

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

December 19, 2008

**Committee**  
**Report No.**

08-156

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

Chair and Members:

Your Land Use Committee, having met on December 3, 2008, makes reference to County Communication No. 08-192, from the Planning Director, transmitting documents relating to a request from Linda Gallagher, on behalf of CB Laana, Charles Brent, and S. Lumjuan, for a Conditional Permit to operate a transient vacation rental and/or a Bed and Breakfast Home Permit for The Spyglass House, on approximately 16,335 square feet within the P-1 Public/Quasi-Public District, located at 367 Hana Highway, Kuau, Maui, Hawaii (TMK: (2) 2-6-09:017).

Your Committee notes that it is unclear from the documents transmitted whether a Conditional Permit for a transient vacation rental operation or a Bed and Breakfast Home Permit was being requested. For purposes of this report, the application shall be referred to as a Conditional Permit application.

Your Committee notes that the Maui Planning Commission held a public hearing on the Conditional Permit application on May 27, 2008.

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 May 27, 2008", and the conclusions and recommendations presented in the document entitled "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION May 27, 2008", voted to recommend denial of the Conditional Permit application on May 27, 2008.

By correspondence dated September 5, 2008, the Chair of your Committee requested that the Planning Director clarify the information that had been presented to the Council, including the actions being requested of the Council.

By correspondence dated November 17, 2008, the Planning Director advised your Committee that Linda Gallagher had withdrawn her request for a Conditional Permit because she no longer plans to operate a bed and breakfast on the subject property. The

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Planning Director attached a copy of correspondence dated October 15, 2008, from Ms. Gallagher to the Department of Planning, notifying the Department of her decision to stop the permit process; and a copy of correspondence dated October 22, 2008, from the Planning Director to Ms. Gallagher, stating that the Department would close its file.

At its meeting, your Committee met with the Planning Director; a Planner, Department of Planning; and a Deputy Corporation Counsel.

There was no public testimony.

The Planning Director confirmed that Ms. Gallagher had requested that the application be withdrawn, subsequent to a hearing on the application before the Maui Planning Commission. The Planning Director emphasized that it is important for the public to realize that certain applications do not meet applicable criteria, and that in this case, the Maui Planning Commission recommended denial because the application did not conform to the Paia-Haiku Community Plan.

Your Committee voted to recommend filing of the communication.

Your Land Use Committee **RECOMMENDS** that County Communication No. 08-192 be FILED.

Adoption of this report is respectfully requested.

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