

ORDINANCE NO. _____

BILL NO. 79 (2017)

A BILL FOR AN ORDINANCE GRANTING JEANA IWALANI NALUAI
A CONDITIONAL PERMIT TO CONDUCT CLASSES IN HAWAIIAN CULTURAL
AND MEDICINAL PRACTICES, AND OPERATE THE HO'OMANA SPA AND
BATHHOUSE, ON PROPERTY IDENTIFIED AS TAX MAP KEY (2) 2-4-013:142,
MAKAWAO, MAUI, 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 Jeana Iwalani Naluai ("Applicant") to conduct classes in Hawaiian cultural and medicinal practices, and operate the Ho'omana Spa and Bathhouse. The site is identified for real property tax purposes as tax map key number (2) 2-4-013:142, comprising 2.01 acres of land situated at 1550 Piihola Road, Makawao, Maui, Hawaii.

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

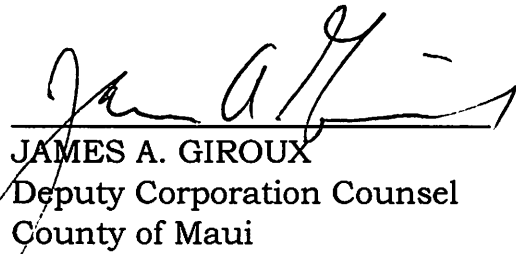
1. That the Conditional Permit shall be valid for a period of ten years from the effective date of this ordinance, provided that an extension of this permit beyond this ten-year period may be granted pursuant to Section 19.40.090, Maui County Code ("MCC").
2. That the Conditional Permit shall be nontransferable unless the Maui County Council approves a transfer by ordinance.
3. That the Applicant and her successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at her own cost and expense, and shall maintain during the entire period of this 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 the Applicant and the 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 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 Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the date of approval of this Conditional Permit, or prior to starting operations, whichever is first. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable tax map key and permit numbers.

4. That the Applicant shall develop the property in substantial compliance with the representations made to the Council in obtaining the Conditional Permit. Failure to so use the property as represented may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, MCC.
5. That full compliance with all applicable governmental requirements shall be rendered.
6. That the building permits required for the bathhouse shall be completed prior to starting operations. Evidence of completion shall be submitted to the Department of Planning within thirty days of the Applicant receiving the completed building permits.
7. That a wastewater disposal system approved by the State Department of Health ("DOH") shall be installed prior to starting operations. Evidence of completion shall be submitted to the Department of Planning within thirty days of the Applicant receiving final approval from DOH.
8. That, as recommended by the Department of Water Supply, a backflow preventer shall be installed. Evidence of installation shall be provided to the Department of Planning within thirty days after the installation.

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

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

lu:misc:036abill02

DIGEST

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BATHHOUSE, ON PROPERTY IDENTIFIED AS TAX MAP KEY (2) 2-4-013:142,
MAKAWAO, MAUI, HAWAII

This bill proposes to grant Jeana Iwalani Naluai, a ten-year Conditional Permit to conduct classes in Hawaiian cultural and medicinal practices, and operate the Ho`omana Spa and Bathhouse on 2.01 acres of land at 1550 Piiholo Road, Makawao, Maui, Hawaii, and identified as Tax Map Key No. (2) 2-4-013:142.

I, JOSIAH K. NISHITA, Deputy County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 79 (2017) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 22nd day of September 2017, by the following vote:

AYES: Councilmembers Alika Atay, Eleanora Cochran, S. Stacy Crivello, Donald S. Guzman, Yuki Lei K. Sugimura, and Chair Michael B. White.

NOES: None.

EXCUSED: Councilmembers G. Riki Hokama, Kelly T. King, and Vice-Chair Robert Carroll,

DATED at Wailuku, Maui, Hawaii, this 22nd of September, 2017.



JOSIAH K. NISHITA, DEPUTY 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.