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y CORPORATION COUNSEL at 3:15 pm, Mar 24, 2017

# REQUEST FOR LEGAL SERVICES

Date: **March 24, 2017**  
From: **Robert Carroll, Chair**  
**Land Use Committee**



TRANSMITTAL  
Memo to: **DEPARTMENT OF THE CORPORATION COUNSEL**  
**Attention: James Giroux, Esq.**

Subject: **CONDITIONAL PERMIT FOR THE CHALLENGE AT MANELE GOLF COURSE (LANAI) (LU-33)**

Background Data: Review and approve revised proposed bill. A markup version comparing the bill previously approved by your office against the revised bill is transmitted with this request. Your coding on the first bill was the same as OCS, lu:misc:033abill01:grs. An original hard copy of the revised bill is required.

Work Requested:  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

Requestor's signature  Robert Carroll	Contact Person  Gary Saldana (Telephone Extension: 7137)
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2017 MAR 28 AM 9:50  
OFFICE OF THE  
COUNTY COUNCIL

ROUTINE (WITHIN 15 WORKING DAYS)       RUSH (WITHIN 5 WORKING DAYS)  
 PRIORITY (WITHIN 10 WORKING DAYS)       URGENT (WITHIN 3 WORKING DAYS)  
 SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): Wednesday, March 29, 2017  
REASON: Posting for Council meeting scheduled for April 7, 2017

### FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>JAG</u>	ASSIGNMENT NO. <u>2017-0095</u>	BY: <u>LAK</u>
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TO REQUESTOR:  APPROVED  DISAPPROVED  OTHER (SEE COMMENTS BELOW)  
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

**JAMES A. GIROUX**

Date 3/24/17

By \_\_\_\_\_ (Rev. 7/03)

lu:ltr:033acc02:grs  
Attachments

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

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE GRANTING LANA`I RESORTS, LLC, DBA PULAMA LANA`I, A CONDITIONAL PERMIT TO ALLOW UP TO 40 SPECIAL EVENTS PER YEAR AT THE CHALLENGE AT MANELE GOLF COURSE, WITHIN THE COUNTY LANAI PROJECT DISTRICT 1 (MANELE), FOR PROPERTY IDENTIFIED AS A PORTION OF TAX MAP KEY NUMBER (2) 4-9-017:008, MANELE, LANAI, 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 Lana`i Resorts, LLC, dba Pulama Lana`i, to allow up to 40 special events per year at the Challenge at Manele Golf Course within the County Lanai Project District 1 (Manele). The special event sites are identified for real property tax purposes as portions of tax map key number (2) 4-9-017:008, comprising 162.42 acres of land situated at Manele, Lanai, Hawaii, with the location of the special event sites generally shown on Exhibit "A," attached hereto and incorporated herein by reference.

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.

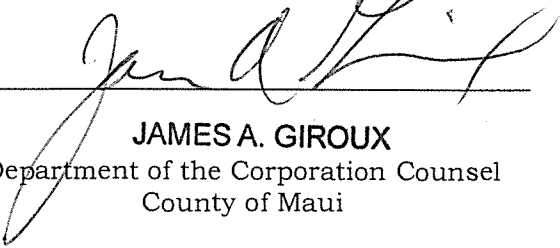
3. That the Conditional Permit shall be nontransferable unless the Maui County Council approves a transfer by ordinance.
4. That Lana`i Resorts, LLC, dba Pulama Lana`i, shall exercise reasonable due care as to third parties with respect to all areas affected by this subject Conditional Permit and shall 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 Lana`i Resorts, LLC, dba Pulama Lana`i, 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 Lana`i Resorts, LLC, dba Pulama Lana`i, 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, or prior to starting operations, whichever occurs first. 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 Lana`i Resorts, LLC, dba Pulama Lana`i, 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 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 to the Fire

Prevention Bureau with the permit application for review and approval of the permit.

7. That tents and canopies larger than 700 square feet require flame-resistance certifications. Tents and canopies less than 10 feet apart are considered as 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.
8. That noise generating activities and amplified music shall not occur past 10:00 p.m.

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

APPROVED AS TO FORM AND LEGALITY:



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**JAMES A. GIROUX**

Department of the Corporation Counsel  
County of Maui

lu:misc:033abill02:grs

**Key**



TMK (2)4-9-017:008  
Challenge at Manele  
Golf Course

Lanai Project  
District 1 (Manele)  
Boundary

Mauka  
Event  
Site

Makai Event Site

Four  
Seasons  
Resorts  
Lanai at  
Manele Bay

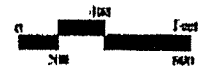
Approximate Location  
of Challenge at Manele  
Golf Course Clubhouse

Pacific Ocean

Source: County of Maui, Department of Planning

Figure 2

Challenge at Manele Golf  
Course Special Events  
Property Location Map



Prepared for: Lanai Resorts, LLC, a Hawaii Limited Liability  
Company doing business as Palama Lanai

**EXHIBIT A** MUNEKIYO HIRAGA

F:\Maui\food\des\prep\maui\Challenge\PropertyLocation