

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

September 22, 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 September 6, 2017, makes reference to County Communication 17-240, from the Planning Director, transmitting a proposed bill entitled "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, FOR PROPERTY IDENTIFIED AS TMK (2) 2-4-013:142, MAKAWAO, MAUI, HAWAII," and related documents.

The purpose of the proposed bill is to grant a request from Jeana Iwalani Naluai ("applicant") for a five-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 Piihola Road, Makawao, Maui, Hawaii.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill, entitled "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," approved as to form and legality, incorporating nonsubstantive revisions.

Your Committee notes a State Special Use Permit was approved by the Maui Planning Commission, following a public hearing on March 28, 2017. Your Committee further notes the Maui Planning Commission recommended approval of the Conditional Permit after finding the project meets the criteria for the issuance of a Conditional Permit, pursuant to Section 19.40.070, Maui County Code.

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The applicant said the Ho`omana Spa will focus on Hawaiian therapies, education in traditional healing practices of La`au Lapa`au and Lomi Lomi massage, and the creation of Hawaiian medicinal and body care products made from botanicals grown on the property.

She said a five-bedroom bed and breakfast is currently permitted in the main house and that her family lives in the cottage. The proposed Conditional Permit would allow the use of three of the bedrooms as spa treatment rooms, reducing the number of bed-and-breakfast rooms to two. Another main room of the home will be used for Hawaiian cultural classes. The applicant also said her property provides ample onsite parking for the proposed spa and bathhouse in addition to the permitted bed-and-breakfast rooms, and is anticipated not to generate increased noise or disruption to the neighborhood.

Your Committee supported the project and the ways in which the project could help to perpetuate traditional cultural values and studies.

Your Committee received numerous pieces of written testimony in support of the application and none in opposition.

Your Committee recommended the Conditional Permit be authorized for ten years, rather than five.

Your Committee voted 8-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Carroll and members Atay, Cochran, Crivello, Guzman, King, Sugimura, and White voted "aye." Committee Vice-Chair Hokama was excused.

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

Your Land Use Committee RECOMMENDS the following:

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1. That Bill _____ (2017), as revised herein and attached hereto, entitled "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 PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 17-240 be FILED.

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



ROBERT CARROLL, Chair

lu:cr:17036aa:jgk/cmn

ORDINANCE NO. _____

BILL NO. _____(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 Piipolo Road, Makawao, Maui, Hawaii.

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

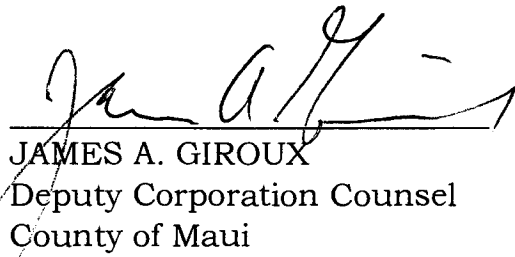
1. That the Conditional Permit shall be valid for a period of ten years from the effective date of this ordinance, provided that an extension of this permit beyond this ten-year period may be granted pursuant to Section 19.40.090, Maui County Code ("MCC").
2. That the Conditional Permit shall be nontransferable 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

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