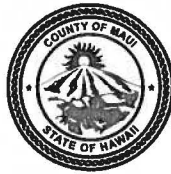


ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 12, 2016

Mr. Timothy Moore
Mr. Michael Moore
Mr. Robert Aguiar, Junior
1022 Front Street
Lahaina, Hawaii 96761

Dear Messers Timothy Moore, Michael Moore, and Robert Aguiar, Junior:

**SUBJECT: STATE LAND USE COMMISSION SPECIAL USE PERMIT (SUP)
AND SHORT-TERM RENTAL HOME (STRH) PERMIT
APPROVALS**

Project: HEKILI POINT SHORT-TERM RENTAL HOME
Address: 11485 Honoapiilani Highway, Lahaina, Hawaii 96761
Description: Use of four (4) bedrooms in two (2) farm dwellings for short-term rental home use: three (3) bedrooms in the main farm dwelling and one (1) bedroom in the second farm dwelling.
TMK: TMK (2) 4-8-003:044
Applications: SUP2 2016/0005 and STWM T2016/0004
Approval Date: August 23, 2016
Permit Nos: **SUP2 2016/0005** **Expiration date: August 31, 2019**
STWM 2016/0002 **Expiration date: August 31, 2019**
Renewal applications are due within ninety (90) days prior to the expiration date.

In response to your applications filed on date, your permits have been approved with the permit conditions listed below. Please note that the permit renewal application is due within ninety (90) days of the permit expiration date. If a renewal application is not filed prior to the permit expiration date, the permit can not be renewed. Please also note that a Certificate of Insurance adding the County of Maui as an additional insured is required to be submitted to the Department of Planning (Department) within ninety (90) days of this letter or prior to starting operations, whichever is first. Additional information on this condition can be found in Condition No. 3 of the State Special Permit and Condition No. 5 of the STRH Permit. All permit conditions are listed as follows:

STATE LAND USE COMMISSION SPECIAL PERMIT

At its regular meeting on August 23, 2016, the Maui Planning Commission (Commission) reviewed your State Land Use Commission SUP application (SUP2 2016/0005) and, after due deliberation and receipt of testimony and exhibits, hereby approved the State Land Use Commission SUP subject to the following conditions:

1. That the State Land Use Commission SUP shall be valid until **August 31, 2019**, subject to extension by the Maui County Planning Director (Director) upon a timely request for extension filed within ninety (90) days prior to its expiration. The Director may forward the time extension request to the Commission for review and approval and may require a public hearing on the time extension by the Commission.
2. That the subject State Land Use Commission SUP shall not be transferred without the prior written approval of the Director. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission SUP, a public hearing shall be held by the appropriate Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.
3. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission SUP and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission SUP, 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 and State of Hawaii as additional insureds, insuring and defending the Applicant, the County of Maui, and the State of Hawaii against any and all claims or demands for property damage, personal injury, and/or death arising out of this 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 permit. Proof of a policy naming County of Maui as an additional insured shall be submitted to the Department of Planning (Department) within ninety (90) calendar days from the date of transmittal of the Decision and Order. The proof of insurance and all subsequent certifications of insurance coverage shall include the applicable Tax Map Key (TMK), permit address, and permit numbers.

4. That full compliance with all applicable governmental requirements shall be rendered.
5. That the Applicant shall submit to the Department two (2) copies of a report addressing its compliance with these conditions. The Compliance Report shall be submitted to the Department with the request for time extension.
6. That the Applicant shall develop the property in substantial compliance with the representations made to the State Land Use Commission in obtaining the State Land Use Commission SUP. Failure to so develop the property may result in the revocation of the permit.
7. That the Applicant shall ensure lateral beach access along the makai side of the subject property is available to immediately adjoining properties.

SHORT-TERM RENTAL HOME (STRH) PERMIT

In response to your application received on April 6, 2016, your STRH Permit has been approved.

In accordance with Chapter 19.65.030, Maui County Code (MCC), pertaining to STRH Permits and, as applicable, the underlying zoning district, a determination has been made that the above-referenced project is in compliance with the restrictions and standards found therein. All permit conditions are listed as follows:

Permit Conditions

In consideration of the above determination, you are hereby granted a STRH Permit Approval (STWM 2016/0002), subject to the following conditions:

1. That the STRH Permit shall be valid until **August 31, 2019**, subject to further time extensions by the Director, pursuant to the provisions of Section 19.65.070, MCC.
2. Permit renewals shall be filed within ninety (90) days prior to the expiration date of the permit.
3. That upon approval of the permit, the permit holder shall send a copy the permit number, a copy of the House Rules, twenty-four (24) hour contact information to the owners and lessees of abutting properties and properties directly across the street from the STRH home. Proof of mailing shall be submitted to the Department within thirty (30) days of the permit approval or prior to starting operations, whichever is first.

4. That the permit holder shall notify the Department and the owners and lessees of abutting properties and properties directly across the street from the STRH of any changes in the manager's addresses or telephone numbers. Such notification shall be sent prior to, or immediately after, the change in contact information occurs.
5. That the owner-proprietor of the permitted STRH shall exercise reasonable due care as to third parties with respect to all areas affected by subject STRH Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this STRH Permit, a policy or policies of comprehensive liability in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui as an additional insured, insuring and defending the County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this 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 permit.

A copy of the Certificate of Insurance naming the County of Maui as an additional insured shall be submitted to the Department within ninety (90) calendar days from the date of approval of this STRH Permit, or prior to starting operations, whichever is first.

A copy of the Certificate of Insurance naming the County of Maui as an additional insured shall be submitted to the Department upon renewal of existing policies.

6. That the permit holder shall provide photographic evidence that a two square foot (2 sq. ft.) sign is displayed along the main access road, identifying the name of the STRH establishment, the permit number, the name of the manager (optional), the manager's twenty-four (24) hour telephone number, and the words, "Department of Planning, Zoning Administration & Enforcement Division: (808) 270-7253."
7. That the House Rules shall be prominently displayed in the dwelling and shall be included in the rental agreement, which shall be signed by each registered adult guest.

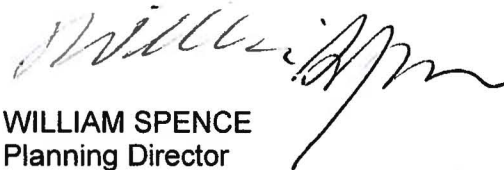
8. That all advertising shall include the permit number. Reservation websites shall include the house policies or a working link to the house policies. Reservation websites shall also include the maximum occupancy of the dwelling as two (2) persons, including children over the age of two (2) years old, per bedroom or less.
9. That each permitted dwelling unit on the property shall be rented to one (1) group, with the exception of on the island of Lanai or where the owner resides on an adjacent lot.
10. That the maximum occupancy of the property shall be two (2) guests per bedroom, including children over the age of two (2) years old.
11. That no parties or group gatherings other than registered guests shall occur.
12. That the STRH shall not operate when the manager is not accessible. Being accessible means being able to answer the telephone at all times, being able to be physically present at the STRH within one (1) hour following a request by a guest, a neighbor, or County agency, and having an office or home within thirty (30) driving miles.
13. That a fire escape plan shall be posted in the interior of each sleeping room.
14. That all smoke detectors shall be operable and tested monthly. Older homes that were not equipped with hard-wired smoke detectors must be battery-operated at a minimum. A smoke detector shall be installed in each sleeping area. A log of the monthly testing shall be maintained by the owner-proprietor.
15. That a fire extinguisher with a minimum rating of 2A:10B:C shall be mounted within seventy-five feet (75') travel distance of all interior portions of the facility. The fire extinguisher shall be clearly visible and accessible to potential users.
16. That the STRH operation shall be available for bi-annual fire inspections.
17. That the STRH operation shall be subject to periodic inspections by County enforcement personnel at reasonable times upon presentation of appropriate credentials.
18. That the STRH operation shall be conducted in substantial compliance with representations made by the Applicant and continue to meet the restrictions and standards pursuant to Section 19.65.030, MCC.

Misters Timothy Moore, Michael Moore, and Robert Aguiar, Junior
September 12, 2016
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19. That full compliance with all applicable governmental requirements shall be rendered. The Director will determine the effects to this permit from any such non-compliance. Any such non-compliance may result in revoking, not renewing or have no effect of this permit, as determined by the Director.
20. That the STRH Permit is subject to revocation by the Director pursuant to the provisions of Section 19.65.070.F, MCC.
21. The owner-proprietor shall provide written verification of tax payments when filing a renewal request. The written verification shall be the State of Hawaii Department of Taxation, Form A-6, "Tax Clearance Application".
22. That the STRH Permit shall not be transferred, provided that a permit may be transferred upon the death of a permit holder to an immediate family member as defined in MCC, Section 19.65.030.(D)(2)(a).

Be advised that compliance with Codes, Covenants, and Restrictions (CC&Rs) of any applicable Homeowner's or Apartment Owner's Association is the sole responsibility of the Applicant. Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Kurt Wollenhaupt at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789

Sincerely,



WILLIAM SPENCE
Planning Director

Attachment

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Kurt Wollenhaupt, Staff Planner (PDF)
Department of Finance, Real Property Tax Division
Timothy Moore (PDF)
Jolyn Bien, Consultant (PDF)
State Office of Planning
State Land Use Commission
Project File
General File

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