

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 a County Communication 16-295, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING LANAI RESORTS, LLC, DBA AS PULAMA LANAI, 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, " 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 to allow up to 40 special events per year at the Challenge at Manele Golf Course located at 150 Challenge Drive 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 proposal consists of two event sites. One site is located on the driving range, which is approximately 45,000 square feet and will accommodate 75 to 300 guests. The second location will be located on the 12th hole tee box for smaller events and will accommodate 25 to 100 guests.

Ms. Fukuda also advised your Committee the events will be primarily for corporate functions and hotel guests; however, the property will be available for residents' events.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 2

Committee
Report No. _____

In response to an inquiry from your Committee, Ms. Lynn McCrory, Senior Vice President of Government Affairs, Pulama Lana`i, stated that limiting the annual number of events to 40 is based on last year's total of 32 events at the hotel, with the hope that there will be growth in the number of events over the next year.

Ms. McCrory also stated the events will terminate at 10 p.m. and the areas near the coastline will have ambient lighting to keep the event participants safe. Ms. McCrory stated the event location will not impact a popular trail used to access the coast, commonly known as "Fisherman's Trail."

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 Committee is in receipt of a further revised proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING LANAI RESORTS, LLC, DBA PULAMA LANAI, 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," approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

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 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

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 3

Committee
Report No. _____

TAX MAP KEY NUMBER (2) 4-9-017:008, MANELE, LANAI,
HAWAII," be PASSED ON FIRST READING and be ORDERED
TO PRINT; and

2. That County Communication 16-295 be FILED.

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



ROBERT CARROLL, Chair

lu:cr:17033aa:grs

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.

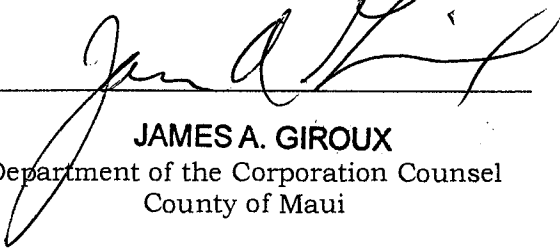
3. That the Conditional Permit shall be nontransferable unless the Maui County Council approves a transfer by ordinance.
4. That Lana`i Resorts, LLC, dba Pulama Lana`i, shall exercise reasonable due care as to third parties with respect to all areas affected by this subject Conditional Permit and shall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



A handwritten signature in black ink, appearing to read 'James A. Giroux', is written over a horizontal line. The signature is fluid and cursive.

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:\Lanai\cond\NewEvents\Challenge\PropertyLocation