

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

November 1, 2013

**Committee**  
**Report No.** \_\_\_\_\_

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 16, 2013, makes reference to County Communication 13-194, from the Deputy Planning Director, transmitting a proposed bill entitled "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".

The purpose of the proposed bill is to grant a request from Amy Wisthoff-Martin and Dan Martin ("applicants") for a Conditional Permit, through March 31, 2018, to host and conduct weddings at an approved bed and breakfast home known as Ho`oilu House within the County Agricultural District. The property is approximately two acres and is located at 138 Awaiku Street, Lahaina, Maui, Hawaii.

The property is owned by James and Kathy Wisthoff, Amy Wisthoff-Martin, and Dan Martin. Amy Wisthoff-Martin and Dan Martin reside in a two-bedroom cottage on the property and operate the six-bedroom, six-bath, bed and breakfast home under permits approved by the County through March 31, 2018. According to the Department of Planning, the proposed wedding use would be ancillary to the approved bed and breakfast home use.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill, approved as to form and legality, incorporating revisions to clarify the intent of the Maui Planning Commission and nonsubstantive revisions.

Your Committee notes several project-specific conditions were recommended by the Maui Planning Commission. On-site weddings will be limited to registered guests staying at Ho`oilu House, and restricted to 25 participants, including guests and wedding party, and five crew. No loud or amplified music or additional exterior lighting will be

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

Page 2

**Committee**  
**Report No.** \_\_\_\_\_

permitted. Parking will be on-site, quiet times will be enforced, and weddings with 11 to 25 participants will be limited to no more than two per month. The applicants will also provide an annual report detailing specific information on their wedding business to the Department of Planning.

Your Committee discussed traffic and water-conservation concerns. The Deputy Planning Director noted the Maui Planning Commission's proposed limitations on number of guests and number of wedding events with 11 to 25 participants provided an appropriate means to address potential traffic concerns.

Your Committee also discussed other wedding businesses in the County Agricultural District and questioned whether legislation for a maximum number of such businesses should be considered.

The Department of Planning informed your Committee there have been no negative comments or complaints about the existing bed and breakfast home operation.

Your Committee voted 6-1 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Carroll, Vice-Chair Guzman, and members Baisa, Couch, Victorino, and White voted "aye". Committee member Cochran voted "no". Committee members Crivello and Hokama were excused.

Your Land Use Committee RECOMMENDS the following:

1. That Bill \_\_\_\_\_ (2013), as revised herein and attached hereto, entitled "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 PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 13-194 be FILED.

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

Page 3

Committee  
Report No. \_\_\_\_\_

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
ROBERT CARROLL, Chair

lu:cr:13013aa:cmn

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

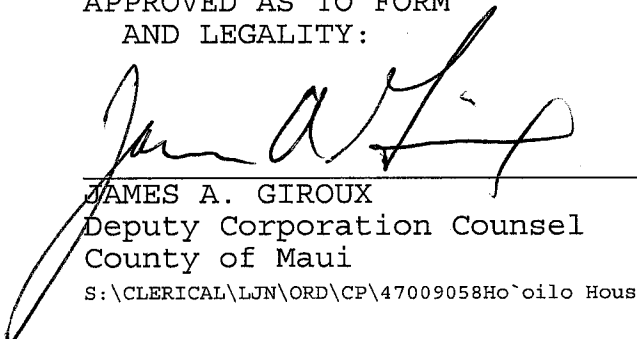
limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Amy Wisthoff-Martin and Dan Martin of said rights; and (2) all actions, suits, damages, and claims by whomsoever 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:



---

JAMES A. GIROUX  
Deputy Corporation Counsel  
County of Maui

S:\CLERICAL\LJN\ORD\CP\47009058Ho`oilo House.wpd