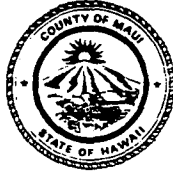


JAMES "KIMO" APANA
Mayor



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February 25, 2002

MEMO TO: The Honorable G. Riki Hokama
Councilmember

F R O M: Richard K. Minatoya *Richard K. Minatoya*
Deputy Corporation Counsel

SUBJECT: Conditional Permit to Operate Kahalia Aloha Chapel
Commercial Wedding Complex (Lahaina) (LU-26)

In the Land Use Committee meeting of February 11, 2002, you requested an opinion on the following question: Whether the items listed in Maui County Code (MCC) §§ 19.30A.060(I), (J), (K) and (L) are included in the prohibitions listed in MCC § 19.30A.060(H).

MCC § 19.30A.060 provides in relevant part:

19.30A.060 Special uses.

The following uses and structures shall be permitted in the agricultural district if a special use permit, pursuant to section 19.510.070, Maui County Code, has been obtained; except that if a use described in this section also requires a special permit pursuant to chapter 205, Hawai'i Revised Statutes, and if the land area of the subject parcel is fifteen acres or less, the State special permit shall fulfill the requirements of this section:

* * *

- H. Open land recreation uses, structures or facilities which do not meet the criteria of subsection 19.30A.050.B. 11, including commercial camping; gun or firing ranges; archery ranges; skeet shooting; paint ball; bungee jumping; skateboarding; roller blading; playing fields; accessory buildings and structures. Certain open land recreation uses or structures may also be required to obtain a special permit pursuant to chapter 205, Hawai'i Revised Statutes. The following

The Honorable G. Riki Hokama
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uses or structures shall be prohibited:
airports, heliports, drive-in theaters,
country clubs, drag strips; motor sports
facilities; golf courses and golf driving
ranges;

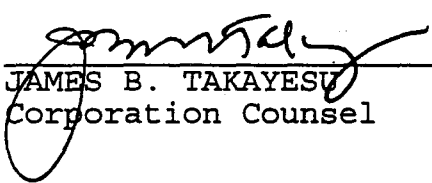
- I. Cemeteries, crematories, and mausoleums;
- J. Churches and religious institutions;
- K. Mining and resource extraction; and
- L. Landfills.

(Emphasis added).

By virtue of the plain reading of the section, it is clear that subsections (I), (J), (K) and (L) of MCC § 16.30A.060 are separate items permitted by special permit in the Agricultural District, and are not items prohibited by subsection (H).

Please contact me at if you have further questions or concerns.

APPROVED:



JAMES B. TAKAYESU
Corporation Counsel

RKM:ln