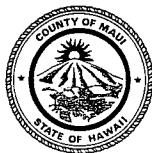


KATHY L. KAOHU
County Clerk



JAMES G.M. KRUEGER
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

February 22, 2021

Honorable Tamara Paltin, Chair
Planning and Sustainable Land Use Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Paltin:

Respectfully transmitted are copies of the following communications that were referred to your Committee by the Council of the County of Maui at its meeting of February 19, 2021:

COUNTY COMMUNICATIONS:

- No. 21-121 - Michele McLean, Planning Director
- No. 21-122 - Kelly Takaya King, Councilmember
- No. 21-123 - Michele McLean, Planning Director
- No. 21-124 - Michele Chouteau McLean, Planning Director

Respectfully,

A handwritten signature in cursive script that reads "Kathy L. KaoHu".

KATHY L. KAOHU
County Clerk

/lks

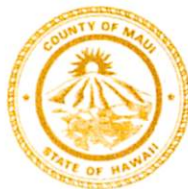
Enclosures

cc: Director of Council Services

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

February 2, 2021

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P Victor 2/2/21

Mayor Date

For Transmittal to:

Honorable Alice Lee
Chair, Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: CONDITIONAL PERMITS

Pursuant to Section 19.40.110, Maui County Code, relating to reporting for conditional permits, attached, please find the Planning Department's fifth report on the status of all active conditional permits.

These reports will be submitted to the Council on a quarterly basis.

Thank you for your attention to this matter. Should further clarification be necessary, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "michele mclean".

MICHELE MCLEAN, AICP
Planning Director

Attachment

xc: Councilmember Tamara Paltin, PSLU Chair (PDF)
John Rapacz, Planning Program Administrator (PDF)

MCM:CIY:SCB:rma

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COUNTY COMMUNICATION NO. 21-121

County of Maui
Conditional Permits as of 1/4/2021

| CP Number | TMK | <u>Initial</u> <u>Approval</u> Date | Ord. No. | Activities Permitted | Name of Permit Holder | <u>Expiration</u> Date | Notes |
|-----------|-----------|---|----------|---|--|---------------------------|--|
| 1 | 1989/0002 | 2380060040000 | 01/04/91 | 1986, 2101, 2360, 2800, 3201 museum | A&B Sugar Museum | 01/30/24 | Initially approved by Ord. 1986 on 1/4/91 for 2 years until 1/4/93, Council extension in 1992 by Ord. 2101 granted until 1/4/94, Council extension by Ord. 2360 granted for 5 years until 1/4/99; Council extension on 9/7/1999 by Ord. 2800 until 1/31/2004; 10 yr Council extension granted from 1/30/2004 to 1/4/2014 by Ord. 3201, director extension granted on 4/23/14 to 1/30/24. The request for extension in 2019 includes an expansion and was supported by the MPC on December 10, 2019 to expire on 1/30/2029, subject to Council approval. Request for an expansion amendment and time extension is currently in process. |
| 2 | 1997/0002 | 2360040070000 | 06/22/98 | 2669, 2853, 3232, 3787 concrete recycling and green waste composting | Pohakulepo Recycling Partnership | 12/15/29 | Ord. 2669 initially granted for a period of 1 year to 6/22/1999; Council extension granted for 3 years from 4/24/2000 by Ord. 2853; Council extension granted 12/15/04 for 5 years by Ord. 3232 to 12/15/2009; Council extension granted by Ord. 3787 on 10/22/2010 until 12/15/19; currently in process of extension approval for a period of 10 years, or until December 25, 2029. |
| 3 | 1997/0006 | 2210081080000 | 12/16/98 | 2734, 3393 wastewater treatment in AG | ATC Makena Holdings LLC | 07/07/21 | Council approved an initial duration of 5 years by Ord. 2734 on 12/16/98; on 7/7/2006, Council approved 5 year extension to 7/7/2011. Director approved 10 year time extension and permit transfer approved on 1/19/12 until 7/12/2021. |
| 4 | 1998/0006 | 2340050150000 | 12/06/98 | 2733, 2846, 3545 10 bedroom TVR in Urban District | Fairbanks, Janice | 03/09/38 | Originally established as a 6 bedroom B&B in 1997; Council approved a 7th bedroom in 1998 by Ord. 2733; Council approved a 3-year time extension 4/12/2000, by Ord. 2846; Council approved an expansion to 10-bedrooms and a 10 year time extension to 3/9/2018 by Ord. 3545. Director approved a 20 year extension valid until 3/9/2038. |
| 5 | 1998/0013 | 2230030860000 | 04/20/99 | 2763 enchanted floral gardens | Takeda, Kazuo | 11/30/22 | Ord. 2763 was granted in 1999 for a duration until November 30, 2008. On 11/27/12, a director approved 10 year time extension was granted to 11/27/22. |
| 6 | 1999/0002 | 2210170400000 | 01/11/08 | 3518, 3795 TVR in Rural District | Gildred, Kathleen | 03/31/26 | Ord. 3518 granted for 2 years to 1/11/2010; time extension and permit transfer granted on 11/30/2010 to 3/31/16 by Ord. 3795; director approved 10-yr extension approved to 3/31/2026. This property has also been assigned an STRH number for the CP use. Only the CP number will be listed however on the quarterly STRH report, towards the end of the STKM CP section. |
| 7 | 1999/0007 | 2210081410000 2210081230000 | 08/10/99 | 2790, 2829, 4781 business and commercial uses in the A-2 Apartment and Open Space Districts for the Wailea business center | Wailea Golf | 02/28/30 | Ord. 2790 granted 2 years until 8/10/01; Ord. 2829 granted 10 years from 2/28/2000 to 2/28/2010 for the development and use of a parking lot use within the A-2 district; Ord. 4781 transferred conditional permit (Ord. 2829) for the continued use of a parking lot to Wailea Golf, LLC, on 11/7/17 and granted a 10 year extension to 11/7/27; request for extension and expansion for 13 additional parking stalls is currently in process. |
| 8 | 1999/0012 | 2250040060000 | 06/05/01 | 2971 residential facility for adolescents within the Ag district | Maui Youth & Family Svcs | 06/05/21 | Ord. 2971 granted 10 years until 6/5/2011; director approved extension granted until 6/5/2021 |

County of Maui
Conditional Permits as of 1/4/2021

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|----|-----------|---------------|----------|------------------------|---|--------------------------|----------|--|
| 9 | 2000/0001 | 2310020210000 | 03/21/01 | 2949, 3252 | art gallery and gift shop in AG | Noland, Karen Lei | 03/21/24 | Ord. 2949 granted for three years until 3/21/04; Ord. 3252 granted 10 year extension to 3/21/14 director approved extension granted to 3/21/24 |
| 10 | 2000/0012 | 2240020020000 | 04/25/06 | 3377 | 7 bedroom TVR in Rural District | Herling, Martin Trust | 04/25/21 | Ord. 3377 granted for 5 years from 4/25/06 to 4/25/11; director approved 10 year time extension granted to 4/25/21; request for amendments in process now for: deletion of certain conditions, transfer of permit holder, and extension of 5 years pending Council review. This permit is included in the STRH count. |
| 11 | 2000/0013 | 2570030610000 | 11/05/01 | 3002, 3003, 3300 | Two 2-bedroom houses in TVR use in Rural District | Dunbar, Lance | 05/31/30 | Ord. 3002 granted to match SUP2 duration for cottage located on TMK No: 5-7-003:061, Ord. 3003 granted on 11/5/01 for the cottage located on TMK No: 5-7-003:063 and to match SUP2 duration, MolPC approved SUP2 ext. on March 12, 2003 for a 10-year duration; Ord. 3300 granted on 7/5/2005 for ten year duration to 7/5/2015 for cottage located on TMK No: 5-7-003:061; On July 5, 2005, Ordinance No. 3301 granted for ten year duration for the cottage located on TMK No: 5-7-003:061; in 2015 a fifteen (15) year SUP2 time extension May 31, 2030. The CP permits match the SUP2 duration. This permit is included in the STRH count. |
| 12 | 2001/0018 | 2260090080000 | 07/05/05 | 3299, 3522 | 1 bedroom TVR in accessory dwelling within R-1 residential district | Maui by the Sea | 12/19/21 | Ord. 3299 initially granted approval for one year to 7/5/2006; Ord. 3522 granted a time extension from 12/19/2006 to 12/19/2011; director approved extension granted on 12/16/11 to 12/19/21. This permit is included in the STRH count. |
| 13 | 2001/0034 | 2110070030000 | 09/03/04 | 3204 | fruit/roadside stand in AG | Chong, Douglas | 09/23/44 | The Waiānu Fruit Stand was originally issued a SUP2 by the MPC in 1983. Ord.3204 granted a CP with an initial duration of 10 years on 9/3/2004 to 9/3/2014. The MPC approved a 30 year SUP2 ext. in 2014; director approved a CP extension to match the SUP2 duration; to expire in 2044. |
| 14 | 2002/0009 | 2220010540000 | 04/04/09 | 3627 | 3 bedroom TVR in AG | Tower, Janice Tanaka | 03/31/27 | Ord. 3627 Initially granted 2 year duration to 4/4/2011; director approved ten year extension in 2017 to 3/31/2027. This permit is included in the STRH count. |
| 15 | 2002/0017 | 2430190490000 | 10/16/09 | 3691 | Residence used as a TVR in the R-3 Residential District | Moffet, William | 10/16/22 | Initial approval by Ord. 3691 for 3 years; director approved 10 year extension granted in 2012 to 10/16/2022. This permit is included in the STRH count. |
| 16 | 2003/0008 | 2220010170000 | 04/08/05 | 3264, 3898 | 11-unit TVR & events facility. 5 major structures for TVR use. | O W Ranch | 05/31/30 | Ord. 3264 granted a 5 year duration to operate a 12-bedroom TVR until 4/8/2010. Ord. 3898 granted a time extension for CP 2003/0008 to amend to an 11 bedroom TVR and special events facility from 11/25/11 to 5/31/2020; on 11/12/2020, director approved extension granted to expire on 5/31/2030. This permit is included in the STRH count. |
| 17 | 2003/0009 | 2390050260000 | 02/06/12 | 3909 | TVR within the County A-1 Apartment District. | Nellie's on Maui Ltd | 02/06/25 | Initial approval by ordinance 3909 for 3 years; director approved extension for 10 years from 2/5/15 to 2/5/25. This permit is included in the STRH count. |
| 18 | 2004/0011 | 2260060300000 | 04/07/10 | 3739 | offsite parking for 8 stalls in the R-1 Residential District | Thielk, Edward | 03/31/25 | Ord. 3739 granted for a 5 year duration until 3/31/2015; in 2016 director approved 10 year extension until March 31, 2025. |

County of Maui
Conditional Permits as of 1/4/2021

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|----|-----------|---|----------|---------------------------------|---|-----------------------------------|---|---|
| 19 | 2005/0001 | 2380040230000 until 8/5/2008; 2380040020000 after 8/5/2008 | 08/25/99 | 2794, 3308, 3330, 4015 | concrete batching plant within the County Agricultural District | Ameron HI | 11/7/2030 - See Ord. for expirations for each TMK | Ord. 2794 initially granted a 5 year duration upon approval on 8/25/1999. Council approved Ord. 3308 granted a 3 year extension to 8/5/2008 or until the issuance of a new Conditional permit ordinance for a new location. No TMK was included in the language of Ord. 3308. Ord. 3330 granted an amendment to both Ord. 2794 and Ord. 3308 and an extension of 3 years from the effective date of Ord. 3308, to 8/5/2008 or the date on which the concrete batching plant located on TMK (2) 3-8-004: 002 (por.) is operable. Ord. 3330 was granted on 11/7/2005 for the operation of the concrete batching plant at a new location: (2)3-8-004:002(por.). Ord. 4015 granted a 17 year extension until 11/7/2030 for the continued operation of the batching plant on (2)3-8-004:002(por.). |
| 20 | 2005/0004 | 2230320030000 | 12/22/06 | 3426, 3905 | commercial salon in Rural | Cambra, William | 12/22/29 | Ord. 3426 granted for a duration of 3 years to 12/22/2009; Ord. 3905 granted for a duration from 1/25/2012 to 12/22/2019; director extension granted for ten year duration to 12/22/2029. |
| 21 | 2005/0005 | 2340060040000 | 03/20/06 | 3366, 3904 | office in R2 Residential District | Zitnik, Stan | 03/20/21 | Ord. 3366 initially approved for 5 year duration to 3/20/2011; Ord. 3904 approved on 1/9/2012 for a 10 year duration to March 20, 2021. |
| 22 | 2005/0006 | 2290070530000 2290070570000 2290070560000 | 03/13/17 | 4404 | wellness retreat | Grace, Lorraine Trust | 03/13/22 | STRH permit for the TVR use on one parcel only, and a SUP for both uses on all three parcels. This permit is included in the STRH count. |
| 23 | 2005/0010 | 2230050040000 | 01/25/08 | 3523 | visitor center | Haleakala Ranch Co. | 01/31/24 | Ord. 3523 granted initial 5 year duration on 1/25/2008; director time extension granted on 2/24/2014 to January 31, 2019; director time extension granted on 2/6/2019 to 1/31/2024. |
| 24 | 2006/0001 | 2520110270000 | 12/22/06 | 3427 | rock quarry & batching | Goodfellow Bros. | 04/30/33 | Ord. 3427 originally approved for 5 years until 12/22/2011. MolPC approved SUP2 ext.; director approved CP extension to match SUP2 duration to April 30, 2033. |
| 25 | 2007/0014 | 2250050540000 | 01/05/10 | 3713 | telecom facility within Urban Reserve district | A&B LLC | 04/30/30 | Ord. 3713 granted for initial 5 year duration until 1/5/15; director approved 15 year time extension granted in 2015 until 4/30/2030 |
| 26 | 2008/0001 | 2390010750128 | 11/27/09 | 3701 | retail/concierge services in A2 | Kauhale Makai AOAO | 11/27/24 | Ord. 3701 granted for 5 years until 11/27/2014. In 2014, director approved extension for 10 years until 11/27/2024. |
| 27 | 2008/0005 | 3-8-001:001 (por.), 3-8-003:004 (por.), 3-8-003:021 (por.) | 07/27/10 | 3757 | concrete batching, asphalt production, and concrete casting operations in AG District | Ameron HI | 7/27/35 | Ord. 3757 granted a ten year duration until 7/27/2020. Director approved extension granted on 7/23/2020 for a duration of 15 years to expire on 7/27/35. |
| 28 | 2008/0010 | 2430020660000 | 07/07/10 | 3756 | conversion of a portion of a single family residence into an office in R2 | Napili Kal Ltd | 07/31/23 | Ord. 3735 granted for 3 years to 7/7/13; director approved 10 year extension to July 31, 2023. |
| 29 | 2010/0002 | 2230370090000 | 03/05/12 | 3924 | office in Rural District | Presault, Todd and Debra | 03/12/27 | Ord. 3924 granted for 5 years until 3/5/2017; Director approved extension granted for a duration of 10 years to expire on 3/12/2027. |
| 30 | 2011/0003 | 2440011080000 2440030010000 | 08/04/12 | 3966 | concrete batching plant | Ameron HI | 08/04/32 | Ord. 3966 was granted an initial permit duration of 20 years to 8/4/2032. |
| 31 | 2012/0004 | 2520110300000 | 12/23/13 | 4090 | hot mix asphalt plant | Grace Pacific Corp | 02/23/33 | Ord. 4090 was granted an initial permit duration of 20 years to 12/23/2033. |
| 32 | 2013/0001 | 2440080100000 2440080090000 2440080180000 2440130030000 | 08/08/16 | 4345 | 24 resort-related or community-sponsored special events per year within the A2 Apartment and R3 residential districts | Royal Kaanapali Golf Course | 08/08/21 | Ord. 4345 granted an initial 5 year duration to 8/8/21. |

County of Maui
Conditional Permits as of 1/4/2021

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|----|-----------|----------------------|----------|------|---|--|----------|--|
| 33 | 2013/0003 | 2430100280000 | 10/07/15 | 4254 | landscaping baseyard within the AG district | Hehemann, Timothy | 10/07/20 | Ord. 4254 granted an initial 5 year duration on 10/7/15 to 10/7/20. A time extension is currently being processed. |
| 34 | 2013/0004 | 2440020390000 | 02/19/15 | 4189 | concrete batching plant within the R3 residential district | Hawaiian Cement | 04/30/34 | Ord. 4189 granted an initial duration to April 30, 2034. |
| 35 | 2014/0001 | 2270030060000 | 03/13/17 | 4405 | special events in AG | Kerr, Sylvia Hamilton | 03/13/22 | Ord. 4405 granted an initial 5 year duration to 3/13/2022. |
| 36 | 2015/0002 | 2240131420000 | 10/10/17 | 4470 | spa | Naluai, Jeana | 10/10/27 | Ord. 4470 granted an initial 10 year duration to 10/10/2027. |
| 37 | 2015/0004 | 2440010260000 | 03/13/17 | 4406 | parking lot for temporary storage pods and vehicles in R3 | Knuppe, James | 03/13/27 | Ord. 4406 granted an initial duration of 10 years to 3/13/2027. |
| 38 | 2015/0005 | 2490170080000 | 04/25/17 | 4436 | special events on golf course | Lanal Resorts LLC | 04/25/22 | Ord. 4436 granted an initial duration of 5 years to 4/25/22. |
| 40 | 2015/0007 | 2270030870000 | 10/10/17 | 4469 | TVR in AG district | Helle, Barry | 10/31/23 | Ord. 4469 granted an initial duration of 1 year to 10/10/2018; Director approved extension to 10/31/2023. This permit is included in the STRH count. |
| 41 | 2015/0009 | 2340090360000 | 09/22/17 | 4468 | Business office in home in the R2 Residential district | Kaohu LLC | 09/22/27 | Ord. 4468 granted an initial duration of 10 years to 9/22/2027. |
| 42 | 2015/0010 | 2490020010000 | 04/25/17 | 4435 | hellstop pad and related improvements in the AG district | Lanal Resorts LLC | 04/25/22 | Ord. 4435 granted an initial duration of 5 years to 4/25/2022. |
| 43 | 2014/0005 | 2470010440001 (por.) | 03/04/16 | 4295 | conduct agricultural related activities, sell non-agricultural related items and agricultural products not grown on the property, and to conduct certain special events within County Ag district | Lawrence and Crystal Schmitt of Maui Dragon Fruit Farm LLC | 03/04/18 | Ord. 4295 granted an initial duration of 2 years to 3/4/2018. An amendment and time extension request is currently under review by the Council. The amended CP, if granted, will allow transient vacation rental (TVR) use in a two (2) bedroom farm dwelling in addition to uses allowed by Ordinance No. 4295. |
| 44 | 2017/0004 | 2210070790000 | 03/08/19 | 4960 | weddings & events in A2 | Chang, Ed | 03/08/29 | Ord. 4960 granted an initial duration of 10 years to 3/8/2029. |
| 45 | 2018/0001 | 2430060040014 | 12/16/18 | 4919 | telecom facility in A2 | Conte, Rich | 12/16/23 | Ord. 4919 granted an initial duration of 5 years to 12/16/2023. |
| 46 | 2017/0005 | 2570050040000 | 04/10/20 | 5082 | store and lunch counter in AG District | Ward, Christine | 04/10/30 | Ord. 5082 granted an initial duration of 10 years to 4/10/2030. |
| 47 | 2018/0003 | 2230130250001 | 09/26/20 | 5124 | market and food truck in the state and county rural district, | Pinsky, Trina | 09/26/23 | Ord. 5124 granted an initial 3 year duration to 9/26/23 |

TVR = transient vacation rental