

ORDINANCE NO. _____

BILL NO. 11 (2017)

A BILL FOR AN ORDINANCE GRANTING SUNRISE CENTER, INC. DBA LAUNA I'O ECO-EDUCATION CENTER A CONDITIONAL PERMIT TO OPERATE THE HALE AKUA GARDEN FARM RETREAT CENTER, WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY LOCATED AT HUELO, HAWAII

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

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, a Conditional Permit is hereby granted to Sunrise Center, Inc. dba Launa I'o Eco-Education Center, to operate the Hale Akua Garden Farm Retreat Center within the County Agricultural District. The site is identified for real property tax purposes by Tax Map Key Numbers: (2) 2-9-007:053, 2-9-007:056, and 2-9-007:057, comprising approximately 7.6 acres of land situated at Huelo, Maui, Hawaii.

SECTION 2. The granting of this Conditional Permit is subject to the following conditions:

1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the Conditional Permit shall be valid for a period of five (5) years from the effective date of this ordinance; provided, that an extension of this Conditional Permit beyond this five-year period may be granted pursuant to Section 19.40.090, Maui County Code.
3. That the subject Conditional Permit shall not be transferred unless the Maui County Council approves a transfer by ordinance.
4. That Sunrise Center, Inc. dba Launa I'o Eco-Education Center, its successors and permitted assigns, shall exercise reasonable due

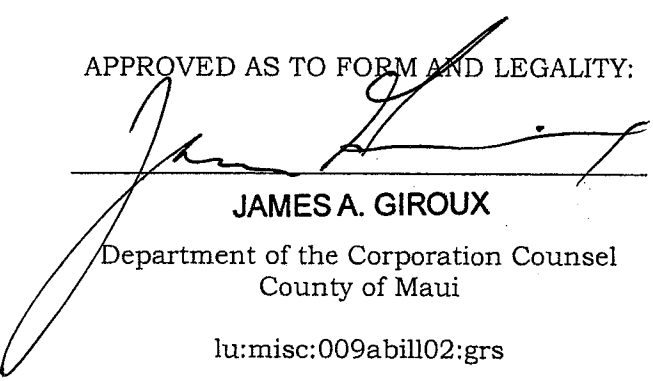
care as to third parties with respect to all areas affected by the subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of the Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending Sunrise Center, Inc. dba Launa Iʻo Eco-Education Center, and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of the Conditional 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 Sunrise Center, Inc. dba Launa Iʻo Eco-Education Center, of said rights; and (2) all actions, suits, damages and claims by whomever 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 County of Maui an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of this ordinance. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department of Planning and shall include the applicable tax map key and permit numbers.

5. That Sunrise Center, Inc. dba Launa Iʻo Eco-Education Center, shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
6. That Sunrise Center, Inc. dba Launa Iʻo Eco-Education Center, shall submit to the Department of Planning five (5) copies of a detailed report addressing its completed actions in regard to its compliance with the conditions required by the Special Use Permit 2005/0004, the Conditional Permit, and all requests requiring action as stated by each individual agency comment letter.
7. That Sunrise Center, Inc. dba Launa Iʻo Eco-Education Center, shall secure approval letters from the Department of Planning, Zoning Administration and Enforcement Division, and the Department of Public Works, Development Services Administration, to ensure that compliance with its applicable government requirements have been met. The Department of Planning shall review the approval letters and make a final determination of compliance for approval.

8. That the maximum number of rooms for overnight accommodations be limited to a total of twelve (12) rooms with a maximum of two (2) adults and one (1) child age twelve (12) and under [occupants] per room. The occupants shall be exclusively limited to students and instructors only, unless otherwise approved by the Planning Commission.
9. That the overnight accommodations shall at all times be in compliance with the Department of Fire and Public Safety regulations, including but not limited to: fire extinguishers, smoke detectors, the Fire Code as set forth in Chapter 16.04C, Maui County Code, and evacuation plans. This shall be done to the satisfaction of the Department of Fire and Public Safety.
10. That a property manager shall reside full-time on the site.
11. That the Department of Planning receive in writing, thirty (30) days prior to any proposed changes in use, structures, dwellings, land, business type, ownership, or any action that could potentially affect the status of the Conditional Permit.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



JAMES A. GIROUX

Department of the Corporation Counsel
County of Maui

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DIGEST

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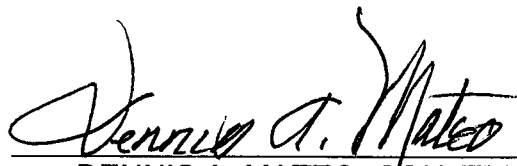
This bill proposes to grant Sunrise Center, Inc. dba Launa I'o Eco-Education Center, a five-year Conditional Permit to operate the Hale Akua Garden Farm Retreat Center within the County Agricultural District at 110 Door of Faith Road, Huelo, Maui, Hawaii, identified for real property tax purposes by Tax Map Key Nos. (2) 2-9-007:053, (2) 2-9-007:056, and (2) 2-9-007:057.

I, DENNIS A. MATEO, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 11 (2017) was passed on First Reading
by the Council of the County of Maui, State of Hawaii, on the 17th day of February,
2017, by the following vote:

AYES: Councilmembers Alike Atay, Eleanora Cochran, Donald S. Guzman, Kelly T. King, Yuki Lei K. Sugimura, Vice-Chair Robert Carroll, and Chair Michael B. White.

NOES: Councilmembers S. Stacy Crivello and G. Riki Hokama.

DATED at Wailuku, Maui, Hawaii, this 21st of February, 2017.



DENNIS A. MATEO, 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.