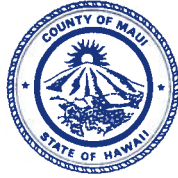


CHARMAINE TAVARES
Mayor
JEFFREY S. HUNT
Director
KATHLEEN ROSS AOKI
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 17, 2009

MEMORANDUM

TO: Janice Tanaka Tower

FROM: CLAYTON I. YOSHIDA, AICP *coy*
Planning Program Administrator

SUBJECT: **ORDINANCE NO. 3627, BILL NO. 14; CP 2002/0009
TMK: (2) 2-2-001:054
STAR LOOKOUT**

Enclosed is a copy of the Ordinance for the above-referenced permit.

Enclosure

xc: Project File
General File

CIY:vb

K:\WP_DOCS\PLANNING\CP\2002\0009_StarLookoutTVR\Bill and Ordinance.doc

09/7156

RECEIVED ORDINANCE NO. 3627

2009 APR -7 PM 2:04

OFFICE OF THE MAYOR BILL NO. 14 (2009)

Env Mgmt	
Finance	✓
Fire	✓
Hsg&HC	
Liquor	
Parks&R	
Personnel	
Planning	✓
Police	
Prosectrs	
Public W	
Transpn	
Water S	✓
Mgmt	
Mayor	
Budget	

A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO JANICE TANAKA TOWER TO OPERATE THE STAR LOOKOUT, A THREE-BEDROOM TRANSIENT VACATION RENTAL WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 622 THOMPSON ROAD, KEOKEA, KULA, HAWAII

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
09 APR -9 P2:51

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 Janice Tanaka Tower for the operation of The Star Lookout, a three-bedroom transient vacation rental within the County Agricultural District. The site is identified for real property tax purposes by Tax Map Key Number: (2)2-2-001:054, comprising approximately 1.43 acres of land situated at Keokea, Kula, 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 two (2) years from the effective date of this ordinance; provided, that an extension of this Conditional Permit beyond this two-year period may be granted pursuant to Section 19.40.090, Maui County Code.
3. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance.
4. That Janice Tanaka Tower, her successors and permitted assigns, and any property manager shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at their 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 (\$1,000,000.00) naming the County of Maui as a named additional insured, insuring and defending Janice Tanaka Tower and any property manager and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this 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 Janice Tanaka Tower and any property manager of said rights; and (2) all actions, suits, damages and claims by whomsoever 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 as a named additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of this ordinance.

5. That the Conditional Permit conditions will be enforced pursuant to the provisions of Chapter 19.530, Maui County Code, and the Rules for Administrative Procedures and Civil Fines for Violations of Titles 12, 14, 16, 18, 19, and 20 of the Maui County Code.
6. That Janice Tanaka Tower 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 the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
7. That Janice Tanaka Tower shall make every reasonable attempt to preserve the 100-plus year old primary farm dwelling by way of nomination for listing in the State of Hawaii Register of Historic Places, creation of a preservation easement,

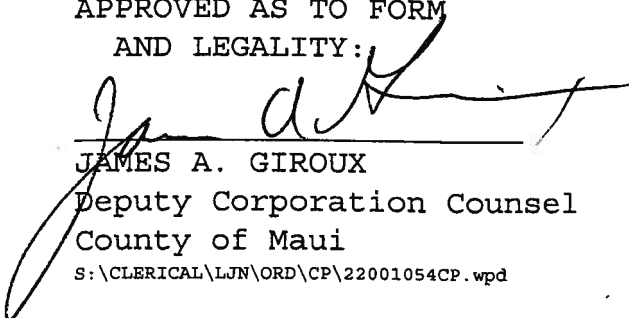
architectural recordation, archaeological data recovery, historical data recovery, and ethnographic documentation in accordance with the State of Hawaii Department of Land and Natural Resources, State Historic Preservation Division.

8. That Janice Tanaka Tower shall contact the Department of Finance, Real Property Tax Division, to ensure that TMK: (2) 2-2-001:054 is not assessed as agricultural property for as long as the property is utilized as a transient vacation rental.
9. That Janice Tanaka Tower shall not receive agricultural rates on domestic water supplied to the property.
10. That Janice Tanaka Tower shall maintain the rental unit at all times in compliance with Department of Fire and Public Safety regulations, including fire extinguishers, smoke detectors, and evacuation routes to the satisfaction of the Department of Fire and Public Safety.
11. That Janice Tanaka Tower shall install a wastewater system that is in compliance with EPA and State Department of Health rules and guidelines prior to approval of an extension of this Conditional Permit.
12. That a property manager shall reside full-time on the property.
13. That all advertising for the transient vacation rental shall include the number of the Conditional Permit.
14. That full compliance with the conditions of the State Land Use Commission Special Use Permit shall be rendered.
15. That Janice Tanaka Tower shall have and maintain a current and valid transient accommodations tax (TAT) license and general excise tax (GET) license for the transient vacation rental on the property.

16. That the property owners shall not be eligible for a homeowner exemption for as long as the transient vacation rental is in operation.

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

S:\CLERICAL\LJN\ORD\CP\22001054CP.wpd

WE HEREBY CERTIFY that the foregoing BILL NO. 14 (2009)

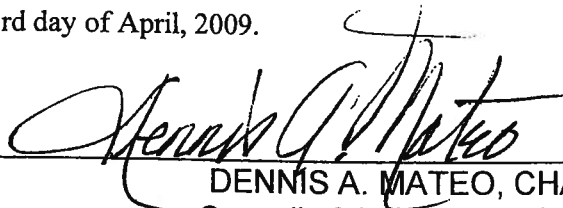
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 3rd day of April, 2009, by the following vote:

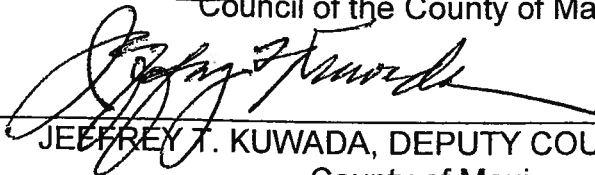
Dennis A. MATEO Chair	Michael J. MOLINA Vice-Chair	Gladys C. BAISA	Jo Anne JOHNSON	Solomon P. KAHO'OHALAHALA	William J. MEDEIROS	Wayne K. NISHIKI	Joseph PONTANILLA	Michael P. VICTORINO
Aye	Aye	Excused	Aye	Aye	Aye	Aye	Aye	Excused

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 3rd day of April, 2009.

DATED AT WAILUKU, MAUI, HAWAII, this 3rd day of April, 2009.

RECEIVED
2009 APR -3 PM 2:16
OFFICE OF THE MAYOR

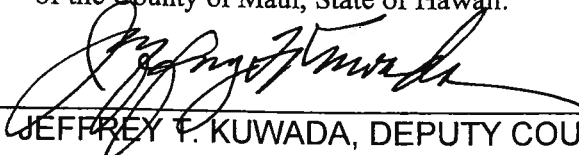

DENNIS A. MATEO, CHAIR
Council of the County of Maui


JEFFREY T. KUWADA, DEPUTY COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 4th DAY OF APRIL, 2009.


CHARMAINE TAVARES, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3627 of the County of Maui, State of Hawaii.


JEFFREY T. KUWADA, DEPUTY COUNTY CLERK
County of Maui

Passed First Reading on March 20, 2009.
Effective date of Ordinance April 4, 2009.

RECEIVED
2009 APR -6 AM 11:40
OFFICE OF THE
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3627, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

County Of Maui
Planning Department

DIRECTOR
DEPUTY DIRECTOR
CURRENT
PLANNING
SECRETARY

	FYI	COMMENTS	SEE ME	ASSIGN	FILE	DEPT RESPONSE
DIRECTOR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEPUTY DIRECTOR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CURRENT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PLANNING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SECRETARY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sherry → and file
(copy)

Due Date _____ Date: 4/10/16