

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

February 17, 2017

Committee
Report No. _____

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

Chair and Members:

Your Land Use Committee, having met on February 1, 2017, makes reference to County Communication 11-199, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING SUNRISE CENTER, INC. A CONDITIONAL PERMIT TO OPERATE THE HALE AKUA GARDEN FARM RETREAT CENTER, WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT HUELO, HAWAII."

The purpose of the proposed bill is to grant a request from Sunrise Center, Inc., for a Conditional Permit to continue to operate an agriculture based retreat center offering hands-on field workshops; education in organic gardening; and other classes in subjects such as health and wellness, Hawaiian culture, yoga, and meditation. In addition, the owners provide overnight accommodations exclusively for registered students and instructors. The eco-retreat, known as the Hale Akua Garden Farm, is located on 7.65 acres comprised of three adjoining parcels at 110 Door of Faith Road in Huelo, Maui, Hawaii.

By correspondence dated, January 30, 2017, the Department of the Corporation Counsel transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING SUNRISE CENTER, INC. A CONDITIONAL PERMIT TO OPERATE THE HALE AKUA GARDEN FARM RETREAT CENTER, WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY LOCATED AT HUELO, HAWAII," approved as to form and legality, incorporating nonsubstantive revisions.

Your Committee notes that the project consists of three separate parcels with a total of nine structures, providing 18 bedrooms, 14 bathrooms, 3 half bathrooms, and 6 kitchens. The total parcel size for all

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three parcels consists of 333,234 square feet with 132,539 square feet in active agricultural use.

Your Committee noted concerns about the number of occupants that will be allowed in each room and the number of rooms that would be utilized for student and instructor lodging.

The applicant's representative, Colleen Suyama from Munekiyo Hiraga, clarified that only five dwellings on the three parcels will be utilized for the overnight accommodations.

Accordingly, your Committee revised a condition, within the revised proposed bill, to set forth the maximum number of adults and children that will be allowed in each room. Your Committee also recommended amendments that clarify the applicant's name and other nonsubstantive revisions.

Your Committee voted 7-0 to recommend passage of the revised proposed bill, as amended, on first reading and filing of the communication. Committee Chair Carroll and members Atay, Crivello, Guzman, King, Sugimura, and White voted "aye." Vice-Chair Hokama and member Cochran were excused.

Your Committee is in receipt of a further revised proposed bill, entitled "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," approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Land Use Committee RECOMMENDS the following:

1. That Bill _____ (2017) as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING SUNRISE CENTER, INC. DBA LAUNA I'O ECO-EDUCATION

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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 PASSED ON FIRST
READING and be ORDERED TO PRINT; and

2. That County Communication 11-199 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



ROBERT CARROLL, Chair

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ORDINANCE NO. _____

BILL NO. _____ (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

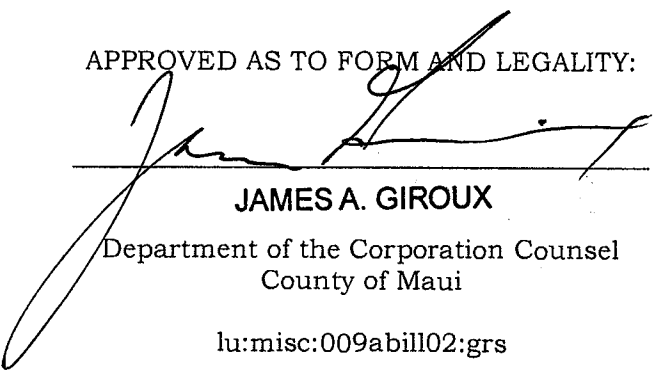
care as to third parties with respect to all areas affected by the subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of the Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending Sunrise Center, Inc. dba Launa I`o 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 I`o 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 I`o 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 I`o 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 I`o 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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