

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

March 2, 2007

Committee
Report No.

_____ 07-17

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 14, 2007, makes reference to County Communication No. 02-40, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING ALEX LOVEJOY AND JED BUCKNER A CONDITIONAL PERMIT TO OPERATE A TRANSIENT VACATION RENTAL IN FOUR BEDROOMS OF A FIVE-BEDROOM FARM DWELLING WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 93 ULUMALU ROAD, HAIKU, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from Alex Lovejoy and Jed Buckner (the applicants) for a one-year Conditional Permit to operate a transient vacation rental in four bedrooms of a five-bedroom farm dwelling on approximately two acres of land at 93 Ulumalu Road, Haiku, Maui, Hawaii (TMK: (2) 2-8-02:187).

Your Committee notes that the Maui Planning Commission held a public hearing on the Conditional Permit application on January 22, 2002.

Your Committee further notes that the Maui Planning Commission, after reviewing the findings presented in the document entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION JANUARY 22, 2002 MEETING", and the conclusions and recommendations presented in the document entitled "MAUI PLANNING DEPARTMENT'S RECOMMENDATION REPORT TO THE MAUI PLANNING COMMISSION JANUARY 22, 2002 MEETING", voted to recommend approval of the Conditional Permit.

Your Committee further notes that the Council referred County Communication No. 02-40 to its Land Use Committee (2001-2003 Council term) on February 15, 2002.

By correspondence dated March 15, 2002, the Council Chair transmitted correspondence dated March 13, 2002, from the Planning Director, transmitting a copy of the relevant portion of the minutes of the Maui Planning Commission's January 22, 2002

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meeting, and a copy of documents received after the close of the Maui Planning Commission's meeting.

At its meeting of January 10, 2003, the Council referred County Communication No. 02-40 to its Planning and Land Use Committee (2003-2005 Council term) (County Communication No. 03-10).

At its meeting of January 21, 2005, the Council referred County Communication No. 02-40 to the prior Council's Land Use Committee (County Communication No. 05-13).

By correspondence dated February 23, 2006 and June 9, 2006, the Chair of the Committee requested confirmation of a conversation with Committee staff. In that conversation, Committee staff was informed that the applicants had moved to the mainland, were in the process of selling their property, and were, therefore, no longer interested in pursuing the Conditional Permit application. The correspondence was directed to the applicants at the Colorado address provided.

By correspondence dated November 27, 2006, the Chair of the Committee reiterated his request to the applicants, directed to both their Haiku, Maui, and Colorado addresses, and stated that if the Committee was not advised in writing by December 31, 2006 that the applicants remained interested in pursuing their application, the Council may consider filing the item.

By correspondence dated November 27, 2006, the Chair of the Committee summarized the various attempts made to contact the applicants.

By correspondence dated November 27, 2006, the Chair of the Committee requested that the Planning Director review the summary of contact attempts made, and attempt to obtain independent confirmation from the applicants on the status of their application.

By correspondence dated December 7, 2006, the applicants notified the Committee that they were rescinding any interest in a Conditional Permit to operate a transient vacation rental at the subject property, that they had sold the house in August 2006, and that they currently reside in Colorado.

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At its meeting of January 5, 2007, the Council referred County Communication No. 02-40 to your Land Use Committee (County Communication No. 07-5).

At its meeting of February 14, 2007, your Committee met with the Planning Director and a Deputy Corporation Counsel.

There was no public testimony.

The Planning Director advised your Committee that, in light of the applicants' December 7, 2006 correspondence, he recommended that the communication be filed.

Your Committee voted to recommend filing of the communication.

Your Land Use Committee **RECOMMENDS** that County Communication No. 02-40 be **FILED**.

Adoption of this report is respectfully requested.

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MICHAEL J. MOLINA **Chair**

JO ANNE JOHNSON **Member**

JOSEPH PONTANILLA **Vice-Chair**

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