

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

Members: Raymond Sung (Chair), Juanita Reyher-Colon (Vice-Chair), William Greig, Max Kincaid Jr., Jeffrey Borge, William Kamai, Trisha Egge, Ray Shimabuku

**AGENDA**  
(HYPERLINS TO MEETING MATERIALS ADDED)

DATE: **November 8, 2018**

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. COMMUNICATION

1. **CALVERT G. CHIPCHASE AND CHRISTOPHER T. GOODIN OF CADES SCHUTTE LLLP** representing **D AND S VENTURES, LLC** Appeal of the Planning Director's Notice of Violation (NOV 2014/0013) for the zipline activity within the County's Agricultural District without a Special Use permit pursuant to MCC §19.30A.060 (H) for property located at 2065 Kauhikoa Road, Haiku, Maui, Hawaii; TMK (2) 2-7-012:086 (BVAA 2015/0002), (J. Rapacz/D. Dias)

- a. As requested by the Board, Appellant's counsel and Corporation Counsel will provide an update on the status of this appeal
- b. Board will receive an update on the status of the Maui Planning Commission Special Use Permit application for the D&S Ventures zipline.
- c. Discussion and possible action regarding the Hearing Officer and contested case hearing, including but not limited to: status and schedule of the hearing; status of the hearing officer contract and billing; whether the board or designated members of the board wish to serve as hearing officer.

No public testimony will be received.

**Joint Status Report**

C. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER (D&O)

1. Having voted on August 9, 2018, to approve the variance for PAUL L. HORIKAWA representing HUI KUA I AINA O ULUMALU PARTITION (BVAV Docket No. 2018/0002), the Board will consider and may adopt the draft Findings of Fact, Conclusions of Law and Decision and Order.

**Findings of Fact, Conclusions of Law and Decision and Order**

D. DISCUSSION

1. Board discussion of Board powers, duties, and/or procedures, including without limitation regarding: review of proposed [Findings of Fact, Conclusions of Law and] Decision and Order, and related written minutes; contested hearing procedures; hearing officer assignments; petitions to intervene as a formal party.

E. NEXT MEETING DATE: November 21, 2018 (**Wednesday**)

F. ADJOURNMENT

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE BOARD TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES, PURSUANT TO SEC. 92-5 (a)(4), HRS.

ANY PETITION TO INTERVENE AS A FORMAL PARTY IN THE PROCEEDINGS BEFORE THE BOARD MUST CONFORM TO RULE 12-801-18, RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF VARIANCES AND APPEALS, AND BE FILED WITH THE BOARD AND SERVED UPON THE APPLICANT WITHIN A REASONABLE TIME BEFORE THE MEETING IN WHICH THE SUBJECT MATTER OF THE INTERVENTION IS TO BE HEARD. THE ADDRESS OF THE BOARD IS NOTED BELOW.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE DEPARTMENT OF PLANNING AT 270-7735 (MAUI) OR 1-800-272-0117 (MOLOKAI) OR 1-800-272-0125 (LANAI) OR NOTIFY THE DEPARTMENT OF PLANNING IN WRITING AT ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793 OR BY FAX NUMBER 270-7634 AT LEAST SIX (6) BUSINESS DAYS BEFORE THE SCHEDULED MEETING.

PLEASE NOTE: If any member of the Board is unable to attend the scheduled meeting, please contact the Department of Planning at least one day prior to the meeting date. Thank you for your cooperation.