

PURSUANT TO CHAPTERS 91 AND 92, HAWAII REVISED STATUTES, AS AMENDED; NOTICE IS HEREBY GIVEN OF A PUBLIC MEETING 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: **November 27, 2019 (Wednesday)**

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. CONTESTED CASE. No public testimony will be received and no oral argument will be allowed by the parties.

1. **IN THE MATTER OF THE APPEAL OF MARIAN PROSSER, ET AL.** (aka Affected Residents of Haiku), regarding zipline activity within the County's Agricultural District for property located at 2065 Kauhikoa Road, Haiku, Hawaii, Tax Map Key (2)2-7-012:086 from (1) the Department of Planning's Letter dated December 6, 2018 and (2) the Settlement Agreement dated December 6, 2018, related to Maui County Code §19.30A.050. (BVAA T2019/0002)

a. Intervenor D&S Ventures LTD, LLC's Motion to Recuse or Disqualify hearing officer

b. [Intervenor D&S Ventures LTD, LLC's Motion to Dismiss the Notice of Appeal as to the Request for Reversal of the October 30, 2018, Stipulation](#)

The Board may consider setting the above motions for hearing at a future date.

2. **D&S Ventures LTD, LLC's Notice of Appeal**, filed November 12, 2019, in the Second Circuit Court, State of Hawaii, 2CCV-19-0001031

a. [D&S Ventures LTD, LLC's Notice of Appeal; Statement of the Case; Exhibit 1; Designation of the Record on Appeal; Order for Certification and Transmission of Record.](#)

i. [D&S Amended Statement of the Case](#)

b. [Appellant Marian Prosser's Motion to Dismiss Appeal or in the Alternative to Stay Appeal. Hearing Date: January 3, 2019.](#)

The Planning Department advises the Board of the receipt of the above Appeal to Circuit Court.

C. NEXT MEETING DATE: December 12, 2019

D. 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.

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