

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

Members: Lance Holter (Chair), Warren Shibuya (Vice-Chair), Kathleen Acks, Uwe Schulz, Harjinder Ajmani, James Shefte, Randall Endo, William Kamai

### **AGENDA**

DATE: Thursday, May 25, 2006

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. Determine a Hearings' Officer To Preside Over the Following Matter:  
TOM C. LEUTENEKER, ESQ. of CARLSMITH BALL, LLP representing HIOLANI RANCH, LLC, appealing the Director of the Department of Public Works and Environmental Management's decision to not recognize separate lots within TMK: (2) 3-2-007:001, located off of Kahekili Highway in the vicinity of Waihe'e Elementary School, Waihe'e, Wailuku, Maui, Hawai'i. (Rescheduled from the March 23, 2006 meeting.) (BVA20060006)
  - a. Appellee Milton Arakawa, Director, Department of Public Works and Environmental Management, County of Maui's Motion to Dismiss for Lack of Jurisdiction.
  - b. Tom C. Leuteneker, Esq. of Carlsmith Ball, LLP representing Hiolani Ranch LLC, Response and Objections to the County of Maui's Motion to Dismiss.

#### C. COMMUNICATIONS

1. TOM C. LEUTENEKER, ESQ. of CARLSMITH BALL, LLP representing WAIEHU AINA, LLC, appealing the Director of the Department of Public Works and Environmental Management's decision to not recognize separate lots within TMK:(2) 3-2-017:018, located next to Waiehu Stream, Waiehu, Wailuku, Hawai'i. (Rescheduled from the March 23, 2006 meeting.) (BVAA 20060001)
  - a. Tom C. Leuteneker , Esq. of Carlsmith Ball, LLP representing Waiehu Aina LLC, Stipulation for Dismissal of Appeal.

2. MARRIOTT'S MAUI OCEAN CLUB appealing the Director of Planning's Notice of Violation (V20050115) for laundry services rendered for Kapalua Bay Renaissance Hotel, an off-site property, by the Marriott's Maui Ocean Club, Kaanapali, Lahaina, Maui, Hawai'i; TMK: (2) 4-4-013:001. (BVA20050025)
  - a. Settlement Agreement entered into February 21, 2006, by and between the County of Maui and Marriott's Ocean Club.
  - b. Department of the Corporation Counsel, County of Maui, Filing a Stipulation for Dismissal with Prejudice.

D. DISCUSSIONS

1. Discussion regarding Rules of Practice and Procedure for the Board of Variances and Appeals, Section 12-801-14, Decisions and Orders: and Hawaii Revised Statutes, Section 91-13.5, Maximum Time Period for Business or Development-Related Permits, Licenses, or Approvals Automatic Approval; Extensions.

E. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

F. NEXT MEETING DATE: June 8, 2006

G. 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, HAWAII.

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, HAWAII 96793 OR BY FAX NUMBER 270-7634 AT LEAST FIVE (5) WORKING DAYS BEFORE THE SCHEDULED 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 Tremaine Balberdi, Planning Department at 270-7253 at least one day prior to the meeting date.