

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

BILL NO. 73 (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.

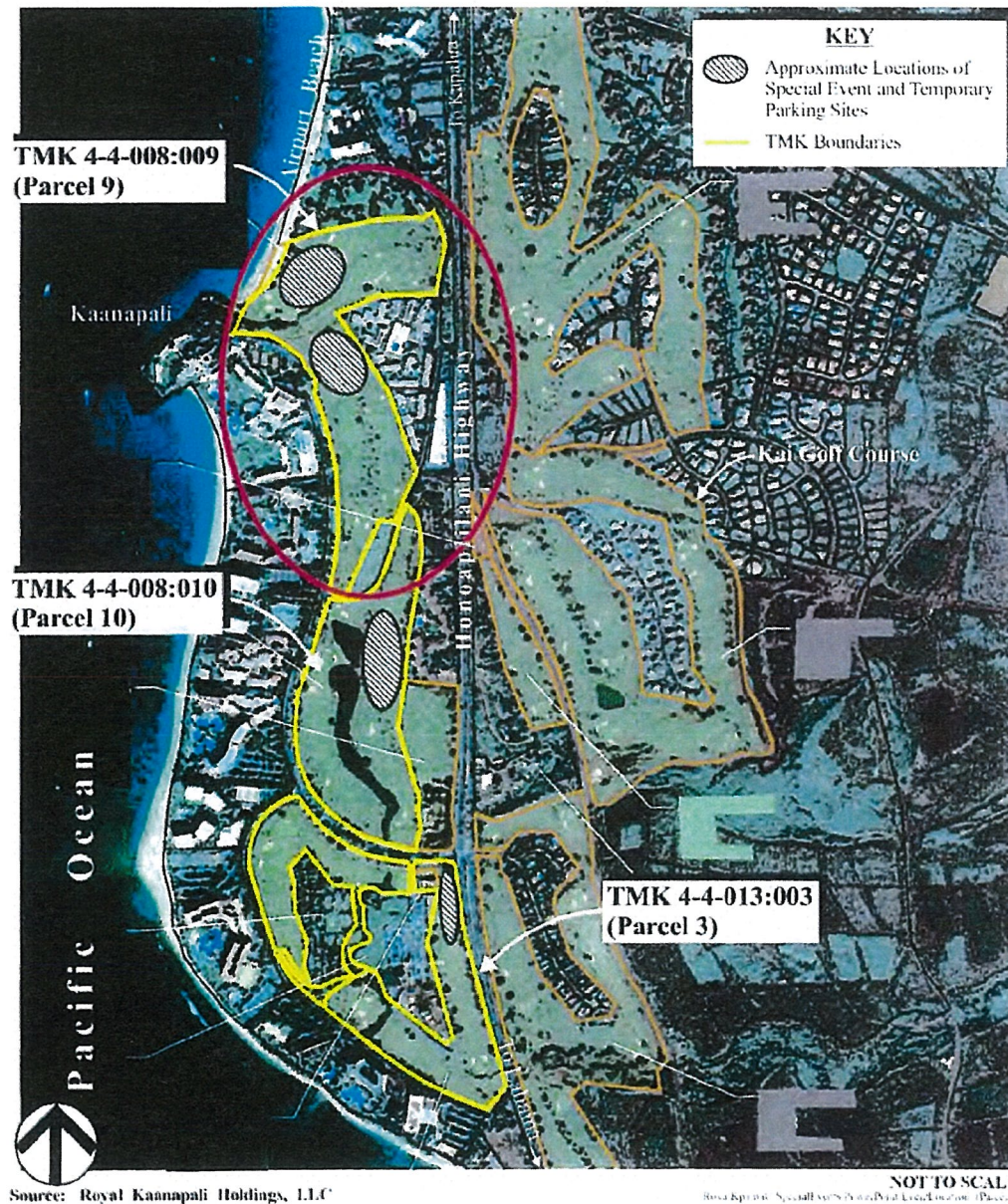
APPROVED AS TO FORM  
AND LEGALITY:



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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



Source: Royal Kaanapali Holdings, LLC

Based on Special Events Proposed Use in the 1997

## Parcel 10

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



# 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

DIGEST

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(2) 4-4-008:009, (2) 4-4-008:010, AND (2) 4-4-013:003,  
KAA NAPALI, MAUI, HAWAII

This bill proposes to grant Royal Kaanapali Holdings, LLC a five-year Conditional Permit to allow up to 24 resort-related or community-sponsored special events per year at the Royal Kaanapali and Kai Golf Courses in Kaanapali, Maui, Hawaii, identified for real property tax purposes as portions of Tax Map Key Nos. (2) 4-4-008:009, (2) 4-4-008:010, and (2) 4-4-013:003.

I, JOSIAH K. NISHITA, Deputy County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 73 (2016) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 15th day of July, 2016, by the following vote:

AYES: Councilmembers Gladys C. Baisa, Robert Carroll, Eleanora Cochran, Donald G. Couch Jr., S. Stacy Crivello, G. Riki Hokama, Michael P. Victorino, and Chair Michael B. White.

NOES: None.

EXCUSED: Vice-Chair Donald S. Guzman.

DATED at Wailuku, Maui, Hawaii, this 18th of July, 2016.

  
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JOSIAH K. NISHITA, DEPUTY COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.