

ORDINANCE NO. _____

BILL NO. 82, CD1 (2023)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE 4405, GRANTING HO‘OKAHI PALAMA ALI‘I, LLC A CONDITIONAL PERMIT TO CONDUCT LIMITED SPECIAL EVENTS, HISTORICAL AND BOTANICAL TOURS, PHOTO SHOOTS, WORKSHOPS, RETREATS, AND WELLNESS AND EXERCISE CLASSES, AND TO ALLOW A BRIDAL LOUNGE AND EVENT PREPARATION SPACE WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 250 HAIKU ROAD, HAIKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Under Chapter 19.40, Maui County Code, Ordinance 4405 granted a Conditional Permit to Ho‘okahi Palama Ali‘i, LLC, to conduct limited special events, historical and botanical tours, photo shoots, workshops, retreats, and 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, Haiku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 2-7-003:006.

SECTION 2. This Ordinance makes the Conditional Permit subject to the following conditions, superseding the conditions in SECTION 2 of Ordinance 4405:

1. Ho‘okahi Palama Ali‘i, LLC must comply with all applicable governmental requirements.
2. The Conditional Permit is valid for five years from the effective date of this Ordinance; except that an extension of this

Conditional Permit may be granted under Section 19.40.090, Maui County Code.

3. The Conditional Permit must be held by Ho‘okahi Palama Ali‘i, LLC, and Sylvia Hamilton Kerr must remain as a member for the Conditional Permit’s duration.
4. The Conditional Permit is nontransferable unless the Council approves the transfer by ordinance.
5. Ho‘okahi Palama Ali‘i, LLC must exercise reasonable due care as to third parties with respect to all areas affected by this Conditional Permit and must procure at its own cost and expense, and 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, or death arising out of this Conditional Permit, including: (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 these 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 must be submitted to the Department of Planning within ninety 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 must be submitted directly by the insurance carrier to the Department of Planning and must include the applicable tax map key and permit numbers.
6. Ho‘okahi Palama Ali‘i, LLC must develop and use the property in substantial compliance with the representations made to the Council in obtaining the Conditional Permit. Failure to develop and use the property as represented may result in the revocation of the Conditional Permit under Section 19.40.080, Maui County Code.
7. All parking must be on-site and street parking is not allowed.

8. Ho'okahi Palama Ali'i, LLC must submit a parking plan for approval to the Department of Planning, Zoning and Enforcement Division, upon the approval of this Conditional Permit.
9. For events requiring more than thirty-one parking stalls, Ho'okahi Palama Ali'i, LLC must provide shuttle, valet, or limousine services for guests. Ho'okahi Palama Ali'i, LLC must submit evidence of compliance to the Department of Planning upon submittal of an application for time extension or within ten business days of a request by the Department. Failure to provide proof of compliance may result in revocation of this Conditional Permit.
10. Ho'okahi Palama Ali'i, LLC must limit wedding, corporate, and nonprofit music and farm-to-table events to one per calendar week. Ho'okahi Palama Ali'i, LLC must limit the total number of musical performances, benefits, and film screenings to four per calendar year; each of these events count toward the limit of one event per week. Daytime events – such as wellness retreats; workshops; classes in yoga, pilates, meditation, or tai chi; and farm-to-table breakfast, brunch, and lunch events – must be limited to five per week. Ho'okahi Palama Ali'i, LLC must submit evidence of compliance to the Department of Planning upon submittal of an application for time extension or within ten business days of a request by the Department. Failure to provide proof of compliance may result in revocation of this Conditional Permit.
11. Ho'okahi Palama Ali'i, LLC must limit special events as follows:
 - a. Wedding, corporate, nonprofit and benefit receptions, musical and hula performances, film screening and farm-to-table evening events up to two hundred guests must conclude 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 eighty participants must conclude by 8:00 p.m.

Ho'okahi Palama Ali'i, LLC must submit evidence of compliance with this condition to the Department of Planning with the compliance report.

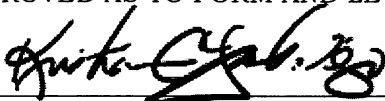
12. Ho'okahi Palama Ali'i, LLC must have all exterior lighting downward-shielded. Ho'okahi Palama Ali'i, LLC must submit evidence of compliance with this condition to the Department of Planning with the compliance report.
13. Within thirty days from the effective date of this ordinance, Ho'okahi Palama Ali'i, LLC must provide all owners of record within five hundred feet with a copy of the State Land Use Commission Special Use Permit and the Conditional Permit approvals, and a contact name and telephone number for the owners to use if they have any questions or concerns about the property's use. Ho'okahi Palama Ali'i, LLC must submit evidence of compliance with this condition to the Department of Planning within forty-five days from the effective date of this ordinance.
14. Ho'okahi Palama Ali'i, LLC must place a sign at the entrance of the property with the name "Haiku Mill" and a contact telephone number. Ho'okahi Palama Ali'i, LLC must submit evidence of compliance with this condition to the Department of Planning within thirty days from the effective date of this ordinance.
15. The Department of Fire and Public Safety, Fire Prevention Bureau, must review and approve events open to the public when fifty or more people will attend, or when temporary tents or canopies in excess of four hundred square feet are used, or when open-flame or pyrotechnics are proposed. The Fire Prevention Bureau must determine if Ho'okahi Palama Ali'i, LLC has complied with this condition.
16. Ho'okahi Palama Ali'i, LLC must not operate until final inspections are completed for building and electrical permits for all after-the-fact structures onsite or variances are approved, if applicable. The Department of Public Works must determine if Ho'okahi Palama Ali'i, LLC has complied with this condition, and Ho'okahi Palama Ali'i, LLC must submit evidence of compliance to the Department of Planning with the report.
17. Ho'okahi Palama Ali'i, LLC must provide evidence of compliance with the requirements of Hawaii Administrative Rules, Chapter 11-62, "Wastewater Systems," for events with up to two hundred guests. The State of Hawaii Department of Health must determine if Ho'okahi Palama Ali'i, LLC is in compliance with this condition, and Ho'okahi Palama Ali'i,

LLC must submit evidence of compliance to the Department of Planning within forty-five days of the effective date of this ordinance.

18. Ho'okahi Palama Ali'i, LLC must provide a certification of the Haiku Mill's structural integrity by an engineer licensed in the State of Hawaii to the Department of Planning within thirty days from the effective date of this ordinance.
19. As represented by the applicant, a historical tour of the property must be offered to the public at least once a year. The applicant will present a factual history of the land and sugar industry including negative impacts upon the Native Hawaiian people.

SECTION 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



KRISTINA C. TOSHIKIYO
Department of the Corporation Counsel
County of Maui

hlu:misc:019abil02:alkl

INTRODUCED BY:



ALICE L. LEE

Upon the request of the Mayor.

DIGEST

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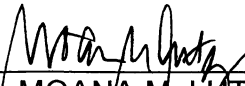
This bill proposes to grant a five-year Conditional Permit time extension by amending Ordinance 4405 (2017) for Ho'okahi Palama Ali'i, LLC to continue operating special events in the County Agricultural District, located at 250 Haiku Road, Ha'ikū, Maui, Hawai'i.

I, MOANA M. LUTEY, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 82, CD1 (2023) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 26th day of January, 2024, by the following vote:

AYES: Councilmembers Tom Cook, Gabriel Johnson, Natalie A. Kama, Keani N. W. Rawlins-Fernandez, Tamara A. M. Paltin, Shane M. Sinenci, Nohelani U'u-Hodgins, Vice-Chair Yuki Lei K. Sugimura, and Chair Alice L. Lee.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 29th of January, 2024.



MOANA M. LUTEY, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.