

COUNCIL OF THE COUNTY OF MAUI  
**LAND USE COMMITTEE**

November 1, 2002

**Committee**  
**Report No.** 02-154

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on October 14, 2002, makes reference to County Communication No. 02-65, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING DONALD AND CATHERINE HURLOCK A CONDITIONAL PERMIT TO OPERATE A VACATION RENTAL WITHIN THE COUNTY R-2 RESIDENTIAL DISTRICT, FOR PROPERTY SITUATED AT 4025 MAALAEA BAY PLACE, MAALAEA, MAUI, HAWAII".

The purpose of the proposed bill is to grant Donald and Catherine Hurlock a Conditional Permit to operate a vacation rental in a five-bedroom home on approximately 9,153 square feet at 4025 Maalaea Bay Place, Maalaea, Maui (TMK: 3-6-001:005).

Your Committee notes that the Maui Planning Commission held a public hearing and meeting on the Conditional Permit application on December 11, 2001. After reviewing the findings presented in the document entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION DECEMBER 10, 2001 MEETING" and "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION DECEMBER 11, 2001 MEETING", the Commission voted to recommend approval of the requested Conditional Permit subject to the following conditions being incorporated within the corresponding ordinance:

1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the Conditional Permit shall be valid for a period of one (1) year from the effective date of this ordinance; provided, that an extension of this permit beyond this one-year period may be granted pursuant to Section 19.40.090, Maui County Code.

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3. That the Conditional Permit shall be nontransferable.
4. That Donald and Catherine Hurlock, their successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at their own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional named insured, insuring and defending Donald and Catherine Hurlock and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Donald and Catherine Hurlock of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this Permit. A copy of the certificate of insurance naming County of Maui as an additional named insured shall be submitted to the Department of Planning within ninety (90) calendar days from the date of approval of this Conditional Permit.
5. That Donald and Catherine Hurlock shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
6. That Donald and Catherine Hurlock shall comply with the letter from the Department of Fire Control, dated July 6, 2001, requiring that fire extinguishers be mounted in accessible areas, that an evacuation plan be posted in each sleeping room, and that smoke detectors be mounted inside and outside of each sleeping room.

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7. That Donald and Catherine Hurlock shall comply with the letter from the Department of Water Supply, dated May 1, 2001, requiring that domestic and fire-flow calculations be submitted to verify meter capacity and to determine actual fire protection requirements.

Your Committee further notes that the recommendation of the Maui Planning Commission was based upon the following conclusions:

1. There is no evidence that the ongoing use will be significantly detrimental to the public interest, convenience and welfare.
2. The proposed use will be in harmony with the area.

At its meeting, your Committee met with the Planning Director; the Deputy Planning Director; a Staff Planner from the Department of Planning; the First Deputy Corporation Counsel; Donald and Catherine Hurlock, the applicants; and Gwen Ohashi Hiraga, Munekiyo & Hiraga, Inc., the applicants' consultant.

Ms. Hiraga provided your Committee with a computer-generated slideshow presentation regarding the proposed Conditional Permit, including paper copies of the slides.

Ms. Hiraga and Mr. Hurlock responded to your Committee's questions about beach access and parking at and around the subject property. Your Committee noted that the subject property is located in a relatively isolated coastal location and that the vacation rental use did not appear to represent a likely source of negative impacts in the surrounding area. Therefore, your Committee voted to recommend that the duration of the proposed Conditional Permit be extended to two years. Your Committee voted to recommend passage of the proposed bill, as revised, on first reading, and filing of County Communication No. 02-65.

Your Committee is in receipt of a revised proposed bill from the Department of the Corporation Counsel, incorporating your Committee's revision.

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Your Land Use Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2002), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING DONALD AND CATHERINE HURLOCK A CONDITIONAL PERMIT TO OPERATE A VACATION RENTAL WITHIN THE COUNTY R-2 RESIDENTIAL DISTRICT, FOR PROPERTY SITUATED AT 4025 MAALAEA BAY PLACE, MAALAEA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 02-65 be FILED.

Adoption of this report is respectfully requested.

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**ALAN M. ARAKAWA** **Chair**

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**DANNY A. MATEO** **Member**

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**ROBERT CARROLL** **Member**

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**MICHAEL J. MOLINA** **Member**

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**G. RIKI HOKAMA** **Member**

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**WAYNE K. NISHIKI** **Member**

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**JO ANNE JOHNSON** **Member**

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**CHARMAINE TAVARES** **Member**

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**DAIN P. KANE** **Member**