

**BOARD OF VARIANCES AND APPEALS
REGULAR MEETING
November 8, 2018**

([HYPERLINK TO AUDIO RECORDING OF THE MEETING](#))

A. CALL TO ORDER

(Item A begins at 00:00:21 of the Audio Recording)

The regular meeting of the Board of Variances and Appeals (Board) was called to order by Chairman Raymond Sung at approximately, 1:33 p.m., Thursday, November, 2018, 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).

(Item C begins at 00:01:17 of the Audio Recording, Chair Sung requests for Item C to be moved forward. Mr. Paul Critchlow reads item into record)

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.**

(Motion made @ 00:07:05 of the Audio Recording by Member Trisha Egge to Approve D&O)

(Motion seconded @ 00:07:11 of the Audio Recording by Member Willy Greig)

(At 00:07:021 of the Audio Recording a vote was taken)

VOTED: Motion passes to Approve D&O (BVAV 2018/0002)

(Assenting: R. Sung, W. Greig, J. Borge, T. Egge, S. Duvauchelle)

(Excused: J. Reyher-Colon, M. Kincaid, W. Kamai, R. Shimabuku)

(Item C finishes at 00:07:45 of the Audio Recording)

(Item B begins at 00:08:44 of the Audio Recording)

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.

(Item B finishes at 00:53:41 of the Audio Recording)

(Item D begins at 00:53:42 of the Audio Recording)

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.**

(Item D finishes at 00:58:43 of the Audio Recording)

(Item E begins at 00:58:45 of the Audio Recording)

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

(Item E finishes at 01:08:03 of the Audio Recording)

(Item F begins and finishes at 01:08:04 of the Audio Recording)

F. ADJOURNMENT

There being no further discussion brought forward to the Board, the meeting was adjourned at 2:43 p.m.

Respectfully submitted by,

Chalsey Kwon

CHALSEY KWON

Secretary to Boards & Commission II

RECORD OF ATTENDANCE

Members Present:

Raymond Sung, Chairman
William Greig
Jeffrey Borge (via phone)
Trisha Egge
Sandra Duvauchelle

Excused:

Juanita Reyher-Colon, Vice Chairman
Max Kincaid Jr.
William Kamai
Ray Shimabuku

Others:

John Rapacz, Planning Program Administrator
Danny Dias; Supervising Planner
Paul Critchlow, Staff Planner
Ana Lilis; Staff Planner
Christi Keliikoa; Staff Planner
Chalsey Kwon, Secretary to Boards & Commission II, Department of Planning
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel