

REQUIRED SUBMITTALS CHECKLIST

Instructions:

- The following checklist items shall be completed and submitted at the time of application submittal. Incomplete applications will delay their processing and may be returned.
- Please number all documents and arrange them in the order they are listed below.

1. Completed *Required Items Checklist* (THIS CHECKLIST) (pg 2)
- ✓2. Completed *Application Form* (pg 3)
3. A notarized letter of authorization from the legal owner, if the applicant is not the owner.
4. An electronic copy in PDF format of the completed application packet on a flash drive or compact disk.
5. Completed *Zoning and Flood Confirmation Form*, when the proposed amendment would modify the site area subject to development (pg 4)
6. A *non-refundable filing fee*, payable to County of Maui, Director of Finance.
The current fee schedule is available at the Department of Planning or at the Department of Planning section of the County of Maui website under "Development Permits, Applications & Reviews".
7. Other information, as required by the Planning Director.

21/1801 **Application for Amendment to Permit Terms, Conditions & Time Stipulation**

Please print legibly or type in the information below.

PROPERTY ADDRESS / PROJECT INFORMATION

Name of Project: *(if project name is not provided, applicants name will be used)* _____

Tax Map Key No: 2-2-8-0020160000 Total Lot Area: 2.376 ACRES

Physical Address / Location of Project: 4320 HANA HIGHWAY, HAIKU, 96708

Additional Location Information: _____

DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed:

Describe the Existing Use: MARKET AND COUNTRY STORE

Describe the Proposed Use: MAINTAIN EXISTING USAGE AS STATED IN S.U.P.
AMMEND CONDITION #1 (SEE ATTACHMENT)
AMMEND CONDITION #4 (SEE ATTACHMENT)

Valuation*: \$ 22,000 Building Permit Application No: *(if applicable)* _____

*Total cost or fair market value as estimated by an architect, engineer, or contractor licensed by the Department of Commerce and Consumer Affairs, State of Hawaii; or, by the administrator of Department of Public Works, Development Services Administration.

CONTACT INFORMATION

APPLICANT INFORMATION

Applicant's Name(s): ARTURO WESLEY / TIARE ROBERTSON Email: arturowesley@ep.hawaii.gov

Mailing Address: 230 WAIAMA, HAIKU, 96708

Phone Number(s): bus _____ hm 808-870-3335 cell 808-280-3471 fax _____

Signature(s): [Signatures] Date: 4/20/21

CONSULTANT INFORMATION

Contact Name(s): _____ Email: _____

Mailing Address: _____

Phone Number(s): bus _____ hm _____ cell _____ fax _____

Signature(s): _____ Date: _____

OWNER INFORMATION

Owner's Name(s): SAME AS APPLICANT Email: _____

Mailing Address: _____

Phone Number(s): bus _____ hm _____ cell _____ fax _____

Signature(s): _____ Date: _____

4/20/2021

Maui County Planning Department

This letter is to explain the reasons for amending our SUP before renewal.

First of all, we intend to continue with the same usage as described in our original application.

Since opening in 2015 we have abided with all conditions listed in our SUP 2014/0012.

We feel we have been a positive contribution to our community as shown by the supportive response we have received.

Since then we have added a few structures : an outdoor woodburning pizza oven with a roof, 2 storage sheds, 2 gazebos for people to sit at while eating and a restroom. However, since all of these structures are under 200 sq.ft. we were under the impression that they did not need a building permit.

Since they are for non residential use, we now understand that they do and have presented plans to the building department for after the fact permits.

As a result of these buildings additions we are asking that condition #4 be amended to include these structures.

We are also requesting that condition #1 be amended to extend the date of our SUP renewal to 10 years.

I would also like to apologize for not beginning this process 90 days before the expiration date. Covid has hit myself and my family very hard, the store has been closed since march 2020, in addition to this I have been dealing with a new baby and the death of my mother. I have been dealing with all of these pressures and have not even gone close to my business office, and, as such, missed the renewal date.

I have no other excuse except to say that I am diligently getting everything together as best I can and ask for your understanding.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tiare Roberson', with a long horizontal flourish underneath.

Tiare Roberson

ATTACHMENT TO PAGE 3

Requesting to amend condition #1 as stated in our SUP 2 2014/0012 to extend date of renewal to 10 years.

Requesting to amend condition #4 as stated in our SUP 2 2014/0012 to include the building structures that are currently going through the after the fact building permit application process.



Parcel Information

Parcel Number 280020160000
 Location Address 4320 HANA HWY
 HAIKU HI 96708
 Neighborhood Code 2844-5
 Legal Information LOT 3-A-1-A BLOCK A MAP 10 LCAPP 960 2.376 AC
 Land Area 2.376 Acres
 Parcel Note

[View Map](#)

Owner Information

Owner Names ULUMALU MARKET LLC Fee Owner
 Mailing Address ULUMALU MARKET LLC
 230 WAIAMA WAY
 HAIKU HI 96708

Assessment Information

[Show Historical Assessments](#)

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	NON-OWNER-OCCUPIED/RESIDENTIAL	\$414,800	\$274,300	\$274,300	\$508,300	\$782,600	\$0	\$782,600

[How to calculate real property taxes](#)

Agricultural Assessment Information

Acres	Description	Assessed Value
1.376	DIVERS GD	\$688
1	HOME SITE	\$273,600

This parcel has land in agricultural usage and therefore agricultural usage assessments have been made.

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2020	\$4,387.83	(\$4,387.83)	\$0.00	\$0.00	\$0.00	\$0.00
2019	\$4,486.48	(\$4,486.48)	\$0.00	\$0.00	\$0.00	\$0.00
2018	\$5,158.80	(\$5,158.80)	\$0.00	\$0.00	\$0.00	\$0.00
2017	\$4,808.60	(\$4,808.60)	\$0.00	\$0.00	\$0.00	\$0.00
2016	\$4,402.35	(\$4,402.35)	(\$220.12)	(\$26.65)	\$0.00	\$0.00
2015	\$4,133.11	(\$4,133.11)	\$0.00	\$0.00	\$0.00	\$0.00

[Click a year to see tax payment information for the year.](#)

Improvement Information

Building Number 1
 Style Contemporary
 Year Built 1985
 Eff Year Built
 Percent Complete 100%
 Living Area 2,128
 Construction Type Frame
 Heating/Cooling NONE
 Exterior Wall PLYWOOD
 Bedrooms/Full Bath/Half Bath 6/4/0
 Roof Material Composition Shingle
 Fireplace No
 Grade 3
 Building Value \$245,800

Building Number 2
 Style Contemporary
 Year Built 1987
 Eff Year Built
 Percent Complete 100%
 Living Area 1,104
 Construction Type Frame
 Heating/Cooling NONE
 Exterior Wall PLYWOOD
 Bedrooms/Full Bath/Half Bath 3/1/1
 Roof Material Corrugated metal
 Fireplace No
 Grade 3
 Building Value \$183,800

Building Number 3
 Style Other
 Year Built 1987
 Eff Year Built
 Percent Complete 100%
 Living Area 720
 Construction Type Frame
 Heating/Cooling NONE
 Exterior Wall PLYWOOD
 Bedrooms/Full Bath/Half Bath 0/0/1
 Roof Material Corrugated metal
 Fireplace No
 Grade 2-
 Building Value \$78,700

Sales Information

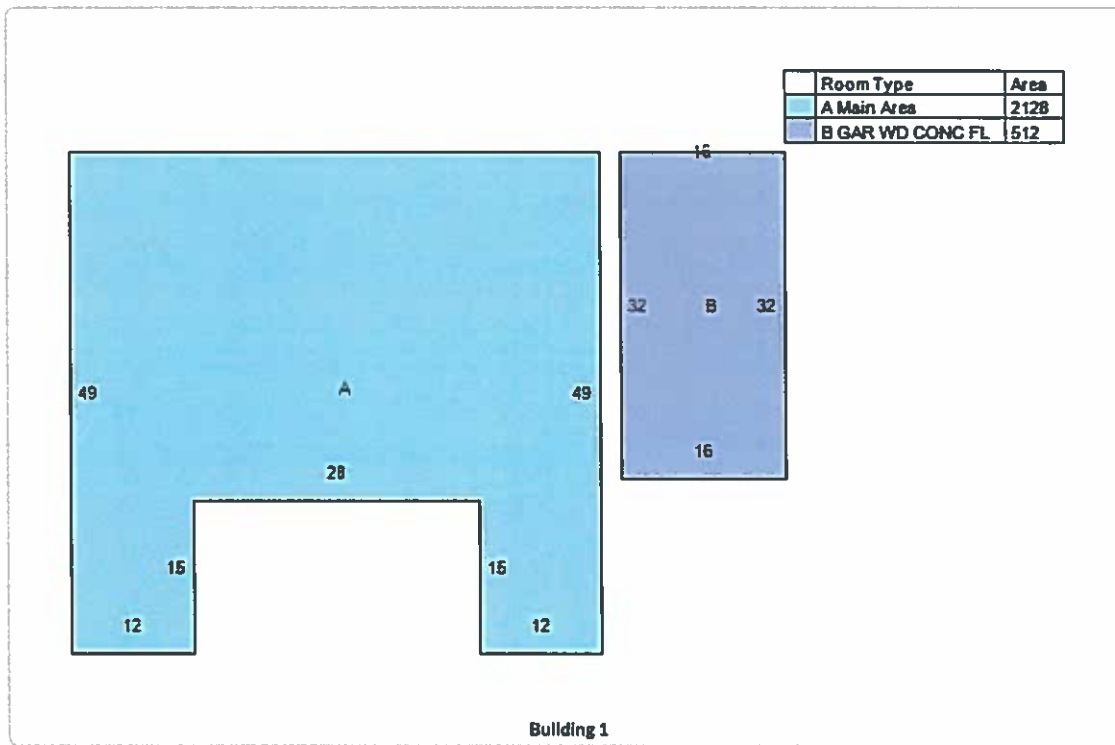
Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
5/4/2016	\$1,000		Fee conveyance	Not open market	Warranty deed	5/16/2016	T9632035	1116680
3/7/2013	\$510,000		Fee conveyance	REQ/Short sale	Commissioner's deed	5/2/2013	T8522103	1059759
7/22/2005	\$700,000	05-196447	A/S on fee	Abnormal financing	Agreement of sale (fee)	9/28/2005		
8/20/1996	\$0		Recorded document		Amendment of lease or subs	10/23/1996	2343481	269531
2/1/1993	\$0	9300122905	Lease			7/29/1993		
2/1/1993	\$101	0000000000	Lease			10/23/1996	2343480	269531

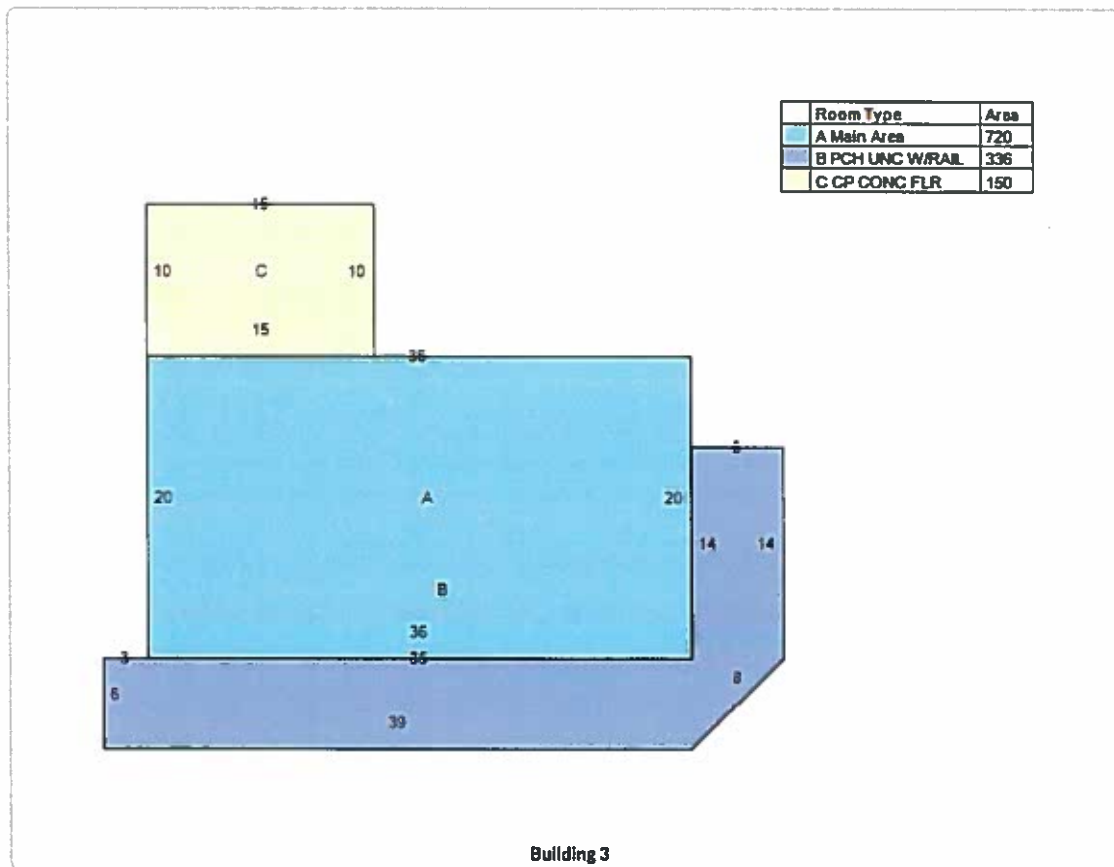
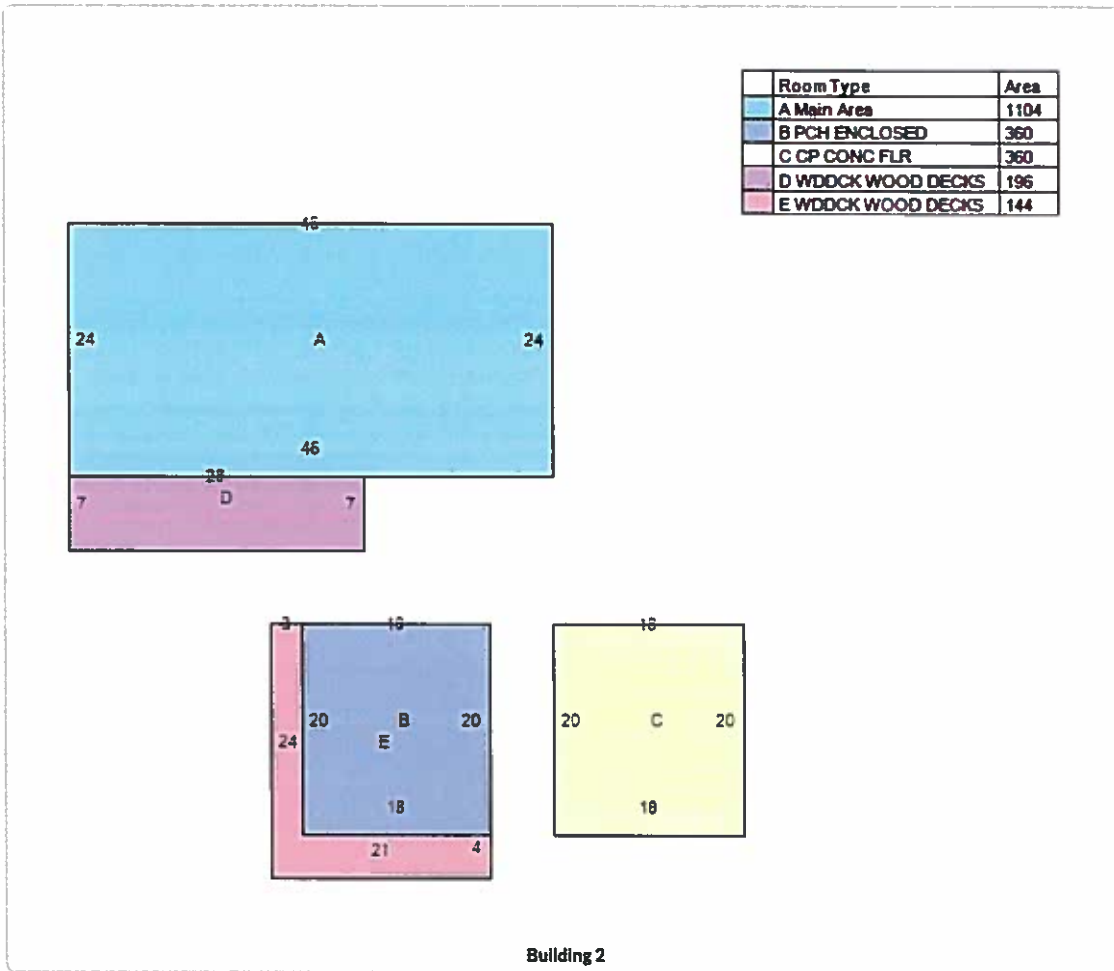
Permit Information

Date	Permit Number	Reason	Permit Amount
5/26/2016	B20160576	Interior Improvement	\$0
8/19/2003	B20031652	Addition	\$35,000
6/14/1989	891436	Carport	\$3,000

[KIVA Permit Site](#)

Sketches





Recent Sales In Area

Sale date range:

From:

04/21/2018

To:

04/21/2021

Sales by Neighborhood

1500

Feet

Sales by Distance

Generate Owner List by Radius

Distance:

100

Fee

Use Address From:

Owner Property

Select export file format:

Address labels (5160)

Show All Owners

Show Parcel ID on Label

Skip Labels

0

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

No data available for the following modules: Current Tax Bill Information, Appeal Information, Home Exemption Information, Commercial Improvement Information, Accessory Information.

The Maui County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#)
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Last Data Upload: 4/20/2021, 7:51:34 PM



Version 2.3.118

Business Registration Division, Department of Commerce & Consumer Affairs

Hawaii Business Express

Start, manage, and learn about Hawaii businesses

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DOCUMENTS CART:
0 Items

\$0.00

[\(/documents/order.html\)](/documents/order.html)

ULUMALU MARKET, LLC

[Back to search results](#)

Domestic Limited Liability Company (llc)

Begins with...

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General Info

You can purchase a *Certificate of Good Standing* for this business.

 Digital (PDF) for \$7.50

 Printed for \$7.50

[Add to Cart](#)

 [Download company info as PDF \(/documents/business.pdf?fileNumber=114449C5\)](/documents/business.pdf?fileNumber=114449C5)

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 [Receive Annual Report Reminders \(/documents/notifyLogin?fileNumber=114449C5\)](/documents/notifyLogin?fileNumber=114449C5)

MASTER NAME

ULUMALU MARKET, LLC

BUSINESS TYPE

Domestic Limited Liability Company (LLC)

FILE NUMBER

114449 C5

[Privacy](#) • [Terms](#)

STATUS

Active

PURPOSE

RENTAL PROPERTY

PLACE INCORPORATED

Hawaii UNITED STATES

REGISTRATION DATE

Feb 28, 2014

MAILING ADDRESS

230 WAIAMA WAY
HAIKU, Hawaii 96708
UNITED STATES

MANAGED BY

MEMBER(S)

AGENT NAME

ARTURO WESLEY

AGENT ADDRESS

230 WAIAMA WAY
HAIKU, Hawaii 96708
UNITED STATES

Annual Filings

Filing Year	Date Received	Status
2021	Jan 4, 2021	Processed
2020	Jan 4, 2020	Processed
2019	Jan 3, 2019	Processed
2018	Jan 2, 2018	Processed
2017	Jan 15, 2017	Processed
2016	Jan 19, 2016	Processed

Filing Year	Date Received	Status
2015	Jan 17, 2015	Processed

Member/MGR

Name	Office (More info)	Date
WESLEY,ARTURO	MEM	Feb 28, 2014
WESLEY,TIARE	MEM	Feb 28, 2014

Other Filings

Date	Description	Remarks
Feb 28, 2014	Articles of Organization	Articles of Organization

Note: Transactions may be available for purchase. Please see the **Buy Available Docs** tab for additional information.

BREG DCCA | Contact us (<http://cca.hawaii.gov/breg/contact/>)

King Kalakaua Building
335 Merchant St Rm 201
Honolulu, Hawaii 96813

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2020/12/17

COUNTY OF MAUI
DEPARTMENT OF PLANNING
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawaii 96793



Zoning Administration and
Enforcement Division (ZAED)
Telephone: (808) 270-7253
Facsimile: (808) 270-7634
E-mail: planning@mauicounty.gov

RECEIVED

MAR 16 2020

ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Lisa Starr TELEPHONE 579-8707
PROJECT NAME Jaws Country Lodge E-MAIL lisastarr@maui.net
PROPERTY ADDRESS 4326 Hana Hwy., Haiku, HI TAX MAP KEY (2)2-8-002:016/0000

Yes No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A) Yes No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) _____

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):

- INSTRUCTIONS:
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
 - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
 - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: ¹

STATE DISTRICT: Urban Rural Agriculture Conservation (SMA) Special Management Area

MAUI ISLAND PLAN Growth Boundary: ² Urban Small Town Rural Planned Growth Area Outside Growth Boundaries

Protected Area: ² Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas

COMMUNITY PLAN: ² Agriculture (PD) Planned Development

COUNTY ZONING: Agriculture (PH) Project District

OTHER/COMMENTS: _____ See Additional Comments (Pg.2)

FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.

FLOOD HAZARD AREA ZONES ³ & BASE FLOOD ELEVATIONS: Zone: X See Attached LUD Map

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: _____

SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitted uses in common)

(Signature) Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).

Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

⁴ Consistent, (LUDs appear to have ALL permitted uses in common).

⁴ Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

⁴ Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

- NOTES:
- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change in Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
 - 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
 - 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
 - 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

REVIEWED & CONFIRMED BY:

Deanna Gomes 3/16/20
(Signature) (Date)

For: John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division

ÁLAN M ARAKAWA
Mayor

WILLIAM R SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

May 10, 2016

Mr. Arturo Wesley
Ms. Tiare Roberson
Ululmalu Market LLC
P.O. Box 790974
Paia, Hawaii 96708

Dear Mr. Wesley and Ms. Roberson:

SUBJECT: STATE LAND USE COMMISSION SPECIAL USE PERMIT (SUP) TO REOPEN THE NEIGHBORHOOD MARKET AND COMMERCIAL AGRICULTURAL STRUCTURE IN THE STATE AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT 4320 HANA HIGHWAY, HAIKU, MAUI, HAWAII TMK(2) 2-8-002:016 (SUP2 2014/0012)

At its regular meeting on April 12, 2016, the Maui Planning Commission (Commission) reviewed your State Land Use Commission SUP application (SUP2 2014/0012) and, after due deliberation and receipt of testimony and exhibits, ordered approval of the State Land Use Commission Permit SUP subject to the following conditions:

STANDARD CONDITIONS

1. That the State Land Use Commission SUP shall be valid for **five (5) years** or until **April 30, 2021**, subject to further extension by the Maui Planning Director (Director) upon a timely request for extension filed within ninety (90) days prior to its expiration. The Director may forward the time extension request to the Commission for review and approval and may require a public hearing on the time extension by the Commission
2. That the subject State Land Use Commission SUP shall not be transferred without the prior written approval of the Director. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission SUP, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.
3. That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission SUP and shall procure at its own cost and expense, and shall maintain during the entire period of this land use commission special use permit, a policy or policies of comprehensive liability insurance in the

Mr. Arturo Wesley
Ms. Tiare Roberson
May 10, 2016
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minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this 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 the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.

4. That the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the State Land Use Commission SUP. Failure to so develop the property may result in the revocation of the permit.
5. That full compliance with all applicable governmental requirements shall be rendered in a timely mode.
6. That the market shall open no earlier than 6:00 am and close by 9:00 p.m.
7. That all Department of Health applicable requirements shall be met, including Hawaii Administrative Rules, Chapter 11-62, "Wastewater Systems and with Hawaii Administrative Rules, Chapter 11-50, "Food Safety Code." (Compliance shall be determined by the Department of Health and shall be provided prior to opening the market to the public.)
8. That the Applicant shall register the commercial agricultural structure with the Department pursuant to 19.30A.072.
9. That all parking shall be on-site; no street parking allowed.
10. That a parking plan shall be submitted for approval by the Zoning Administration and Enforcement Division prior to opening the market.
11. That final approval of BT2015/1330 (partial after-the-fact building permit for the fruit stand, cold kitchen and cooler room) shall be obtained prior to the opening of the market to the public.
12. That a current Certificate of Occupancy, if required, or approval by the Fire Department shall be obtained prior to the opening of the market to the public. (Compliance to be determined by the Department of Fire and Public Safety.)

Mr. Arturo Wesley
Ms. Tiare Roberson
May 10, 2016
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13. That the Applicant shall schedule a fire inspection of the market by the Department of Fire & Public Safety Fire Prevention Bureau. (Compliance to be determined by the Department of Fire and Public Safety and prior to the opening of the market to the public.)
14. That the Applicant shall address any potential site distance issues along Ulumalu Road to the satisfaction of the Department of Public Works.
15. That if applicable, all plantings along Ulumalu Road shall be provided with root barriers and any street trees need to be approved by the County Arborist Committee. (Compliance to be determined by the Department of Public Works.)
16. That the Applicant shall submit to the Department of Planning a compliance report prior to commencement of commercial operations.

The compliance reports shall address compliance with the conditions established with the subject land use commission special use permit. The report shall be in the format where the condition is listed followed by a response from the applicant. A copy of the original approval shall also be submitted with this report.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Gina Flammer by email at gina.flammer@mauicounty.gov or by telephone at (808) 270-5780.

Sincerely,



WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Ann T. Cua, Current Planning Supervisor (PDF)
Gina M. Flammer, Staff Planner (PDF)
Department of Finance, Real Property Tax Division
State Office of Planning
State Land Use Commission
Project File
General File

WRS:GMF:ela

K:\WP_DOCS\PLANNING\SUP2\2014\0012_UlumaluMarket\StaffReporttoApproval\SUP2Approval.doc

Compliance Report for Ulumalu Market
(SUP2 2014/0012)
date

Permit description: State Land Use Commission Special Permit (SUP) to reopen the neighborhood market and commercial agricultural structure in the state agricultural district for property situated at 4320 Hana highway, Haiku, Maui, Hawaii TMK (2) 2-8-002:016

STANDARD CONDITIONS

- That the State Land Use Commission SUP shall be valid for **five (5) years** or until **April 30, 2021**, subject to further extension by the Maui Planning Director (Director) upon a timely request for extension filed within ninety (90) days prior to its expiration. The Director may forward the time extension request to the Commission for review and approval and may require a public hearing on the time extension by the Commission.

APPLICANT RESPONSE: We shall request an extension to our State Land Commission SUP prior to its expiration, April 30, 2021.

- That the subject State Land Use Commission SUP shall not be transferred without the prior written approval of the Director. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission SUP, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

APPLICANT RESPONSE: We shall not transfer our State Land Commission SUP without written approval from the Director.

- That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission SUP and shall procure at its own cost and expense, and shall maintain during the entire period of this land use commission special use permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this 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 the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an

additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.

- **APPLICANT RESPONSE:** We shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission SUP and shall procure at its own cost and expense, and shall maintain during the entire period of this land use commission special use permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this 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 the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.
- That the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the State Land Use Commission SUP. Failure to so develop the property may result in the revocation of the permit.

APPLICANT RESPONSE: We agree to keeping the property in compliance with the recommendations made by the Commission.

- That full compliance with all applicable governmental requirements shall be rendered in a timely mode..

APPLICANT RESPONSE: We have complied with all applicable government requirements.

6. That the market shall open no earlier than 6:00 am and close by 9:00 p.m.

APPLICANT RESPONSE: We shall not be open earlier than 6:00 am or later than 9:00 pm.

- That all Department of Health applicable requirements shall be met, including Hawaii Administrative Rules, Chapter 11-62, "Wastewater Systems and with Hawaii Administrative Rules, Chapter 11-50, "Food Safety Code." (Compliance shall be determined by the Department of Health and shall be provided prior to opening the market to the public.)

APPLICANT RESPONSE: We have complied with Department of Health requirements, including Hawaii Administrative Rules, Chapter 11-62, "Wastewater Systems and with Hawaii Administrative Rules, Chapter 11-50, "Food Safety Code."

- That the Applicant shall register the commercial agricultural structure with the Department pursuant to 19.30A.072.

APPLICANT RESPONSE: We have registered our commercial agriculture structure with the Department.

- That all parking shall be on-site; no street parking allowed.

APPLICANT RESPONSE: All parking is on site with an approved parking plan and there is no street parking allowed.

- That a parking plan shall be submitted for approval by the Zoning Administration and Enforcement Division prior to opening the market.

APPLICANT RESPONSE: We have a parking plan that has been approved by the Zoning Administration and Enforcement Division.

- That final approval of BT2015/1330 (partial after-the-fact building permit for the fruit stand, cold kitchen and cooler room) shall be obtained prior to the opening of the market to the public.

APPLICANT RESPONSE: Our Building Permit BT2015/1330 has been approved.

- That a current Certificate of Occupancy, if required, or approval by the Fire Department shall be obtained prior to the opening of the market to the public. (Compliance to be determined by the Department of Fire and Public Safety.)

APPLICANT RESPONSE: We have obtained a current Certificate of Occupancy.

- That the Applicant shall schedule a fire inspection of the market by the Department of Fire & Public Safety Fire Prevention Bureau. (Compliance to be determined by the Department of Fire and Public Safety and prior to the opening of the market to the public.)

APPLICANT RESPONSE: We have had a fire inspection by the Department of Fire & Public Safety Fire Prevention Bureau & complied with all requirements.

- That the Applicant shall address any potential site distance issues along Ulumalu Road to the satisfaction of the Department of Public Works.

APPLICANT RESPONSE: We have satisfied all site distance issues along Ulumalu Rd.

- That if applicable, all plantings along Ulumalu Road shall be provided with root barriers and any street trees need to be approved by the County Arborist Committee. (Compliance to be determined by the Department of Public Works.)

APPLICANT RESPONSE: All plantings along Ulumalu Rd. are in compliance with Department of Public Works.

16. That the Applicant shall submit to the Department of Planning a compliance report prior to commencement of commercial operations.

APPLICANT RESPONSE: We have submitted a compliance report to the Department of Planning.

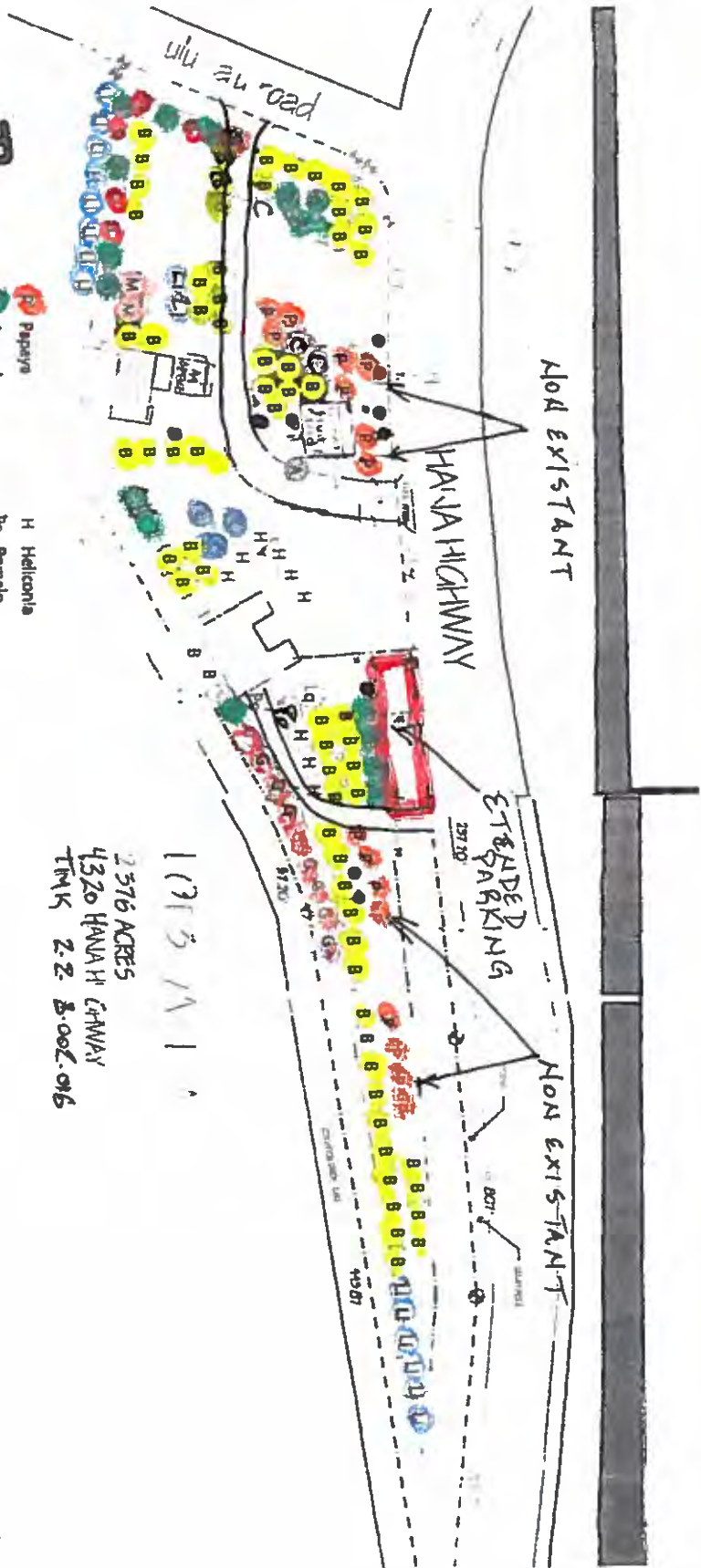
A copy of the original approval has been submitted with this report.

EXHIBIT 5

Farm Plan

- Papaya
- Avocado
- Banana
- Guava
- Citrus
- Coconut
- Mango

- Heliconia
- Pomelo
- Lychee
- Loquat
- Jackfruit
- Ulika



1315
 2376 ACRES
 4320 HANA H CANWAY
 TIMK 2-2 8.001.016

Papayas as marked have disappeared.
 Banana square patchage has increased.
 Most everything else remains as
 originally on plan.

2/2547

4320 HANA HWY.

TMK 2-2-8-002-016

A	AVOCADO	12800
B	BANANA	18000
C	CITRUS	780
G	GUAVA	6750
M	MANGO	1600
P	PAPAYA	1580
H	HELICONIA	3200
L	LYCHEE	600
•	COCONUT	2880
L	LOQUAT	144
J	JACKFRUIT	144
P	POMELO	144
L	LILIKOI	540
		<hr/>
		49162 sq. ft.

STRUCTURES:

FRUIT STAND 50x44	2200
FARM DWELLING 98x38	1824
OFFICE 22x25	550
MAIN DWELLING 75x38	2850
TENNIS COURT 120x56	6720
PARKING+DRIVEWAY	9250
	<hr/>
	18394
EXTENDED PARKING	+ 8100
	<hr/>
	26494

TOTAL LAND AREA 2.376 AC = 103498 sq. ft.
 STRUCTURES - 26494

 77004 x 51% = 39272 sq. ft.

RECEIVED

JUN - 8 2021

COUNTY OF MAUI
DEPARTMENT OF PLANNING



ULUMMAR-01

PERTA1

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/7/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Pyramid Insurance Centre, Ltd. Maui Branch 270 Dairy Road, Unit 150 Kahului, HI 96732	CONTACT NAME: Blaine Bernades	
	PHONE (A/C, No, Ext): (808) 242-4789	FAX (A/C, No): (808) 545-3450
E-MAIL ADDRESS: blaine.bernades@pyramidins.com		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: General Star Indemnity Company		37362
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

INSURED

Ulumalu Market LLC
 230 Waiama Way
 Haiku, HI 96708

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PERCENT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			IMA354217A	5/6/2021	5/6/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Per accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E1 EACH ACCIDENT \$ E1 DISEASE - EA EMPLOYEE \$ E1 DISEASE - POLICY LIMIT \$
A	Property			IMA354217A	5/6/2021	5/6/2022	BUILDING \$ 325,000
A	Property			IMA354217A	5/6/2021	5/6/2022	BPP \$ 40,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 This insurance contract is issued by an insurer which is not licensed by the State of Hawaii and is not subject to its regulation or examination. If the insurer is found insolvent, claims under this contract are not covered by any guaranty fund of the State of Hawaii. --HULL & COMPANY, INC. - Honolulu (Surplus Lines Broker) License# 338242, 3375 Koapaka Street, Suite D136, Honolulu, HI 96819

RE- SPECIAL USE PERMIT FOR 4320 HANA HWY. HAIKU, HAWAII 96708

THE COUNTY OF MAUI - DEPARTMENT OF PLANNING IS NAMED AS AN ADDITIONAL INSURED UNDER THE POLICY AND TO THE EXTENT SET FORTH IN THE GENERAL LIABILITY POLICY PROVISIONS.

CERTIFICATE HOLDER COUNTY OF MAUI DEPARTMENT OF PLANNING ONE MAIN PLAZA BUILDING 2200 MAIN ST. STE #315 WAILUKU, HI 96793	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/11/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER Pyramid Insurance Centre, Ltd. Maui Branch 270 Dairy Road, Unit 150 Kahului, HI 96732	CONTACT NAME: B Bernades LLC	
	PHONE (A/C, No, Ext): (808) 242-4789	FAX (A/C, No): (808) 545-3450
E-MAIL ADDRESS: blaine.bernades@pyramidins.com		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: General Star Indemnity Company		37362
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

INSURED

 Ulumalu Market LLC
 230 Waiama Way
 Haiku, HI 96708

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**


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INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	IMA354217	5/6/2020	5/6/2021	EACH OCCURRENCE	\$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
						MED EXP (Any one person)	\$ 5,000
						PERSONAL & ADV INJURY	\$ 1,000,000
						GENERAL AGGREGATE	\$ 2,000,000
						PRODUCTS - COMP/OP AGG	\$ 2,000,000
							\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident)	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
							\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in HI) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				PER STATUTE	OTH-ER
						E.L. EACH ACCIDENT	\$
						E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$
A	Property		IMA354217	5/6/2020	5/6/2021	BUILDING	325,000
A	Property		IMA354217	5/6/2020	5/6/2021	BPP	40,000

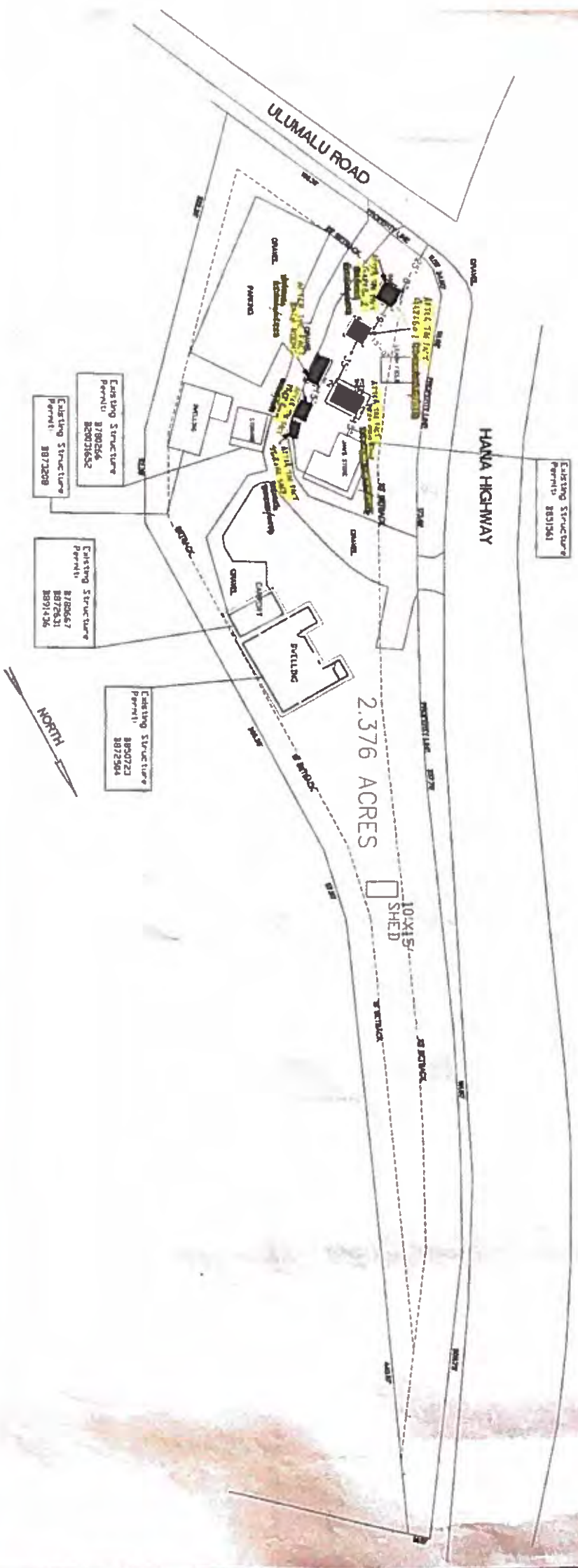
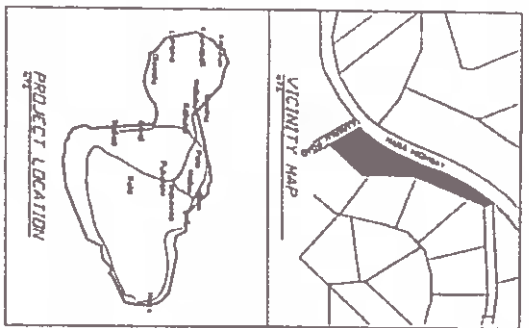
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 "This insurance contract is issued by an insurer which is not licensed by the State of Hawaii and is not subject to its regulation or examination. If the insurer is found insolvent, claims under this contract are not covered by any guaranty fund of the State of Hawaii." -HULL & COMPANY, INC. - Honolulu (Surplus Lines Broker) License# 336242, 3375 Koaopa Street, Suite D136, Honolulu, HI 96819

RE: SPECIAL USE PERMIT FOR 4320 HANA HWY. HAIKU, HAWAII 96708

THE COUNTY OF MAUI - DEPARTMENT OF PLANNING IS NAMED AS AN ADDITIONAL INSURED UNDER THE POLICY AND TO THE EXTENT SET FORTH IN THE GENERAL LIABILITY POLICY PROVISIONS.

CERTIFICATE HOLDER COUNTY OF MAUI DEPARTMENT OF PLANNING ONE MAIN PLAZA BUILDING 2200 MAIN ST. STE #315 WAILUKU, HI 96793	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--

AFTER THE FACT BATH ROOMS
 ULUMALU MARKET LLC
 4320 HANA HIGHWAY
 HAIKU, HI. 96708
 TMK: (2)-2-8-002-0160000



I, the undersigned, being of legal age and competent to dispose of my real property, do hereby certify that the above described premises are my own, and that the same are not subject to any claim, lien, mortgage, or other encumbrance. I further certify that the same are not subject to any other claim, lien, mortgage, or other encumbrance.

Done and attested in the presence of me and one or more disinterested persons at the county clerk's office, to-wit:

 County Clerk

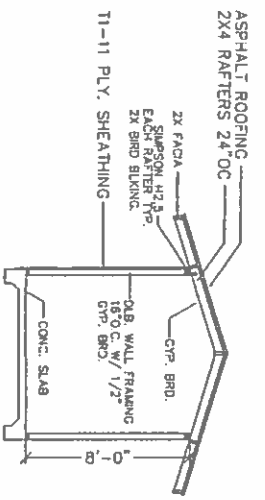
 Notary Public

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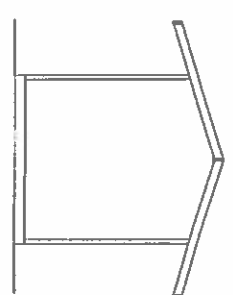
SITE

AFTER THE FACT BATH ROOMS
 ULUMALU MARKET LLC
 4320 HANA HIGHWAY
 HAIKU, HI. 96708
 TMK (2)-2-8-002-0160000

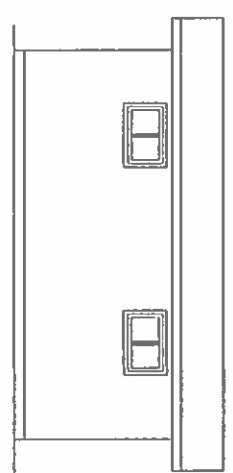




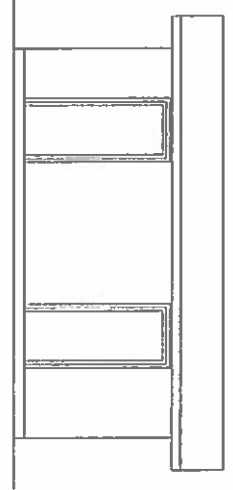
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EAST ELEVATION
SCALE 1/4" = 1'



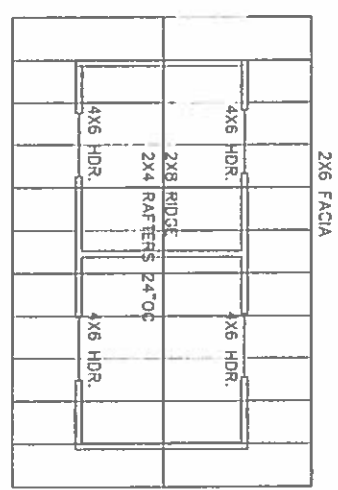
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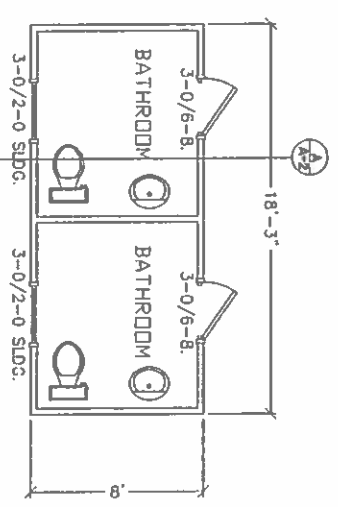
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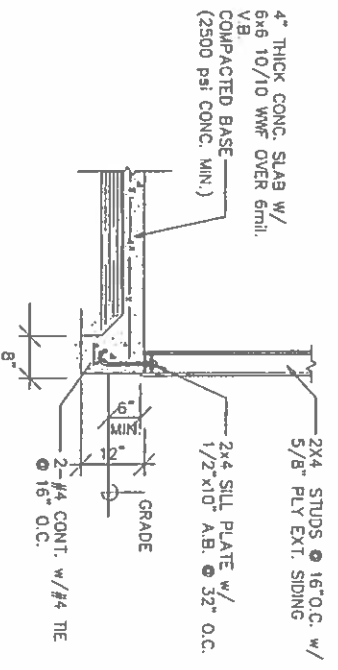
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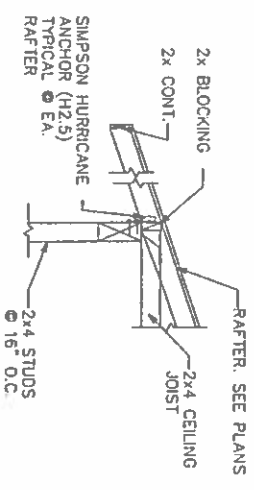
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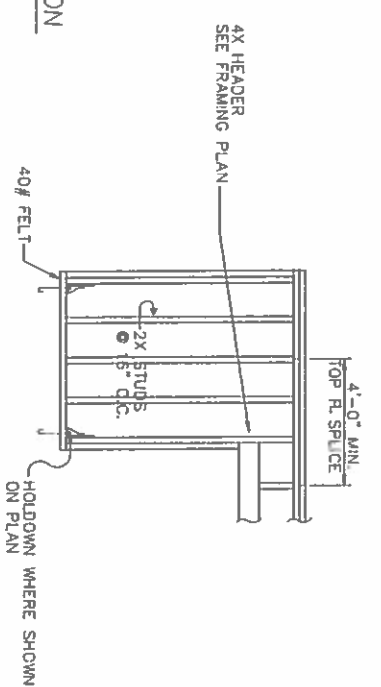
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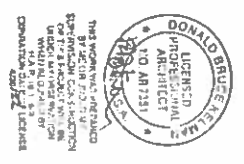
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NOT TO SCALE



TYP. ROOF TO WALL CONNECTION
NOT TO SCALE



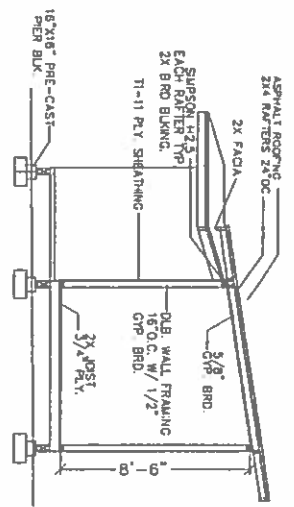
TYP. WALL FRAMING DETAIL
NOT TO SCALE



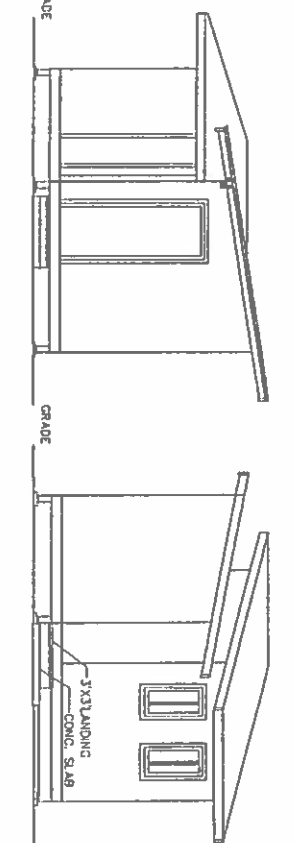
AFTER THE FACT BATH ROOMS
ULUMALU MARKET LLC
4329 HANA HIGHWAY
HAUKU, HI 96708
TMK: (2)-2-8-002-0160000

SHEET TITLE
AFTER THE FACT FLOOR PLAN
AFTER THE FACT FOUNDATION
AFTER THE FACT FRAMING
AFTER THE FACT ELEVATIONS
DETAILS

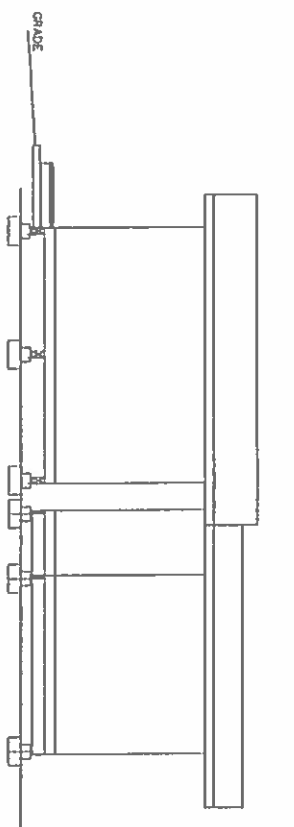
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Drawn by OCS
Sheet #
A-2



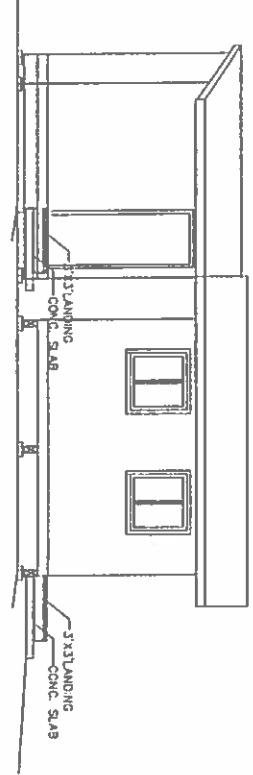
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WEST ELEVATION
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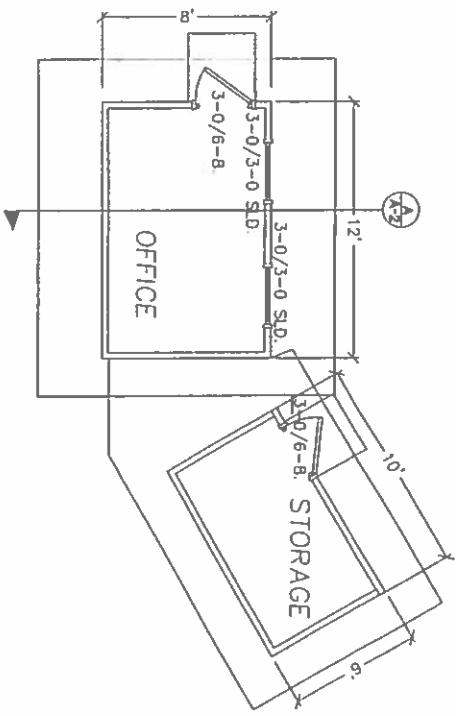


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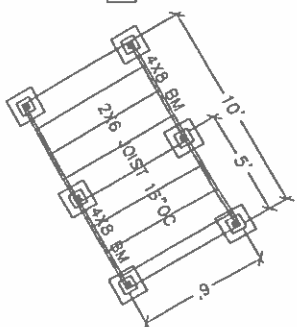
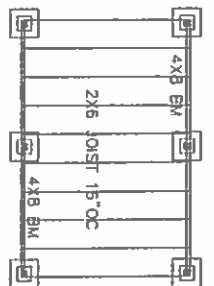
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SOUTH ELEVATION
SCALE 1/4" = 1'

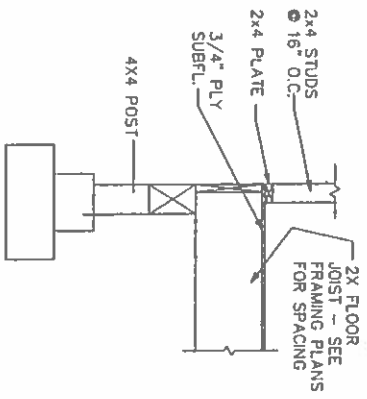
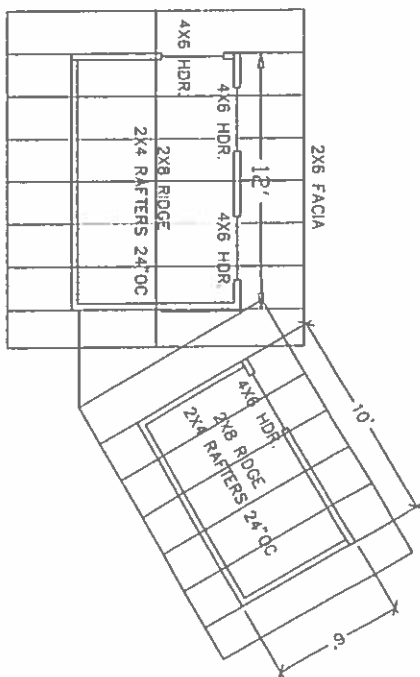


FLOOR PLAN
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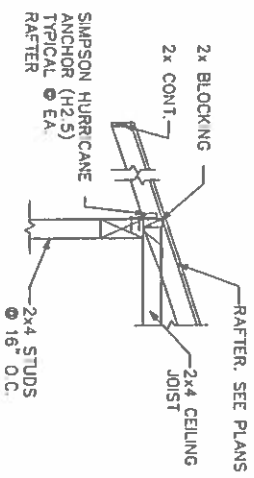
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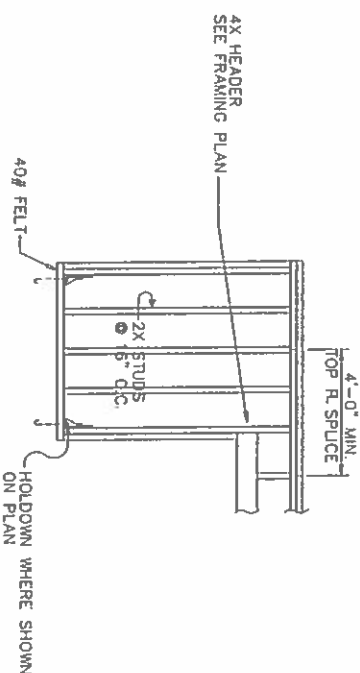
FRAMING PLAN
SCALE 1/4" = 1'



FOUNDATION PLAN
SCALE 1/4" = 1'



TYP. ROOF TO WALL CONNECTION
NOT TO SCALE



TYP. WALL FRAMING DETAIL
NOT TO SCALE



AFTER THE FACT OFFICE / STORAGE
ULUMALU MARKET LLC
4329 HANA HIGHWAY
HAIKU, HI 96708
TMC: (2)-2-8-002-0160000

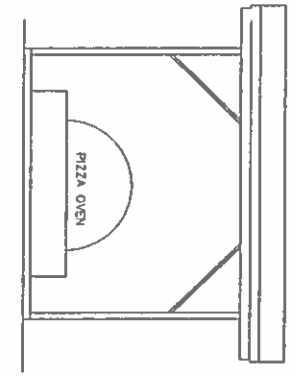
SHEET TITLE
AFTER THE FACT FLOOR PLAN
AFTER THE FACT FOUNDATION
AFTER THE FACT FRAMING
AFTER THE FACT ELEVATIONS
DETAILS

date = 12.15.2020
drawn by ODS
sheet #

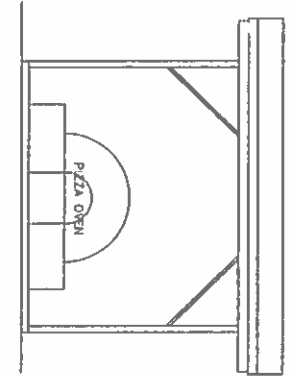
REVISIONS



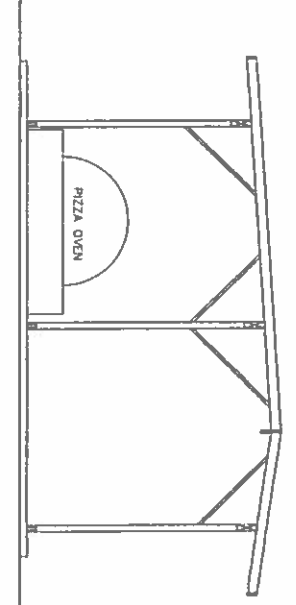
THIS WORK WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF HAWAII. My Commission Expires 06/30/2026.



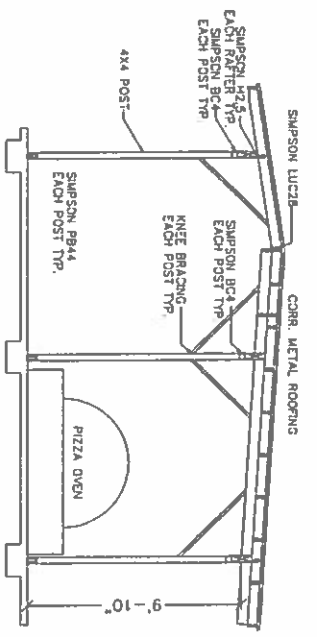
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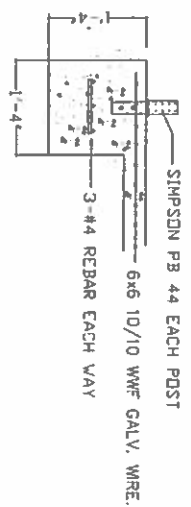
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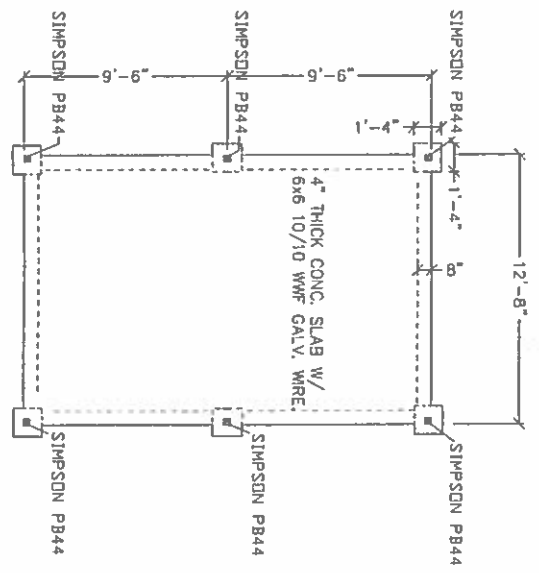
EAST ELEVATION
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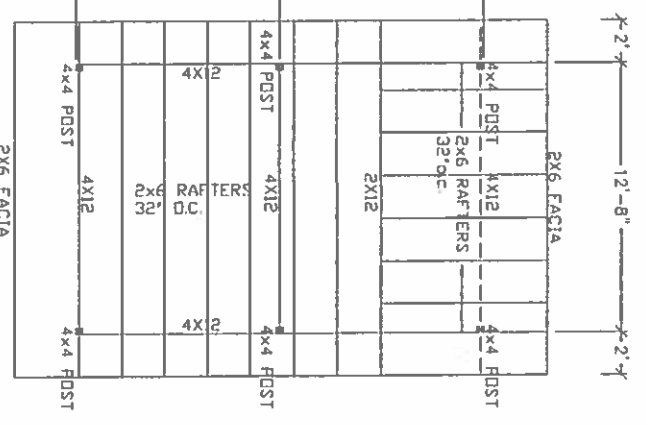
WEST ELEVATION/SECTION
SCALE 1/4" = 1'



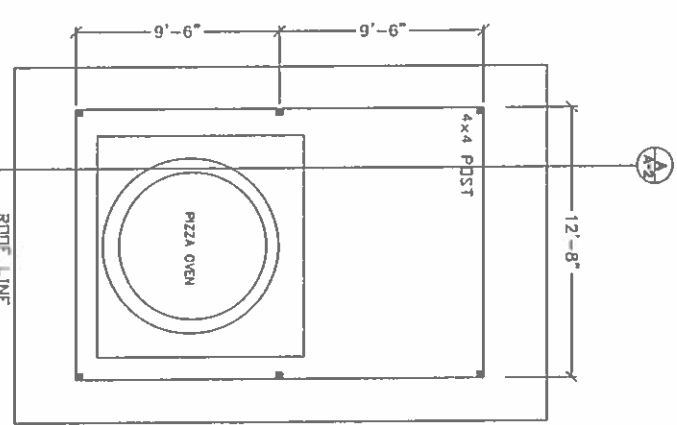
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FOUNDATION PLAN
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FRAMING PLAN
SCALE 1/4" = 1'



FLOOR PLAN
SCALE 1/4" = 1'

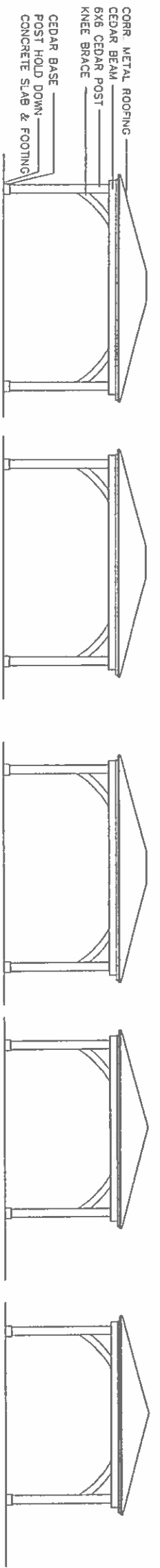
SHEET TITLE
AFTER THE FACT FLOOR PLAN
AFTER THE FACT FOUNDATION
AFTER THE FACT FRAMING
AFTER THE FACT ELEVATIONS/SECTION

AFTER THE FACT PIZZA OVEN SHED
ULUMALU MARKET LLC
4329 HANA HIGHWAY
HAIKU, HI 96708
TMK: (2)-2-8-002-0160000

date = 12.24.2020
drawn by ODS

sheet #

A-2



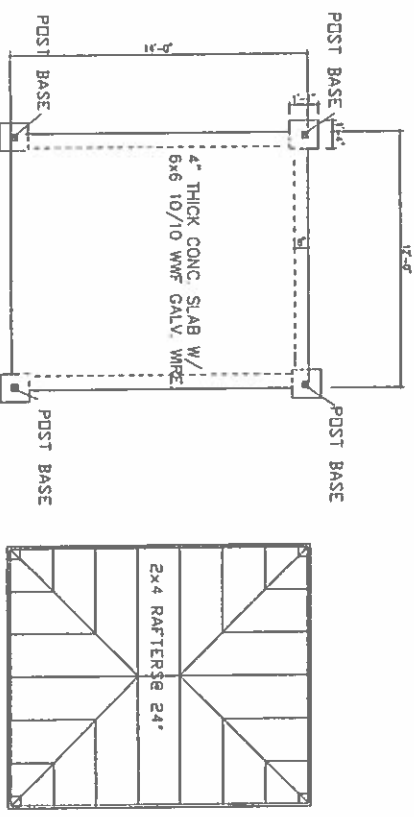
SECTION
SCALE 1/4" = 1'

NORTH ELEVATION
SCALE 1/4" = 1'

SOUTH ELEVATION
SCALE 1/4" = 1'

WEST ELEVATION
SCALE 1/4" = 1'

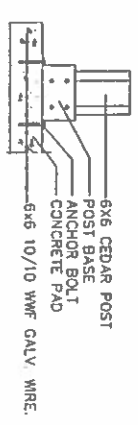
EAST ELEVATION
SCALE 1/4" = 1'



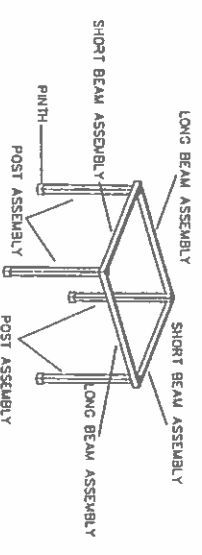
FOUNDATION PLAN
SCALE 1/4" = 1'

FRAMING PLAN
SCALE 1/4" = 1'

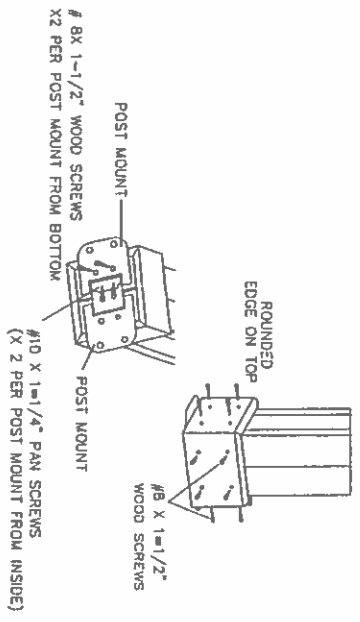
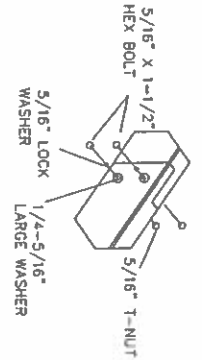
YARDISTRY 12'X14' MERIDIAN GAZEBO
DETAILS N.T.S.



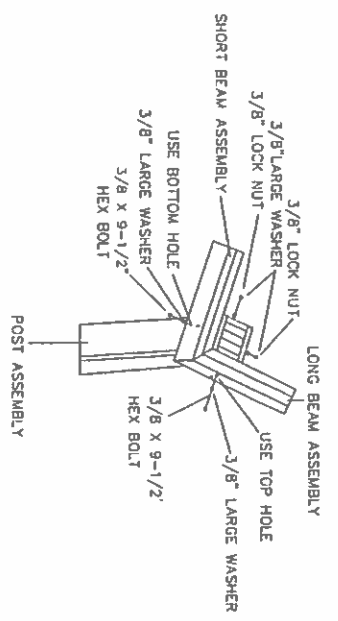
CONCRETE CONNECTION



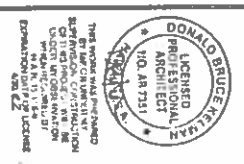
BEAM CONNECTION



POST BASE



POST/BEAM CONNECTION



AFTER THE FACT GAZEBO 1 AND 2
ULUMALU MARKET LLC
4329 HANA HIGHWAY
HAIKU, HI 96708
TMK: (2)-2-8-002-0160000

SHEET TITLE
AFTER THE FACT FLOOR PLAN
AFTER THE FACT FOUNDATION
AFTER THE FACT FRAMING
AFTER THE FACT ELEVATIONS
DETAILS

DATE - 12.23.2020
DRAWN BY OCS
SHEET #
A-2