

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

February 17, 2017

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 February 1, 2017, makes reference to County Communication 16-310, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING HO`OKAHI PALAMA ALI'I, LLC A CONDITIONAL PERMIT TO CONDUCT LIMITED SPECIAL EVENTS, HISTORICAL AND BOTANICAL TOURS, PHOTO SHOOTS, WORKSHOPS, RETREATS, WELLNESS AND EXERCISE CLASSES, AND TO ALLOW A BRIDAL LOUNGE AND EVENT PREPARATION SPACE IN AN EXISTING AGRICULTURAL BUILDING WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 250 HAIKU ROAD AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 2-7-003:006, HAIKU, MAUI, HAWAII," and other related documents.

The purpose of the proposed bill is to grant a request from Ho'okahi Palama Ali'i, LLC for a Conditional Permit to allow limited special events, historical and botanical tours, photo shoots, workshops, retreats, wellness and exercise classes, a bridal lounge, and event preparation space in an existing agricultural building in the State Agricultural District on approximately 1.863 acres of land in Haiku, Maui, Hawaii.

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 nonsubstantive revisions.

Your Committee notes that the project is the location of the Haiku Plantation Sugar Mill (Haiku Mill), built in 1861, and abandoned in 1879. The Haiku Mill is currently on both the State and National Register of Historic Places. The applicant purchased the property in 2008 and began restoration and rehabilitation of the property.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 2

Committee
Report No. _____

Accordingly, your Committee noted that since the site is registered as an historic place, the property should be shared with the community by providing tours of the site. To address the concern, your Committee therefore added a condition to the revised proposed bill that would require at least one historic tour per year be offered to the public.

The applicant's representative, Jordan Hart of Chris Hart and Partners, Inc., requested an extension of the term of the Conditional Permit from two years to five years. Mr. Hart noted the time to process a conditional permit can take up to 18 months, therefore a five-year term for the permit would grant the owner more time to apply for an extension.

Your Committee recommended amending the term of the Conditional Permit to five years. Your Committee made revisions to clarify ownership and set specific times for addressing compliance with certain conditions of the Conditional Permit.

Your Committee voted 7-0 to recommend passage of the revised proposed bill, as amended, on first reading and filing of the communication. Committee Chair Carroll and members Atay, Crivello, Guzman, King, Sugimura, and White voted "aye." Vice-Chair Hokama and member Cochran were excused.

Your Committee is in receipt of a further revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Land Use Committee **RECOMMENDS** the following:

1. That Bill _____ (2017) as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING HO`OKAHI PALAMA ALI'I, LLC A CONDITIONAL PERMIT TO CONDUCT LIMITED SPECIAL EVENTS, HISTORICAL AND BOTANICAL TOURS, PHOTO SHOTS, WORKSHOPS, RETREATS, WELLNESS AND EXERCISE CLASSES, AND TO ALLOW A BRIDAL LOUNGE AND EVENT PREPARATION

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 3

Committee
Report No. _____

SPACE IN AN EXISTING AGRICULTURAL BUILDING WITHIN
THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY
SITUATED AT 250 HAIKU ROAD AND IDENTIFIED AS TAX
MAP KEY NUMBER (2) 2-7-003:006, HAIKU, MAUI, HAWAII,"
be PASSED ON FIRST READING and be ORDERED TO PRINT;
and

2. That County Communication 16-310 be FILED.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 4

Committee
Report No. _____

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



ROBERT CARROLL, Chair

lu:cr:17011aa:grs

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE GRANTING HO`OKAHI PALAMA ALI`I, LLC A
CONDITIONAL PERMIT TO CONDUCT LIMITED SPECIAL EVENTS,
HISTORICAL AND BOTANICAL TOURS, PHOTO SHOOTS, WORKSHOPS,
RETREATS, WELLNESS AND EXERCISE CLASSES, AND TO ALLOW A
BRIDAL LOUNGE AND EVENT PREPARATION SPACE IN AN EXISTING
AGRICULTURAL BUILDING WITHIN THE COUNTY AGRICULTURAL DISTRICT,
FOR PROPERTY SITUATED AT 250 HAIKU ROAD
AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 2-7-003:006,
HAIKU, 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 Ho`okahi Palama Ali`i, LLC to conduct limited special events, historical and botanical tours, photo shoots, workshops, retreats, wellness and exercise classes, and to allow a bridal lounge and event preparation space in an existing agricultural building within the County Agricultural District. The site is identified for real property tax purposes as tax map key number (2) 2-7-003:006, comprising 1.863 acres of land situated at Haiku, 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.
2. That the Conditional Permit shall be valid for a period of five years from the effective date of this ordinance; provided, that an extension of this Conditional Permit beyond this five-year period

may be granted pursuant to Section 19.40.090, Maui County Code.

3. That the Conditional Permit shall be held by Ho`okahi Palama Ali`i, LLC and Sylvia Hamilton Kerr shall remain as a member for the duration of the permit.
4. That the Conditional Permit shall be nontransferable unless the Maui County Council approves a transfer by ordinance.
5. That Ho`okahi Palama Ali`i, LLC shall exercise reasonable due care as to third parties with respect to all areas affected by this subject Conditional Permit and shall procure at its 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 \$1,000,000 naming the County of Maui as an additional insured, insuring and defending Ho`okahi Palama Ali`i, LLC and the 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 Ho`okahi Palama Ali`i, LLC 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 the County of Maui as an additional insured shall be submitted to the Department of Planning within 90 calendar days from the effective date of this ordinance, or prior to starting operations, whichever occurs first. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department of Planning and shall include the applicable tax map key and permit numbers.
6. That Ho`okahi Palama Ali`i, LLC 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 and use the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
7. That all parking shall be on-site and street parking is not allowed.
8. That a parking plan shall be submitted for approval by the

Department of Planning, Zoning Administration and Enforcement Division, upon the approval of this Conditional Permit.

9. That for events requiring more than 31 parking stalls, shuttle, valet and/or limousine service shall be provided for guests. Evidence of compliance shall be submitted to the Department of Planning upon submittal of a renewal request or within ten business days of a request by the Department of Planning. Failure to provide such proof of compliance may result in revocation of this Conditional Permit.
10. That wedding, corporate, and nonprofit music and farm-to-table events shall be limited to one event per calendar week. Musical performances, benefits, and film screenings shall be limited to four or less times per calendar year and shall count towards the weekly limit of one event. Daytime events such as wellness retreats, workshops, classes in yoga, pilates, meditation or tai chi, and farm-to-table breakfast, brunch, and lunch events shall be limited to five times per week. Evidence of compliance shall be submitted to the Department of Planning upon submittal of a renewal request or within ten business days of a request by the Department of Planning. Failure to provide such proof of compliance may result in revocation of this Conditional Permit.
11. That special events shall be limited to the following:
 - a. Wedding, corporate, nonprofit and benefit receptions, musical and hula performances, film screening and farm-to-table evening events up to 200 guests and shall be concluded by 10:00 p.m.
 - b. Wellness retreats, workshops, classes in yoga, pilates, meditation or tai chi, and farm-to-table breakfast, brunch, and lunch events up to 80 participants and shall be concluded by 8:00 p.m.

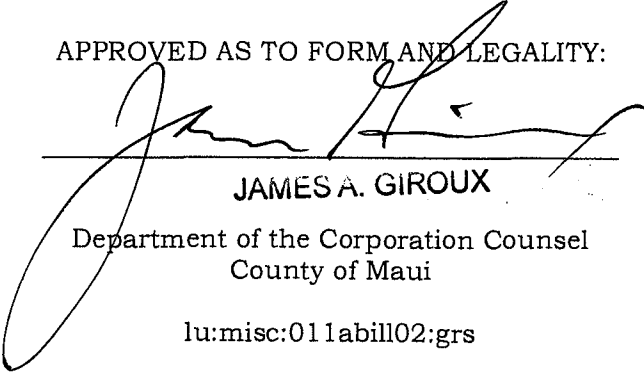
Evidence of compliance with this condition shall be submitted to the Department of Planning with the compliance report.

12. That all exterior lighting shall be downward shielded. Evidence of compliance with this condition shall be submitted to the Department of Planning within 45 days of approval of this ordinance.

13. That within 30 days from the effective date of this ordinance, Ho`okahi Palama Ali`i, LLC shall provide all owners of record within 500 feet with a copy of the State Land Use Commission Special Use Permit and the Conditional Permit approvals, and with a contact name and telephone number for the owners to use if they have any questions or concerns about the use of the subject property. Evidence of compliance with this condition shall be submitted to the Department of Planning within 45 days from the effective date of this ordinance.
14. That a sign shall be placed at the entrance of the property with the name "Haiku Mill" and a contact telephone number. Evidence of compliance with this condition shall be submitted to the Department of Planning within 30 days from the effective date of this ordinance.
15. That review and approval is required by the Department of Fire and Public Safety, Fire Prevention Bureau, for events open to the public, when 50 or more people are to attend, and/or when temporary tents or canopies in excess of 400 square feet in size are utilized, or when open-flame or pyrotechnics are proposed. (Compliance shall be determined by the Fire Prevention Bureau.)
16. That Ho`okahi Palama Ali`i, LLC shall obtain final building and electrical permits for the Haiku Mill structure. Evidence of compliance shall be determined by the Department of Public Works and shall be submitted to the Department of Planning within 45 days of approval of this ordinance.
17. That evidence of compliance with the requirements of Hawaii Administrative Rules, Chapter 11-62, "Wastewater Systems," be provided for events with up to 200 guests. Compliance to be determined by the State of Hawaii Department of Health and shall be submitted to the Department of Planning within 45 days of approval of this ordinance.
18. That a certification of the Haiku Mill's structural integrity be provided by an engineer licensed in the State of Hawaii to the Department of Planning within 30 days from the effective date of this ordinance.
19. As represented by the applicant, a historical tour of the property shall be offered to the public at a minimum of once a year.

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

APPROVED AS TO FORM AND LEGALITY:



A handwritten signature in black ink, appearing to read 'James A. Giroux', is written over a horizontal line. The signature is fluid and cursive, with a large loop on the left side.

JAMES A. GIROUX

Department of the Corporation Counsel
County of Maui

lu:misc:011abill02:grs