

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

April 7, 2017

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 March 17, 2017, makes reference to County Communication 16-277, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING LANAI RESORTS, LLC, DBA PULAMA LANAI, A CONDITIONAL PERMIT TO DEVELOP A HELISTOP PAD AND RELATED IMPROVEMENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY IDENTIFIED AS A PORTION OF TAX MAP KEY NUMBER (2) 4-9-002:001, MANELE, LANAI, HAWAII," and other related documents.

The purpose of the proposed bill is to grant a request from Lanai Resorts, LLC, dba Pulama Lanai, a five-year Conditional Permit comprising approximately 0.9 acres of land for a helistop pad situated at Manele, Lanai, Hawaii.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill, approved as to form and legality, incorporating nonsubstantive revisions.

The applicant's representative Karlynn Fukuda, with Munekiyo Hiraga, advised your Committee the helistop pad will be located near the Four Seasons Resort Lanai at Manele Bay to provide transportation for the property owner and guests to the resort.

Ms. Fukuda also stated the United States Department of Transportation, Federal Aviation Administration, approved the helistop pad site conditioned on restricting flights to the 1,500-foot elevation around Manele and 500 feet elsewhere on Lanai, with the exception of Lanai City.

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The Planning Director noted the Lanai Planning Commission recommended conditioning the approval on restricting flights between 7 p.m. and 7 a.m.

In response to inquiries from your Committee, Lynn McCrory, Senior Vice President of Government Affairs of Pulama Lana`i, advised your Committee that lighting for the helistop pad will be shielded, and directed down to prevent any disruption to native birds or wildlife. Ms. McCrory also noted the Hawaiian Petrel and Wedgetail Shearwater do not nest in the area near the helistop pad.

Your Committee noted concerns about the helicopter flights that might disrupt hunting on Lanai. Ms. McCrory stated the sole purpose of the helistop pad is for off-island transportation, to and from Manele, and no tours of Lanai will be conducted from the proposed helistop pad.

Your Committee further noted concerns relating to the term and renewal of the Conditional Permit. In response to your Committee, the Planning Director stated if there are no major changes to the operation or improvements to the site, the Director is authorized to extend the Conditional Permit administratively.

Your Committee voted 6-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Carroll, Vice-Chair Hokama, and members Cochran, King, Sugimura, and White voted "aye." Committee members Atay, Crivello, and Guzman were excused.

Your Land Use Committee RECOMMENDS the following:

1. That Bill _____ (2017) as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING LANAI RESORTS, LLC, DBA PULAMA LANAI, A CONDITIONAL PERMIT TO DEVELOP A HELISTOP PAD AND RELATED IMPROVEMENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY IDENTIFIED AS A PORTION OF TAX MAP KEY NUMBER (2) 4-9-002:001,

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MANELE, LANAI, HAWAII," be PASSED ON FIRST READING
and be ORDERED TO PRINT; and

2. That County Communication 16-277 be FILED.

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



ROBERT CARROLL, Chair

lu:cr:17032aa:grs

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE GRANTING LANA`I RESORTS, LLC,
DBA PULAMA LANA`I, A CONDITIONAL PERMIT TO DEVELOP
A HELISTOP PAD AND RELATED IMPROVEMENTS WITHIN THE
COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY IDENTIFIED AS
A PORTION OF TAX MAP KEY NUMBER (2) 4-9-002:001,
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 develop a helistop pad and related improvements within the County Agricultural District. The site is identified for real property tax purposes as a portion of tax map key number (2) 4-9-002:001, comprising approximately 0.9 acres of land situated at Manele, Lanai, Hawaii.

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. 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 full compliance with the conditions of the State Land Use Commission Special Permit (SUP2 2015/0014) shall be observed.
7. That Lana`i Resorts, LLC, dba Pulama Lana`i, shall comply with Federal Aviation Administration requirements for the helistop.
8. That helicopter flights shall not operate from 7:00 p.m. to 7:00 a.m.
9. That Lana`i Resorts, LLC, dba Pulama Lana`i, shall provide a monthly report to the Hulopoe Beach Park Council regarding the number of helicopter flights that occurred and the number and nature of any complaints made concerning those flights for the previous month.

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

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be a name with a large initial.

Department of the Corporation Counsel
County of Maui

lu:misc:032abill01:grs