

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

AGENDA

(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: **July 25, 2019**

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. APPEAL OF A DIRECTOR'S DECISION (NON-PUBLIC HEARING ITEMS)

The following Appeal is a contested case in which the Board is exercising its adjudicatory function pursuant to Section 92-6 (a)(2) Hawaii Revised Statutes and therefore Section 92-3 ["Open Meetings"] Hawaii Revised Statutes does not apply in such circumstances. Accordingly, the Board is not required to allow the public to testify with respect to such following Appeal.

1. **Affected Residents of Haiku** appeal of the Planning Director's decision letter dated December 6, 2018 regarding the zipline activity within the County's Agricultural District for property located at 2065 Kauhikoa Road, Haiku, Maui, Hawaii; TMK: (2) 2-7-012:086 (BVAA 2019/0015) (A. Lillis)

a. Petition for Intervention filed March 8, 2019, by Cades Schutte on behalf of D&S Ventures LTD L.L.C., owner of 2065 Kauhikoa Road, Haiku, Maui, Hawaii; TMK: (2) 2-7-012:086

The Board will hear and take action on the Petition to Intervene.

b. Petition to Dismiss Appellant's Appeal filed July 18, 2019, by Corporation Counsel on behalf on the Planning Director. The Board is in receipt of the Petition to Dismiss; however, no action will be taken.

c. Pre-hearing scheduling conference. The Board will consider the possible appointment of a Hearing Officer to preside over the above Appeal, as well as motions deadlines and other scheduling matters.

[Appeal](#)

[Petition to Intervene](#)

[Petition to Dismiss Appeal](#)

C. DISCUSSION

1. Board discussion of Board powers, duties, and/or procedures, including without limitation regarding: contested hearing procedures; hearing officer assignments; status of and anticipated timetable for availability of written minutes (including substantially full transcripts of portions relevant to, and in advance of, anticipated D&O review and discussion and approval) of previous Board meetings; timing and method of distribution of relevant materials to Board members for review in advance of meetings; issues relating to quorum (or lack thereof); miscellaneous questions & answers and/or feedback with Staff and Corporation Counsel.
2. BVA discussion on possible amendment to BVA Administrative Rules, considering delegation of authority to the Planning Director to issue certain Board decisions. No action will be taken.

Public testimony may be received by the Board.

D. NEXT MEETING DATE: August 8, 2019

E. 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.