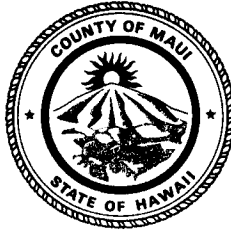


ALAN M. ARAKAWA  
Mayor



PATRICK K. WONG  
Corporation Counsel

EDWARD S. KUSHI  
First Deputy

LYDIA A. TODA  
Risk Management Officer  
Tel. No. (808) 270-7535  
Fax No. (808) 244-2646

DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793  
EMAIL: CORPCOUN@MAUICOUNTY.GOV  
TELEPHONE: (808) 270-7740  
FACSIMILE: (808) 270-7152

September 5, 2013

MEMORANDUM

T O: Robert Carroll, Chair  
Land Use Committee

F R O M: *JAG*  
James A. Giroux, Deputy Corporation Counsel

SUBJECT: CONDITIONAL PERMIT FOR AMY WISTHOFF-MARTIN AND DAN  
MARTIN TO HOST AND CONDUCT WEDDINGS AT AN APPROVED BED  
AND BREAKFAST AT 138 AWAIKU STREET (LAHAINA) (LU-13)

In response to your memorandum of August 27, 2013,  
attached is the proposed bill, revised as requested, and  
approved as to form and legality.

If you have any questions or concerns, please do not  
hesitate to contact me.

JAG:ln  
Enclosure

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OFFICE OF THE  
COUNTY COUNCIL

2013 SEP - 5 AM 9:24

RECEIVED

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2013)

A BILL FOR AN ORDINANCE GRANTING AMY WISTHOFF-MARTIN AND DAN MARTIN A CONDITIONAL PERMIT TO HOST AND CONDUCT WEDDINGS AT AN APPROVED BED AND BREAKFAST WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY LOCATED AT TAX MAP KEY (2) 4-7-009:058, 138 AWAIKU STREET, LAHAINA, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, a Conditional Permit is hereby granted to Amy Wisthoff-Martin and Dan Martin to host and conduct weddings at an approved bed and breakfast within the County Agricultural District. The site is identified for real property tax purposes by Tax Map Key Number (2) 4-7-009:058, comprising approximately 2 acres of land situated at 138 Awaiku Street, Lahaina, Maui, Hawaii.

SECTION 2. The granting of this Conditional Permit is subject to the following conditions:

1. That full compliance with all applicable governmental requirements shall be rendered in a timely manner, inclusive of all County fees and assessments.
2. That the Conditional Permit shall be valid until March 31, 2018; provided that an extension of this Conditional Permit beyond this period may be granted pursuant to Section 19.40.090, Maui County Code.
3. That the Conditional Permit shall be nontransferable, unless the Council approves the transfer by ordinance.
4. That Amy Wisthoff-Martin and Dan Martin, 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 insured, insuring and defending Amy Wisthoff-Martin and Dan Martin and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this Conditional Permit, including but not

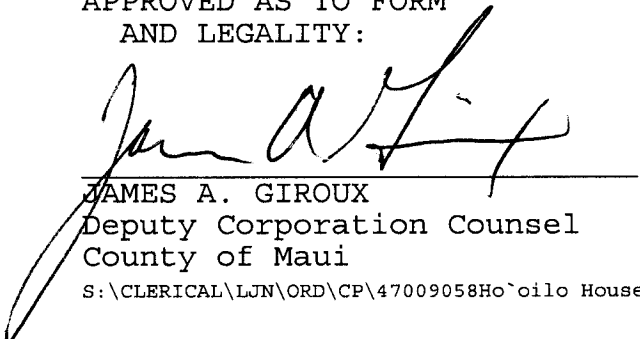
limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Amy Wisthoff-Martin and Dan Martin of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of this ordinance.

5. That Amy Wisthoff-Martin and Dan Martin shall develop and use 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 limitations on wedding events held at Ho`oilo House bed and breakfast shall be as follows:
  - a. Weddings will only be allowed for registered guests staying at Ho`oilo House bed and breakfast.
  - b. No more than twenty-five (25) participants, including guests and wedding party, and five (5) crew, including a wedding planner, photographer, and caterers, shall be permitted at an on-site wedding.
  - c. No loud or amplified music shall be permitted.
  - d. No additional exterior lighting shall be permitted.
  - e. Quiet times between 9:00 p.m. and 8:00 a.m. shall be enforced and are identical to the conditions governing the bed and breakfast permit.
  - f. All parking related to a wedding ceremony and reception shall be on-site with no street parking permitted and conform to the parking plan approved by the Department's Zoning Administration and Enforcement Division of the County of Maui.
  - g. That the number of weddings between eleven (11) to twenty-five (25) participants shall be limited to no more than two (2) per month.

- h. That Amy Wisthoff-Martin and Dan Martin shall provide to the satisfaction of the Department of Planning a yearly report outlining the wedding activity business. The report shall note the number of weddings held each month, proof that the members of the wedding party were registered guests at Ho`oilo House, the number of participants at each wedding activity, and complaints, if any, received about each wedding activity.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:



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JAMES A. GIROUX  
Deputy Corporation Counsel  
County of Maui

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