

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

March 23, 2005

**Committee  
Report No.**

05-50

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

Chair and Members:

Your Land Use Committee, having met on March 10, 2005, makes reference to County Communication No. 04-208, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING O. W. RANCH LLC A CONDITIONAL PERMIT TO OPERATE A TWELVE-BEDROOM TRANSIENT VACATION RENTAL AND TO CONDUCT SPECIAL EVENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT KULA, MAUI, HAWAII".

The purpose of the proposed bill is to grant a two-year Conditional Permit to O.W. Ranch LLC to operate a 12-bedroom transient vacation rental and to conduct special events on approximately nine acres situated at Kula, Maui, Hawaii, formerly known as the Silver Cloud Ranch (TMK: (2) 2-2-001:017).

2. A copy of the bound "Application for State Land Use Commission Special Permit & County Conditional Permit" for O.W. Ranch LLC, prepared by Chris Hart & Partners, dated October 2003.

Your Committee notes that the Maui Planning Commission held a public hearing on the Conditional Permit request on May 25, 2004.

Your Committee further notes that at its meeting of May 25, 2004, the Maui Planning Commission, after reviewing the findings presented in the documents entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION MAY 25, 2004 MEETING" and "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION May 25, 2004 MEETING", voted to recommend approval of the proposed Conditional Permit application.

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Your Committee notes that County Communication No. 04-208 was referred to the prior Council's Planning and Land Use Committee at the Council meeting of August 24, 2004.

By correspondence dated October 5, 2004, the Chair of the Committee transmitted background information regarding the application from Rory Frampton, Senior Planner, Chris Hart & Partners, Inc., the applicant's consultant.

At its meeting of January 21, 2005, the Council referred County Communication No. 04-208 to your Land Use Committee (County Communication No. 05-13).

By correspondence dated March 3, 2005, the Department of the Corporation Counsel transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING O. W. RANCH LLC A CONDITIONAL PERMIT TO OPERATE A TWELVE-BEDROOM TRANSIENT VACATION RENTAL AND TO CONDUCT SPECIAL EVENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT KULA, MAUI, HAWAII". The revised proposed bill changes the year from "(2004)" to "(2005)", and incorporates other nonsubstantive revisions to the wording of the proposed conditions, including the date by which a copy of the certificate of insurance is due.

At its meeting, your Committee met with a Planner, Department of Planning; the Director of Public Works and Environmental Management; the Corporation Counsel; Rory Frampton, Senior Planner, Chris Hart & Partners, Inc.; and Tom Welch, Esq., Mancini, Welch & Geiger LLC. Your Committee notes that Mike Gerry, former operator of Silver Cloud Ranch, was also present.

There was no public testimony.

Rory Frampton, Senior Planner, Chris Hart & Partners, Inc. gave a brief overview of the application and the historical use of the property, noting its prior approvals for use as a transient vacation rental. He informed your Committee that the proposed Conditional Permit would authorize essentially the same uses as those that had been occurring on the property for over ten years. The current

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owner plans to renovate the property. Renovations will include upgrades to comply with current Fire Code requirements and Department of Health rules.

Mr. Frampton further requested that the Council consider granting the Conditional Permit for a longer period than the two years recommended by the Maui Planning Commission.

The Planner provided an overview of the proceedings before the Maui Planning Commission. She noted that, when the prior permits lapsed, vacation rental operations ceased. She also provided background information on the application. The Planner informed your Committee that the Department of Planning has not received any complaints concerning previous operations on the property, and that the prior operators stayed within the parameters of their approvals. Finally, she noted that the Department preferred limiting the Conditional Permit to a two-year period to provide an opportunity to review compliance with conditions. However, the Department would not object to a longer term, should the Council exercise its discretion to provide one.

The Director of Public Works and Environmental Management informed your Committee that the Department would like to limit traffic associated with the site to its previous levels due to the narrowness of Thompson Road. If approval of the Conditional Permit will not result in increased usage of the road, the Department does not object to the application.

Your Committee expressed its appreciation that the applicant ceased operations pending approval of the required permits.

Your Committee discussed the frequency with which the Department of Planning and the Department of Public Works and Environmental Management conduct inspections for compliance with permit conditions.

Your Committee considered whether to recommend that a five-year Conditional Permit be granted, with an automatic five-year extension if no complaints are received by the County.

Your Committee recommended that the proposed bill be further revised to lengthen the term of the Conditional Permit from two years to five years.

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Your Committee voted to recommend passage of the revised proposed bill on first reading and filing of the communication.

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 requested revisions and other nonsubstantive changes.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2005), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING O.W. RANCH LLC A CONDITIONAL PERMIT TO OPERATE A TWELVE-BEDROOM TRANSIENT VACATION RENTAL AND TO CONDUCT SPECIAL EVENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT KULA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 04-208 be FILED.

Adoption of this report is respectfully requested.

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**ROBERT CARROLL** Chair

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**MICHELLE ANDERSON** Member

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**MICHAEL J. MOLINA** Member

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**G. RIKI HOKAMA** Member

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