

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

September 6, 2022

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 documents that were referred to your Committee by the Council of the County of Maui at its meeting of September 2, 2022:

GENERAL COMMUNICATION:

No. 22-5 - Yukino Uchiyama, Munekiyo Hiraga

COUNTY COMMUNICATIONS:

No. 22-213 - Michele McLean, Planning Director

BILL:

No. 131 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, RELATING TO THE DEFINITIONS OF 'TIME SHARE PLAN' AND 'TRANSIENT'"

Also transmitted for your convenience is a copy of a communication received from the Planning Director pertaining to Bill No. 131 (2022).

Respectfully,

A handwritten signature in black ink, appearing to read "Kathy L. KaoHu".

KATHY L. KAOHU
County Clerk

/jym
Enclosures
cc: Director of Council Services

RECEIVED
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OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JACKY TAKAKURA
Deputy Director



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

RECEIVED

2022 AUG 22 AM 9:32

OFFICE OF THE
COUNTY CLERK

August 16, 2022

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

APPROVED FOR TRANSMITTAL

Michael P. Viti 8/18/22
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 Department of Planning's quarterly report for the period ending June 30, 2022, on the status of all active conditional permits.

Thank you for your attention to this matter. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,

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

MICHELE MCLEAN, AICP
Planning Director

Attachment

xc: Ann T. Cua, Planning Program Administrator (PDF)
Jordan E. Hart, Planning Program Administrator (PDF)
Gail Davis, Supervising Zoning Inspector (PDF)
Ignacio Filippini, Staff Planner (PDF)

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COUNTY COMMUNICATION NO. 22-213

County Of Maui
Conditional Permits as of 6/30/2022

	CP Number	TMK	Initial Approval Date	Ord. No.	Activities Permitted	Name of Permit Holder	Expiration 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 was pending review by the Council.
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. On 9/2/2020, the planning director approved a 15-year extension of the Conditional Permit (CP 1997/0002, Ordinance No. 3787) for a duration of duration of 15 years, or until December 15, 2035. The associated companion permit, the County Special Use Permit (CUP 2006/0001) was granted Maui planning commission approval until December 15, 2035. SUP1 2006/0001 (Docket No. SP06-400), are now under review by the LUC for a concurrent fifteen year time extension approval until December 15, 2035.
3	1997/0006	2210081080000	12/16/98	2734, 3393	wastewater treatment in AG	ATC Makena Holdings LLC	07/07/36	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. Director approved a 15-year time extension valid until 7/7/2036.
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. This permit is included in the STRH count.
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. *Council renewal has been requested.
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 permit is included in the total STRH count.
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	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 for the CP and SUP2 2000/0001 to 3/21/24

County Of Maui
Conditional Permits as of 6/30/2022

	CP Number	TMK	Initial Approval Date	Ord. No.	Activities Permitted	Name of Permit Holder	Expiration Date	Notes
9	2000/0012	2240020020000	04/25/06	3377, 5272	7 bedroom TVR in Rural District	Helaina Di Martino	10/04/26	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. A renewal application was submitted and was pending review by the Council. Ord. 5272 transferred Conditional Permit (Ord. 3377) to Helaina Di Martino on 10/04/21 and granted a 5-year time extension until 10/04/26.
10	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, MoIPC 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.
11	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. A renewal application was submitted and is being processed.
12	2001/0034	2110070030000	09/03/04	3204	fruit/roadside stand in AG	Chong, Douglas	09/23/44	The Waianu 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.
13	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 of the CP and the SUP2 2002/0007 in 2017 to 3/31/2027. This permit is included in the STRH count.
14	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.
15	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 for CP 2003/0008 and SUP2 2003/0006 to expire on 5/31/2030. This permit is included in the STRH count.
16	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.
17	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.

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18	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.). SUP2 2005/0001 granted a MPC extension until 11/7/2027.
19	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 SUP2 2005/0003 and CP 2005/0004 for a ten year duration to 12/22/2029.
20	2005/0006	2290070530000 2290070570000 2290070560000	03/13/17	4404	wellness retreat in Ag	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.
21	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.
22	2006/0001	2520110270000	12/22/06	3427	rock quarry & batching in Ag	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.
23	2006/0007	2210070880000	1/11/2008	3517	transient vacation rental and special events	Helen M. Lu'uwai, Trustee	07/06/37	Ord. 3517 originally approved for 2 years from 1/11/2008 to 1/11/2010. MPC approved a 2--yesar extension of Ordinance 3517 to 1/11/2030. The Director approved a 20 year time extension on July 6, 2017, July 6, 2037. This permit is included in the STRH count.
24	2006/0012*	2390040290000	12/31/2018	4950	offsite parking for 85 stalls; 51 stalls are designated for public beach access and 34 are designated for hotel and restaurant use.	Maui Oceanfront Inn	12/31/20	Ord. 4950 originally approved for 2 years from 12/31/2018 to 12/31/2020. The Maui Planning Commission will review the extension request for a 5 year duration to December 31, 2025. A renewal application has been submitted and is being processed. *Council renewal has been requested.
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 for CP 2008/0005 granted on 7/23/2020 for a duration of 15 years to expire on 7/27/35. Further reseach is needed on if SUP1 2008/0002, SP 77-271 and CUP 2001/0001 may still be required.
28	2008/0010	2430020660000	07/07/10	3756	conversion of a portion of a single family residence into an office in R2	Napili Kai Ltd	07/31/23	Ord. 3735 granted for 3 years to 7/7/13; director approved 10 year extension to July 31, 2023.

County Of Maui
Conditional Permits as of 6/30/2022

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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 in Ag	Ameron HI	08/04/32	Ord. 3966 was granted an initial permit duration of 20 years to 8/4/2032. SUP2 2011/0002 was granted a permit duration of 10 years until 2/28/22.
31	2012/0004	2520110300000	12/23/13	4090	hot mix asphalt plant in Ag	Grace Pacific Corp	02/23/33	Ord. 4090 was granted an initial permit duration of 20 years to 12/23/2033. The companion SUP2 was granted in 2013 with a matching permit duration of 20 years until 3/13/33.
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	expired 8/8/2021	Ord. 4345 granted an initial 5 year duration to 8/8/21. No renewal application was received.
33	2013/0003	2430100280000	10/07/15	4254	landscaping baseyard within the AG district	Hehemann, Timothy	10/31/25	Ord. 4254 granted an initial 5 year duration on 10/7/15 to 10/7/20. Director approved extension granted for a duration of five years until 10/31/2025. The companion SUP2 2013/0020 was granted a director approved extension pursuant to Section 19.40.090, MCC, for a matching permit duration until 10/31/2025.
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. SUP2 2014/0001 was granted a matching permit duration until 3/13/22. A renewal application has been submitted and is being processed
36	2014/0005	2470010440001 (por.)	03/04/16	4295, 5328	conduct agricultural related activities, sell non-agricultural related items and agricultural products not grown on the property, conduct certain special events within County Ag district (weddings only allowed until 7/12/22), allow TVR use of a two-bedroom farm dwelling, ziplining, aqua ball	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. Ord. 5328 approved extension until 7/12/22.
37	2015/0002	2240131420000	10/10/17	4470	spa in Ag	Naluai, Jeana	10/10/27	Ord. 4470 granted an initial 10 year duration to 10/10/2027. SUP2 2015/0003 was granted a 5 year permit duration until 10/10/22.
38	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.
39	2015/0005	2490170080000	04/25/17	4436	special events on golf course	Lanai Resorts LLC	04/25/22	Ord. 4436 granted an initial duration of 5 years to 4/25/22. A renewal application has been submitted and is being processed
40	2003/0005	2450250050000	11/09/04	3224	commercial in R1	W Maui Comm Fed Credit Union	expired	no documentation of extension.
41	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. SUP2 2015/0012 has a permit duration until 9/30/23. This permit is included in the B&B count.
42	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.

County Of Maui
Conditional Permits as of 6/30/2022

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43	2015/0010*	2490020010000	04/25/17	4435	helistop pad and related improvements in the AG district	Lanai Resorts LLC	04/25/22	Ord. 4435 granted an initial duration of 5 years to 4/25/2022. SUP2 2015/0014 was granted a matching duration. *Council renewal has been requested.
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. *Council Review has been requested by PSLU chair.
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. The MoPC granted a matching duration for the companion SUP2 2017/0024.
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. The MPC granted SUP2 2019/0003 with a matching permit duration until 9/26/23.
					TVR = transient vacation rental			