

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

BILL NO. \_\_\_\_\_ (2014)

A BILL FOR AN ORDINANCE TO EXTEND AND AMEND ORDINANCE NO. 3492 (2007), A CONDITIONAL PERMIT TO ALLOW THE CONTINUED OPERATION OF A YOUTH CENTER WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 4-6-012:005 (POR.), LAHAINA, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, the Conditional Permit granted by Ordinance No. 3492 (2007), is amended by amending Section 1 to read as follows:

"SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, [a] the Conditional Permit [is hereby] granted by Ordinance No. 3492 (2007) to the Department of Parks and Recreation, County of Maui, is extended, and amended, for the [expansion of a youth clubhouse and related improvements] continued operation of a youth center within the County Agricultural District. The site is identified for real property tax purposes by Tax Map Key Number: (2)4-6-012:005 (por.), comprising approximately 2 acres of land situated at Lahaina, Maui, Hawaii."

SECTION 2. Pursuant to Chapter 19.40, Maui County Code, the Conditional permit granted by Ordinance No. 3492 (2007), is amended by amending Section 2 to read as follows:

"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, including the conditions of the Special Use Permit (SUP2 2006/0004).
2. That the Conditional Permit shall be valid [for a period of five (5) years from the effective date of this ordinance;] until October 8, 2047; 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 Council approves the transfer by ordinance.
4. That the Department of Parks and Recreation, County of Maui, its successors and permitted assigns, shall exercise reasonable due care as to third parties with respect to all areas affected by the subject Conditional Permit, and shall require all permitted users to acquire at their own cost and expense and 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) naming the County of Maui as [a named] an additional insured, insuring and defending the Department of Parks and Recreation, 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 exercised by the permitted user or the Department of Parks and Recreation, County of Maui, 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] an additional insured shall be submitted to the Department of Planning prior to the permitted user's occupancy of the [expanded clubhouse.] youth center. The proof of insurance and all subsequent certifications of insurance coverage shall include the applicable TMK and permit numbers.

5. That The Department of Parks and Recreation, County of Maui, 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.
- [6. That the Department of Parks and Recreation, County of Maui, shall ensure that a certificate of occupancy shall be obtained prior to the opening of the expanded clubhouse to the public.
7. That should any historic resources be identified during the project construction, all work shall cease in the area, the find shall be protected, and the State Historic Preservation Division shall be contacted.
8. That the Department of Parks and Recreation, County of Maui, shall obtain evidence of approval from the Department of Public Works, which shall be submitted to the Department of Planning, with regard to improving the south side of Shaw Street to provide for pedestrian access from Honoapi`ilani Highway to the youth clubhouse.

9. That the Department of Parks and Recreation, County of Maui, shall obtain evidence from the Department of Health which shall be submitted to the Department of Planning that a National Pollutant Discharge Elimination System (NPDES) permit has been obtained.
10. That the Department of Parks and Recreation shall submit applications for a State Land Use District Boundary Amendment and a Change in Zoning for the property for consistency with the West Maui Community Plan prior to the expiration of the Conditional Permit.
- 11.] 6. That the Department of Parks and Recreation shall ensure that the operator of the youth [clubhouse] center obtain the appropriate license or lease agreement."

SECTION 3. Material to be repealed is bracketed. New material is underscored.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:



JAMES A. GIROUX  
Deputy Corporation Counsel  
County of Maui

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