

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

July 15, 2016

**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 June 29, 2016, makes reference to County Communication 15-150, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING ROYAL KAA NAPALI HOLDINGS, LLC, A CONDITIONAL PERMIT TO ALLOW UP TO 24 RESORT RELATED AND COMMUNITY SPONSORED SPECIAL EVENTS PER YEAR WITHIN THE COUNTY APARTMENT AND RESIDENTIAL DISTRICTS, FOR PROPERTY SITUATED AT 2290 KAA NAPALI PARKWAY, KAA NAPALI, MAUI, HAWAII."

The purpose of the proposed bill is to grant a request from Royal Kaanapali Holdings, LLC, for a five-year Conditional Permit to allow up to 24 resort-related and community-sponsored special events per year at the Royal Kaanapali and Kai Golf Courses in Kaanapali, 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 ROYAL KAA NAPALI HOLDINGS, LLC, A CONDITIONAL PERMIT TO ALLOW UP TO 24 RESORT-RELATED AND COMMUNITY-SPONSORED SPECIAL EVENTS PER YEAR WITHIN THE A-2 APARTMENT AND R-3 RESIDENTIAL DISTRICTS, FOR PROPERTIES IDENTIFIED AS PORTIONS OF TAX MAP KEY NUMBERS (2) 4-4-008:009, (2) 4-4-008:010, and (2) 4-4-013:003, KAA NAPALI, MAUI, HAWAII," approved as to form and legality, incorporating nonsubstantive revisions.

The purpose of the revised proposed bill is to grant a request from Royal Kaanapali Holdings, LLC, for a five-year Conditional Permit to allow up to 24 resort-related and community-sponsored special events per year at the Royal Kaanapali and Kai Golf Courses, within the A-2 Apartment District (portions of properties identified for real property tax purposes as

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tax map keys (2) 4-4-008:009 and (2) 4-4-008:010, or Parcels 9 and 10, respectively), and the R-3 Residential District (portion of property identified for real property tax purposes as tax map key (2) 4-4-013:003, or Parcel 3), Kaanapali, Maui, Hawaii.

The revised proposed bill attaches as Exhibit "A" a rough depiction of each of the four special event sites across the three parcels. The three sites on Parcels 9 and 10 are three acres each and would accommodate large events, while the site on Parcel 3 is two acres and would be used for smaller events and a designated temporary grass parking lot for event use. A landowner representative said use of Parcel 3 would include parking for events such as the Maui Marathon, and would count toward the maximum number of 24 special events annually.

In its report, the Department of Planning noted the golf courses have been hosting special events since they opened. Past events included the annual daytime Keiki Tilapia Fishing Tournament on Parcel 10 to benefit Maui United Way, the Kaanapali Fresh culinary festival on Parcel 9, and other outdoor events. At some point, however, it was discovered such events were not permitted uses on these parcels; thus, in 2013, the landowner filed the Conditional Permit application. The Department said processing of the application was delayed because the Department needed to confirm the zoning for the parcels.

Your Committee notes concerns from a few adjacent condominium residents led to the Maui Planning Commission's recommendation that special events on Parcel 10 end by 6:00 p.m. Other conditions recommended by the Maui Planning Commission include a requirement that special events on the other two parcels end by 10:00 p.m., permits and flame-resistance certifications for tents and canopies larger than 700 square feet be obtained, and appropriate lighting be provided for event parking during prescribed hours.

Your Committee found the Maui Planning Commission's recommended conditions appropriate. Your Committee recommended the revised proposed bill be further revised to make clear the special events can be either resort-related or community-sponsored, as opposed to

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having to meet both criteria, and the maximum of 24 events applies to the four sites combined.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Carroll, Vice-Chair Victorino, and members Baisa, Couch, and Guzman voted "aye." Committee members Cochran and Crivello were excused.

Your Committee is in receipt of a further revised proposed bill, entitled "A BILL FOR AN ORDINANCE GRANTING ROYAL KAAPALI HOLDINGS, LLC, A CONDITIONAL PERMIT TO ALLOW UP TO 24 RESORT-RELATED OR COMMUNITY-SPONSORED SPECIAL EVENTS PER YEAR WITHIN THE A-2 APARTMENT AND R-3 RESIDENTIAL DISTRICTS, FOR PROPERTIES IDENTIFIED AS PORTIONS OF TAX MAP KEY NUMBERS (2) 4-4-008:009, (2) 4-4-008:010, AND (2) 4-4-013:003, KAAPALI, MAUI, HAWAII," approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Land Use Committee RECOMMENDS the following:


1. That Bill \_\_\_\_\_ (2016), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING ROYAL KAAPALI HOLDINGS, LLC, A CONDITIONAL PERMIT TO ALLOW UP TO 24 RESORT-RELATED OR COMMUNITY-SPONSORED SPECIAL EVENTS PER YEAR WITHIN THE A-2 APARTMENT AND R-3 RESIDENTIAL DISTRICTS, FOR PROPERTIES IDENTIFIED AS PORTIONS OF TAX MAP KEY NUMBERS (2) 4-4-008:009, (2) 4-4-008:010, AND (2) 4-4-013:003, KAAPALI, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-150 be FILED.

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

  
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ROBERT CARROLL, Chair

lu:cr:16014aa:cmn

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2016)

A BILL FOR AN ORDINANCE GRANTING ROYAL KAA NAPALI HOLDINGS, LLC,  
A CONDITIONAL PERMIT TO ALLOW UP TO 24 RESORT-RELATED OR  
COMMUNITY-SPONSORED SPECIAL EVENTS PER YEAR WITHIN  
THE A-2 APARTMENT AND R-3 RESIDENTIAL DISTRICTS,  
FOR PROPERTIES IDENTIFIED AS PORTIONS OF TAX MAP KEY NUMBERS  
(2) 4-4-008:009, (2) 4-4-008:010, AND (2) 4-4-013:003,  
KAA NAPALI, 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 Royal Kaanapali Holdings, LLC, to allow a cumulative total of up to 24 special events per year that are either resort-related or community-sponsored on sites specified within the Royal Kaanapali and Kai Golf Courses, in the A-2 Apartment District (portions of properties identified for real property tax purposes as tax map keys (2) 4-4-008:009 and (2) 4-4-008:010), and the R-3 Residential District (portion of property identified for real property tax purposes as tax map key (2) 4-4-013:003), Kaanapali, Maui, Hawaii, the subject portions of which are generally described in Exhibit "A," attached hereto and incorporated herein by reference. The special events may include a temporary event parking lot on the identified portion of tax map key (2) 4-4-013:003.

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 in a timely manner.
2. That the Conditional Permit shall be valid for a period of five years from the effective date of this ordinance; provided, that an extension of this Conditional Permit beyond this five-year period may be granted pursuant to Section 19.40.090, Maui County Code.
3. That the Conditional Permit shall be nontransferable unless the Maui County Council approves a transfer by ordinance.

4. That Royal Kaanapali Holdings, LLC, shall exercise reasonable due care as to third parties with respect to all areas affected by the subject Conditional Permit and shall procure at its 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 \$1,000,000 naming the County of Maui as an additional insured, insuring and defending Royal Kaanapali Holdings, LLC, and the 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 Royal Kaanapali Holdings, LLC, 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 the County of Maui as an additional insured shall be submitted to the Department of Planning within 90 calendar days from the effective date of this ordinance. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department of Planning and shall include the applicable tax map key and permit numbers.
5. That Royal Kaanapali Holdings, LLC, shall develop and use the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop and use the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
6. That events located on tax map keys (2) 4-4-008:009 and (2) 4-4-013:003 shall be concluded by 10:00 p.m.
7. That events located on tax map key (2) 4-4-008:010 shall be concluded by 6:00 p.m.
8. That events utilizing tents or canopies larger than 700 square feet are required to apply for a Temporary Membrane Structure permit from the Department of Fire and Public Safety, Fire Prevention Bureau. A site plan detailing the event set-up and locations of tents must be submitted with the permit application for review and approval of the permit.

9. That tents and canopies larger than 700 square feet require flame-resistance certifications. Tents and canopies less than 10 feet apart are considered non-separated and if the combined square footage of non-separated tents and canopies is 700 square feet or more, said tents and canopies require flame-resistance certifications. Said flame-resistance certifications shall be submitted to the Fire Prevention Bureau.
10. That appropriate lighting shall be provided for event parking for events held during the hours of 6:00 p.m. to 6:00 a.m. A lighting plan shall be reviewed and approved by the Department of Public Works.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:



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JENNIFER OANA  
Deputy Corporation Counsel  
County of Maui  
lu:misc:014abill01:cmn

# SPECIAL EVENT SITES



## Parcel 9

- Two (2) special event sites of three (3) acres each
- Used for large events of up to 1,500 people (e.g. Kaanapali Fresh)

EXHIBIT "A"



# SPECIAL EVENT SITES



## Parcel 10

- One 3-acre special event site
- Used for large events (e.g. Annual Keiki Fishing Derby)

# SPECIAL EVENT SITES



Source: Royal Kaanapali Holdings, LLC

NOT TO SCALE  
Location of Special Event Sites

## Parcel 3

- One 2-acre special event site
- Used for smaller events
- Also the site of the designated temporary grass parking lot for event use