. So that's the only access to the subdivision that we're talking about.

Mr. Sung: Thank you for the clarification.

Mr. Tanaka: Mr. Chair, may I have the floor? Thank you Lance, you're right. I had forgotten about that. The reason why Public Works Engineering Division is not requiring that this section be widened to 24 feet, is a practical matter. I had a conference with Nolly Yagin, of the Engineering Division; and he said, from the Engineering Division's perspective, he wouldn't require that additional four feet. And then I believe that's the reason why Lance stated that they pulled that requirement. It's just as a practical matter as I recall when I spoke with Nolly at Engineering Division. They didn't see the need for it.

Mr. Sung: So we are now only talking about the big long straightaway before you get to the sharp left turn? As the subject for the variance? Which is the roadway or access to rather than the roadway that it abuts?

Mr. Jorgensen: If I may again. Two different things, we're talking about roadway widening versus right-of-way on a map. We're asking for a variance from the requirement that the right-of-way shown on the map. Within which you could put an access be reduced from 24 to 20 feet from here down to here and for here.

The requirement which Mr. Tanaka and Mr. Nakamura were just talking about, was a requirement that was in the subdivision approval letter. But that has been removed from the Department of Public Works, requiring the widening of the physical pavement.

Mr. Sung: Ok.

And so that. . . there was a discussion about the roadway fronting the property. Which this road and this road, front the Taniguchi . . . I mean about the Taniguchi property. Which is the front and the back is the question.

But there are two different. . . there were two different requirement to satisfy. One of which was taken cared of in another way. By Mr. Tanaka and the Department working together.

Mr. Sung: So, if I may continue this line of questioning. As I understand from what you just explained. The pavement widening requirement is no longer an issue. But it's still a requirement of the Maui County Code that the right-of-way is supposed to be 24 feet versus 20. And that part still applies in multiple parts, along the straightaway, along after the sharp left turn, along that first part above to the right of where it says BVAV. That's owned by someone else.

And then the last part would be right above where it says Taniguchi property. And that part, is owned by Taniguchi. Is that correct?

Mr. Jorgensen: Yes. I mean this. . . what is in white, that whole area that is in white, would be. . . is why we're here.

Mr. Sung: Right.

Mr. Jorgensen: For the right-of-way. And then this area that was my oversight. This is not in white, I mean it's not in white from there to there. But that is the other area.

Mr. Sung: And the only part that is abutting the property of one or more of the applicants is that short part right there?

Mr. Jorgensen: Right around there.

Mr. Sung: But that's still a part of the variance request?

Mr. Jorgensen: Yes sir.

Mr. Sung: But theoretically, especially since we're not talking about pavement anymore but rather just the right-of-way width. That client of yours could grant itself the access to that last part?

Mr. Jorgensen: In theory. In theory yes. But I understand there are the utility box down here. There's some other issues that may be in that area that would have to part of the right-of-way which they may be required to move those. So that it comes back to cost. But in theory. Yes, you're right.

Mr. Sung: But it seems that the only compelling reason for that last section that you are sighting is one of cost and convenience? Is that? - -

Mr. Nakamura: Chair, can I clarify a little bit again? Again that portion that is abutting the property you're talking about that they could grant the right-of-way. You're right, they could. But Public Works is not requiring that they do so. So that portion is not part of the variance, I would say.

Mr. Sung: Ok. And you're saying that's as to the actual right-of-way versus the pavement?

Mr. Nakamura: Yes. It's pavement only- - I mean excuse me. It's right-of-way only that we're talking about.

Mr. Sung: Right. And that's a clarification that now makes sense. But that was not what I was hearing before when it sounded like it was a distinction between- -

Mr. Nakamura: And to clarify one more issue about. . . you know we keep talking about improvements. Lesli Otani notified me that the improvements were addressed by the consultant. So you know, improvement issues have been addressed so we're not talking about any improving variances here today.

Mr. Sung: Ok. Thank you very much.

Mr. Jorgensen: Ok. Thank you.

Chairman Tanner: Alright thank you. Any further questions from the Board. Staff, we've seen the letter from the Fire Department and the letter from Public Access Trails. Are there any other communications either for or against the variance?

Ms. Balberdi: No there isn't.

B. PUBLIC TESTIMONY (cont...)

Chairman Tanner: Ok. At this time I'm going to open the floor to Public Testimony. Please remember you have three minutes. And at this time, any member of the public that would like to come forward and speak on this agenda item, please do so and state your name into the mic.

Seeing none. This is for or against. Still seeing none. We will close Public Testimony.

D. PUBLIC HEARING (cont...)

Chairman Tanner: I will open the floor back up to the Board if there are any further questions for the applicant. Ok. Seeing none at this time, the Board is open for a motion.
Mr. Scott Matsuura: Motion to approve.

Chairman Tanner: Ok. So we have a motion to approve- -

Ms. Richelle Thomson: And is that with the standard conditions?

Mr. Matsuura: Yes.

Chairman Tanner: So we have the standard Hold Harmless and Maui County named as additionally insured. Do we have a second?

Mr. Willy Greig: Second.

Chairman Tanner: So we have a motion and a second? Any discussion? Staff?

Ms. Balberdi: So just for clarification. The million dollar policy which we require? For each property right?

Chairman Tanner: Yes, million dollar policy, Maui County additionally insured. For each of the. . . yeah, each one of the three. Correct.

Ms. Balberdi: And the justifications. . . you're using the applicant's application? To meet the criteria?

Chairman Tanner: Scott? Your justification is that? With the staff reports?

Mr. Matsuura: Yes.

Mr. Sung: And Mr. Tanner. And with the added justification of the clarification provided by Lance Nakamura, that the Department is not requiring certain other conditions to apply or to be met, or they've been met.

Chairman Tanner: Scott, you agree to that?

Mr. Matsuura: Sure.

Chairman Tanner: And William, you continue your second?

Mr. Greig: Yes.

Chairman Tanner: Ok. So we have a motion and a second. Any further discussion? Seeing none. All those in favor?

Members: "Aye."

Chairman Tanner: Any opposed? The variance is granted unanimously Thank you. I appreciate everybody's time and coming in.

It was moved by Mr. Matsuura seconded by Mr. Greig then,

VOTED: Motion to approve the variance.

(Assenting: C. Abbott, C. Fukunaga, H. Kihune, W. Greig, S. Matsuura, R. Sung)

(Excused: P. DePonte, T. Espeleta)

E. APPROVAL OF THE JANUARY 22, 2015 MEETING MINUTES

Chairman Tanner: Ok. The next item on the agenda is the approval of the January 22, 2015 meeting minutes. Which we should all have here in front of us? Do we have a motion to accept those minutes?

Mr. Matsuura: I move.

Mr. Fukunaga: Second.

Chairman Tanner: Scott, motioned. Chad Seconded. All those in favor of approving the minutes which can always be amended later.

Members: "Aye."

Chairman Tanner: Aye. Any opposed? So the minutes are passed.

It was moved by Mr. Matsuura seconded by Mr. Fukunaga then,

VOTED: Motion to approve the January 22, 2015 meeting minutes.

(Assenting: C. Abbott, C. Fukunaga, H. Kihune, W. Greig, S. Matsuura, R. Sung)

(Excused: P. DePonte, T. Espeleta)

E. NEXT MEETING DATE: Wednesday, March 25, 2015

Chairman Tanner: The next item is the next scheduled meeting. Which may be Wednesday, March 25, 2015. And that is pending finalization of the agenda item. Not a 100% sure if there will be. But I guess you will be in contact and let everybody know. I think they're still working on the agenda item. Correct?

Ms. Chalsey Kwon: Yes.

Chairman Tanner: And so Thursday is a holiday that's why it's a Wednesday. It's Prince Kuhio Day. So I told my employer and they said "No, it's not a Holiday" but it is for the County.

Mr. Sung: That's not the day that we have to come early right? That's in April?

Vice Chairman Abbott: That's the April 12th meeting.

Mr. Sung: Thank you.

Chairman Tanner: Ok. Before we close the meeting, I just wanted to say a couple words and offer my gratitude and thank you to the staff, for all the hard work that they've done to make my job so much easier. Keep us out of trouble. All the support from our legal assistance is what makes all this worth while.

For me after five years, it's going to be hard because I really enjoyed coming here. It's a great change of pace. Doing something good for your county. So I look forward to finding another Board to serve on. I don't know that it will be as interesting as this. Cause this always seems to be pretty interesting and you guys have been all fantastic to get to know and get to work with.

And it gives me and it should give everyone a lot of confidence that their county is at work for them. And the volunteers that serve on the Boards and Commissions are doing a great job. And doing it without agenda other than to support their fellow citizens. So thank you everyone.

Members: Thank you.

F. ADJOURNMENT

Chairman Tanner: So, if there is no other business to come before the Board of Directors. We will adjourn. Thank you.

Vice Chairman Abbott: Good job.

There being no further to come before the Board, the meeting adjourned at 2:12 p.m.

Respectfully submitted by,

Chalsey Kwon

CHALSEY R. K. KWON
Secretary to Boards & Commission II

RECORD OF ATTENDANCE

Members Present:

Rick Tanner, Chairman
G. Clark Abbott, Vice-Chairman

Chad Fukunaga
Howard S. K. Kihune
William Greig
Scott Matsuura
Raymond Sung

Members Excused:

Patrick De Ponte
Teddy Espeleta

Others:

John Rapcaz, Planning Program Administrator, Department of Planning
Carolyn Cortez, Staff Planner, Department of Planning
Malia Balberdi, Staff Planner, Department of Planning
Chelsea Rabago, Staff Planner, Department of Planning
Lance Nakamura, Department of Public Works
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel