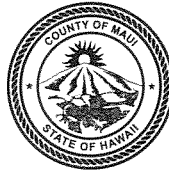


ALAN M. ARAKAWA
 Mayor
 WILLIAM R. SPENCE
 Director
 MICHELE CHOUTEAU McLEAN
 Deputy Director



RECEIVED
 2016 OCT 24 AM 9:42
 OFFICE OF THE MAYOR

COUNTY OF MAUI
DEPARTMENT OF PLANNING

October 24, 2016


RECEIVED
 2016 OCT 25 PM 2:33
 OFFICE OF THE
 COUNTY CLERK

Honorable Alan M. Arakawa
 Mayor, County of Maui
 200 South High Street
 Wailuku, Hawaii 96793

For Transmittal to:

Honorable Mike White, Chair
 and Members of the Maui County Council
 200 South High Street
 Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL


 Acting Mayor 10/25/16 Date

Dear Chair White and Members:

SUBJECT: APPLICATIONS FOR A COMMUNITY PLAN AMENDMENT (CPA) AND CHANGE IN ZONING (CIZ) FOR THE LANAI AVENUE RESIDENTIAL HOMES PROJECT, LOCATED AT 605, 615, AND 623 LANAI AVENUE, ISLAND OF LANAI, HAWAII; TMK: (2) 4-9-006:050 (CPA 2015/0005) (CIZ 2015/0006) (EA 2015/0006)

The Department of Planning (Department) is transmitting for your review and action the Community Plan Amendment (CPA) and Change in Zoning (CIZ) applications filed by Lanai Resorts, LLC, dba Pulama Lanai. A summary of the applications is as follows:

APPLICATION SUMMARY	
Application - CPA	The Community Plan Amendment will change the Community Plan Designation from "B, Business/Commercial" on the 22,328 square foot parcel to "SF, Single-Family."
Application - CIZ	The Change in Zoning will change the Zoning District from "B-CT, Country Town Business" on the 22,328 square foot parcel to "R-1, Residential."
Applicant	Lanai Resorts, LLC, dba Pulama Lanai
Owner	Lanai Resorts, LLC, dba Pulama Lanai
Tax Map Keys	(2) 4-9-006:050
Address	605, 615, 623 Lanai Avenue, Lanai City, Hawaii 96763
Area	22,328 Square Feet

COUNTY COMMUNICATION NO. 16-276

Honorable Alan M. Arakawa, Mayor
 For Transmittal to:
 Honorable Mike White, Chair
 October 24, 2016
 Page 2

APPLICATION SUMMARY	
Land Use Designations	State: Urban Lanai Community Plan: B, Business/Commercial Title 19, Zoning: B-CT, Country Town Business Other: NOT located within the Special Management Area (SMA)
Brief Description	The Applicant is requesting a CPA and CIZ in order to construct three Lanai Avenue single-family homes.
Public Hearing	Held by Lanai Planning Commission (Commission) on April 20, 2016 in Lanai City, Lanai, Hawaii
Testimony	Verbal testimony during the public hearing was in favor of the project. Considerable review of this matter and public debate was held during the adoption of the Environmental Assessment necessary for consideration of a CPA.
Recommendation	The Commission recommended approval of the CPA and CIZ by a vote of five (5) ayes with two (2) Commissioners excused, one (1) Commissioner absent, and one (1) Commissioner recused.

The Maui Planning Commission (Commission) reviewed the subject applications at its April 20, 2016 public meeting. The Commission recommended approval of the CPA and CIZ.

As Council approval is required for the CPA and the CIZ, the Department respectfully transmits the subject applications to the Council for consideration. Accordingly, attached for your review are the following documents:

1. Proposed bill entitled, "A BILL FOR AN ORDINANCE TO AMEND THE LANAI COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY FOR PROPERTY SITUATED AT LANAI CITY, HAWAII, TAX MAP KEY (2) 4-9-006:050";
2. Proposed bill entitled, "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM B-CT COUNTRY TOWN BUSINESS DISTRICT TO R-1, RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT LANAI CITY, HAWAII, TAX MAP KEY NUMBER (2) 4-9-006:050";
3. Community Plan Map No. CP-207;
4. Land Zoning Map No. L-2621;
5. Letter from William Spence, Planning Director, to Mr. Bryan Esmeralda, Associate, Munekiyo Hiraga, dated June 6, 2016, with the Commission's recommendation for Council approval of the CPA and the CIZ;
6. Department's Recommendation to the Commission dated April 20, 2016;

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Mike White, Chair
October 24, 2016
Page 3

7. Department's Report and Agency Comments to the Commission dated April 20, 2016;
8. PowerPoint Presentation to the Commission dated April 20, 2016;
9. Adopted Minutes of the April 20, 2016 Commission meeting;
10. Community Plan Amendment Application dated August 3, 2015; and
11. Change in Zoning Application dated August 4, 2015.

Thank you for your attention to this important project for the Island of Lanai and County of Maui. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,



WILLIAM SPENCE
Planning Director

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Lanai Planning Commission (PDF)
Bryan Esmeralda, Munekiyo Hiraga (PDF)
Karlynn Fukuda, Munekiyo Hiraga (PDF)
Lynn McCrory, SVP, Pulama Lanai (PDF)

WRS:KFW:lk

Project File
General File

K:\WP_DOCS\PLANNING\Cpa\2015\0005_LanaiAvenue\CouncilTransmittalLanaiAve.doc

ORDINANCE NO. _____

BILL NO. _____ (2016)

A BILL FOR AN ORDINANCE TO AMEND THE LANA'I COMMUNITY PLAN AND
LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY
FOR PROPERTY SITUATED AT LANA'I CITY, LANA'I, HAWAII
TAX MAP KEY (2) 4-9-006:050

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Lana'i Community Plan and Land Use Map is hereby amended from Business/Commercial to Single-Family for that certain parcel of land situated at Lana'i City, Lana'i, Hawaii, and identified for real property tax purposes as tax map key (2) 4-9-006:050, comprising approximately 0.51 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map No. CP-207, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JENNIFER M.P.E. OANA
Deputy Corporation Counsel
County of Maui
2016-0847

COMMUNITY PLAN AMENDMENT
COMMUNITY PLAN MAP NO. CP-207
COMMERCIAL TO SINGLE FAMILY
LOT 363
AS SHOWN ON MAP 28
OF LAND COURT APPLICATION 862
AT ISLAND OF LANAI, HAWAII

All of that certain parcel of land situate at Island of Lanai, State of Hawaii, described as follows:

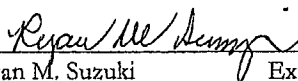
LOT 356, area 22,328 square feet, more or less, as shown on Map 24, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 862.

R. M. TOWILL CORPORATION

Description prepared by:



2024 North King Street, Suite 200
Honolulu, Hawaii 96819
May 16, 2016
Tax Map Key: (2) 4-9-006: 050


Ryan M. Suzuki Exp: 4/30/18
Licensed Professional Land Surveyor
Certificate Number 10059

- 1 -

2024 North King Street
Suite 200
Honolulu HI 96819-3470
Telephone 808 842 1133
Fax 808 842 1937
eMail rmtowill@hawaii.rr.com


R. M. TOWILL CORPORATION
SINCE 1930

Planning
Engineering
Environmental Services
Photogrammetry
Surveying
Construction Management

ORDINANCE NO. _____

BILL NO. _____ (2016)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
B-CT COUNTRY TOWN BUSINESS DISTRICT TO R-1 RESIDENTIAL DISTRICT
FOR PROPERTY SITUATED AT LANA'I CITY, LANA'I, HAWAII
TAX MAP KEY (2) 4-9-006:050

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

SECTION 1. Pursuant to Chapters 19.08 and 19.510, Maui County Code, a change in zoning from B-CT Country Town Business District to R-1 Residential District is hereby granted for that certain parcel of land situated at Lana'i City, Lana'i, Hawaii, and identified for real property tax purposes as tax map key (2) 4-9-006:050, comprising approximately 0.51 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-2621, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JENNIFER M.P.E. OANA
Deputy Corporation Counsel
County of Maui
2016-0847

CHANGE IN ZONING
LAND ZONING MAP NO. L-2621
BUSINESS COUNTY TOWN TO R1 RESIDENTIAL
LOT 363
AS SHOWN ON MAP 28
OF LAND COURT APPLICATION 862
AT ISLAND OF LANAI, HAWAII

All of that certain parcel of land situate at Island of Lanai, State of Hawaii, described as follows:

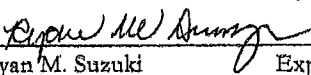
LOT 356, area 22,328 square feet, more or less, as shown on Map 24, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 862.

R. M. TOWILL CORPORATION

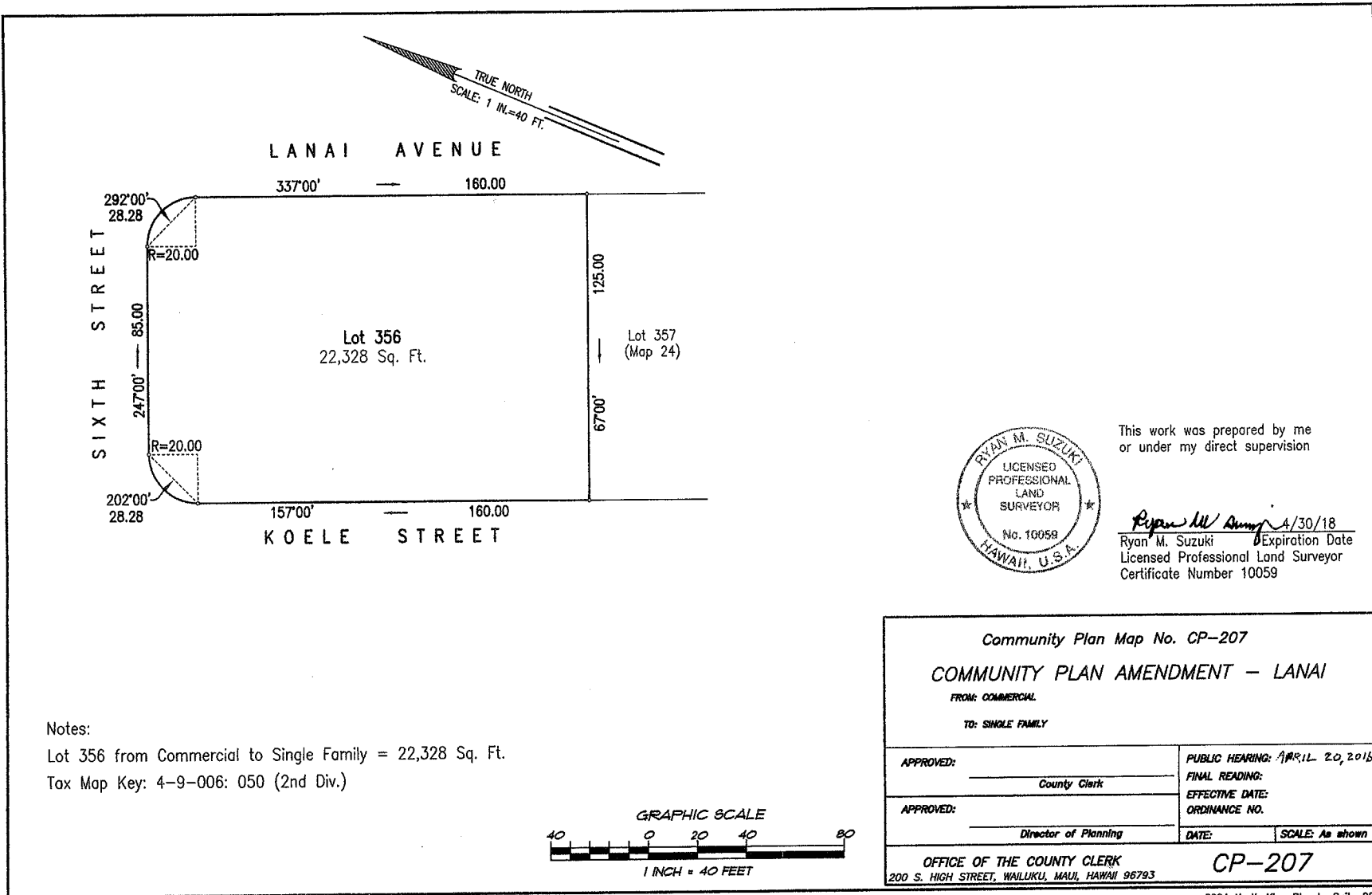
Description prepared by:



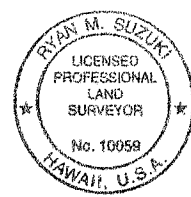
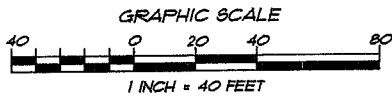
2024 North King Street, Suite 200
Honolulu, Hawaii 96819
May 16, 2016
Tax Map Key: (2) 4-9-006: 050


Ryan M. Suzuki Exp: 4/30/18
Licensed Professional Land Surveyor
Certificate Number 10059





Notes:
 Lot 356 from Commercial to Single Family = 22,328 Sq. Ft.
 Tax Map Key: 4-9-006: 050 (2nd Div.)



This work was prepared by me or under my direct supervision

Ryan M. Suzuki 4/30/18
 Ryan M. Suzuki Expiration Date
 Licensed Professional Land Surveyor
 Certificate Number 10059

Community Plan Map No. CP-207
COMMUNITY PLAN AMENDMENT - LANAI

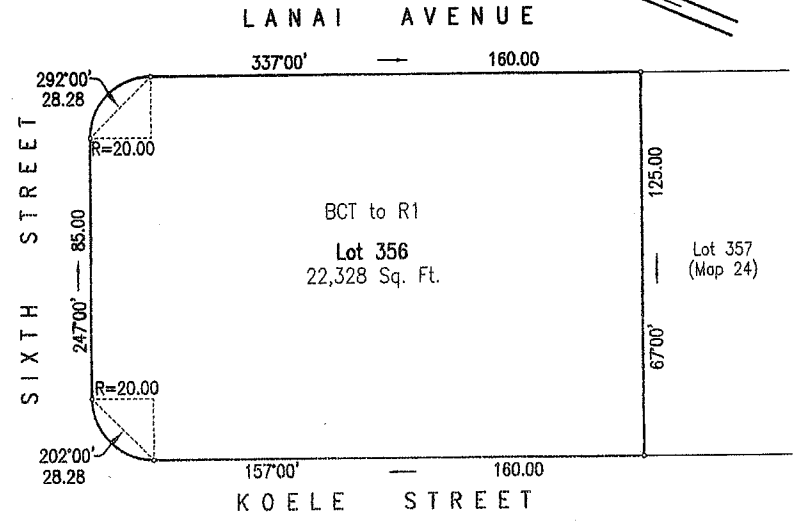
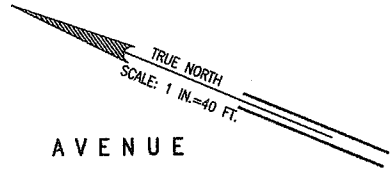
FROM: COMMERCIAL
 TO: SINGLE FAMILY

APPROVED: _____ County Clerk	PUBLIC HEARING: APRIL 20, 2016 FINAL READING:
APPROVED: _____ Director of Planning	EFFECTIVE DATE: ORDINANCE NO.
OFFICE OF THE COUNTY CLERK 200 S. HIGH STREET, WALUKU, MAUI, HAWAII 96793	DATE: _____ SCALE: As shown CP-207

10" x 15"

R. M. TOWILL CORPORATION
EST. 1920

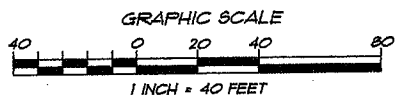
2024 North King Street Suite 200
 Honolulu, Hawaii 96819
 May 3, 2016



This work was prepared by me or under my direct supervision

Ryan M. Suzuki 4/30/18
 Ryan M. Suzuki Expiration Date
 Licensed Professional Land Surveyor
 Certificate Number 10059

Notes:
 Lot 356 from Business County Town to R1 Residential = 22,328 Sq. Ft.
 Tax Map Key: 4-9-006: 050 (2nd Div.)



LAND ZONING MAP NO. L-2621	
CHANGE IN ZONING - LANAI	
FROM: <i>Business County Town</i>	
TO: <i>R1 Residential</i>	
APPROVED: _____ County Clerk	PUBLIC HEARING: <i>APRIL 20, 2016</i>
APPROVED: _____ Director of Planning	FINAL READING: EFFECTIVE DATE: ORDINANCE NO.
OFFICE OF THE COUNTY CLERK 200 S. HIGH STREET, WAILUKU, MAUI, HAWAII 96793	DATE: _____ SCALE: <i>As shown</i>
	L-2621

10" x 15"

R. M. TOWILL CORPORATION
SINCE 1958

2024 North King Street Suite 200
 Honolulu, Hawaii 96819
 May 3, 2016

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 6, 2016

CERTIFIED MAIL - # 7015-0640-0002-6767-4764

Mr. Bryan Esmeralda, Associate
Munekiyo Hiraga
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Esmeralda:

SUBJECT: COMMUNITY PLAN AMENDMENT (CPA) AND CHANGE IN ZONING (CIZ) FOR THE LANAI AVENUE RESIDENTIAL HOMES PROJECT, LOCATED AT 605, 615, AND 623 LANAI AVENUE, ISLAND OF LANAI, HAWAII; TMK: (2) 4-9-006:050 (CPA 2015/0005) (CIZ 2015/0006) (EA 2015/0006)

At its regular meeting on April 20, 2016, the Lanai Planning Commission (Commission) reviewed the above applications, conducted the public hearing, and after due deliberation, recommended the Maui County Council's (Council) approval of the CPA and CIZ with conditions. The applications will be forwarded to the Council for final review and action.

COMMUNITY PLAN AMENDMENT

The Community Plan Amendment will change the Community Plan Designation from "B, Business/Commercial" to "SF, Single-Family". The CPA is subject to approval by the Council.

CHANGE IN ZONING

The Change in Zoning will change the Zoning District from "B-CT, Country Town Business" to "R-1, Residential". The CIZ is subject to approval by the Council.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Kurt Wollenhaupt at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789.

Sincerely,

A handwritten signature in black ink, appearing to read "William Spence".

WILLIAM SPENCE
Planning Director

Mr. Bryan Esmeralda, Associate
June 6, 2016
Page 2

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Richelle Thomson, Corporation Counsel (PDF)
Lynn McCrory, Senior Vice President (PDF)
State Land Use Commission
State Office of Planning
Project File
General File

WRS:KFW:ela

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BEFORE THE LĀNA'I PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications of:)	DOCKET NO. CPA 2015/0005
	)	DOCKET NO. CIZ 2015/0006
Munekiyo Hiraga on behalf of	)	DOCKET NO. EA 2015/0006
PŪLAMA LĀNA'I)	
	)	Pūlama Lāna'i
To Obtain a Community Plan Amendment	)	Munekiyo Hiraga
And Change in Zoning for Approximately	)	(Consultant)
0.51 Acre of Land at 605, 615, and 623)	
Lāna'i Avenue, Lāna'i City)	
Lāna'i, Hawai'i,	)	(KWollenhaupt)
Lāna'i Tax Map Key No. (2) 4-9-006:050)	
)	

MAUI COUNTY PLANNING DEPARTMENT'S RECOMMENDATION
TO THE LĀNA'I PLANNING COMMISSION
APRIL 20, 2016

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, HI 96793

(Community Plan Amendment and Change in Zoning)
K:\WP_DOCS\PLANNING\Cpa\2015\0005_LanaiAvenue\StaffReporttoApproval\Planning Dept
Recommendation Report.CPA CIZ.doc

BEFORE THE LĀNA'I PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications of:	)	DOCKET NO. CPA 2015/0005
	)	DOCKET NO. CIZ 2015/0006
Munekiyo Hiraga on behalf of	)	DOCKET NO. EA 2015/0006
PŪLAMA LĀNA'I)	
	)	Pūlama Lāna'i
To Obtain a Community Plan Amendment	)	Munekiyo Hiraga
And Change in Zoning for Approximately	)	(Consultant)
0.51 Acre of Land at 605, 615, and 623)	
Lāna'i Avenue, Lāna'i City)	
Lāna'i, Hawai'i,	)	(KWollenhaupt)
Lāna'i Tax Map Key No. (2) 4-9-006:050)	
)	

CONCLUSIONS OF LAW

The subject applications comply with the applicable standards for a Community Plan Amendment and Change in Zoning as follows:

COMMUNITY PLAN AMENDMENT (CPA)

A CPA is reviewed pursuant to: Maui County Code (MCC) Title 2, Chapter 2.80B, Section 2.80B.110, Nondecennial amendments to community plans proposed by a person. Applications shall follow the procedures set forth in Sections 19.510.010 and 19.510.020 of the MCC, as amended. The Lāna'i Planning Commission accepted the Final Environmental Assessment and issued a Finding of No Significant Impact determination at its regular meeting on January 20, 2016 in accordance with Chapter 343, Hawai'i Revised Statutes (HRS), and required due to the filing of a Community Plan Amendment application.

2.80B.110 - Nondecennial amendments to community plans proposed by a person.

- A. *Nondecennial amendments to community plans other than those enacted pursuant to section 2.80B.090 of this chapter may be proposed by a person at any time. Nondecennial amendments to any community plan enacted pursuant to section 2.80B.090 of this chapter, except the Molokai community plan, may be proposed by a person during July of each year, provided that such amendments shall not be accepted within one year after the enactment of the community plan pursuant to section 2.80B.090 of this chapter. Nondecennial amendments to the*

Molokai community plan enacted pursuant to section 2.80B.090 of this chapter may be proposed by a person during July of each year, provided that such amendments shall not be accepted within five years after the enactment of a decennial revision to the community plan pursuant to section 2.80B.090 of this chapter.

- B. Applications shall follow the procedures set out in sections 19.510.010 and 19.510.020 of this code, shall include the application fee as set forth in the County budget, and shall be processed as if prepared by the planning director pursuant to section 8-8.4 of the charter. An environmental assessment or environmental impact statement prepared in accordance with chapter 343, Hawaii Revised Statutes, shall be submitted along with the application.*
- C. No later than one year after receipt of the planning commission's transmittal pursuant to section 8-8.4 of the charter, the council shall review and act upon any proposed amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter.*
- D. Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.*
- E. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment.*
- F. Effect of Adoption of the General Plan and the Community Plans. Until revised or amended pursuant to this chapter, the general plan and the current community plan for each community plan district shall remain in full force and effect.*

Conclusion: The amendment to the Community Plan is being proposed so that the use at the property, which has been in existence since the development of Lāna'i City, will be in conformance with the Lāna'i Community Plan and with surrounding properties. This is consistent with Chapter 2.80B, Section 2.80B.110, MCC. The proposed amendment has been forwarded to the Maui County Council.

CHANGE IN ZONING (CIZ)

A CIZ is reviewed pursuant to: Maui County Code (MCC), Title, 19, Chapter 19.510, Section 19.510.040, Change of Zoning, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a CIZ if the following criteria are met:

- 1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;*
- 2. The proposed request is consistent with the applicable community plan land use map of the county;*
- 3. The proposed request meets the intent and purpose of the district being requested;*
- 4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public*

- requirements, conveniences, and improvements*
5. *The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and,*
 6. *If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.*

Conclusion: The proposed CIZ will change the zoning district from "B-CT, County Town Business" to "R-1, Residential." The residential use of the property has been in existence since the original development of Lāna'i City. The CIZ action is being proposed so that this use will be in conformance with Title 19, MCC. The Applicant's proposed action is consistent with and is supported by the above listed criteria for a CIZ pursuant to Title 19, Chapter 19.510, Section 19.510.040, Change of Zoning, MCC.

RECOMMENDATION

COMMUNITY PLAN AMENDMENT

The Planning Department recommends approval of the Community Plan Amendment which will change the Community Plan designation for the subject property from "B, Business/Commercial" to "SF, Single-Family".

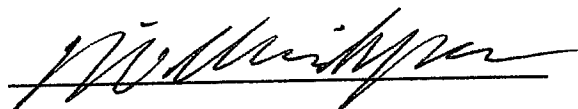
In consideration of the foregoing, the Planning Department recommends that the Lāna'i Planning Commission adopt the Planning Department's Report and Recommendation prepared for the April 20, 2016, meeting as its Findings of Fact, Conclusions of Law, and Decision and Order and to authorize the Planning Director to transmit said Recommendation on the Community Plan Amendment to the Maui County Council on behalf of the Lāna'i Planning Commission.

CHANGE IN ZONING

The Planning Department recommends approval of the Change in Zoning which will change the zoning designation for the subject property from "B-CT, Country Town Business" to "R-1, Residential".

In consideration of the foregoing, the Planning Department recommends that the Lāna'i Planning Commission adopt the Planning Department's Report and Recommendation prepared for the April 20, 2016, meeting as its Findings of Fact, Conclusions of Law, and Decision and Order and to authorize the Planning Director to transmit said Recommendation on the Change in Zoning to the Maui County Council on behalf of the Lāna'i Planning Commission.

APPROVED:



WILLIAM SPENCE
Director of Planning

BEFORE THE LĀNA'I PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications of:	)	DOCKET NO. CPA 2015/0005
	)	DOCKET NO. CIZ 2015/0006
Munekiyo Hiraga on behalf of	)	DOCKET NO. EA 2015/0006
PŪLAMA LĀNA'I)	
	)	Pūlama Lāna'i
To Obtain a Community Plan Amendment	)	Munekiyo Hiraga
And Change in Zoning for Approximately	)	(Consultant)
0.51 Acre of Land at 605, 615, and 623)	
Lāna'i Avenue, Lāna'i City)	
Lāna'i, Hawai'i,	)	(KWollenhaupt)
Lāna'i Tax Map Key No. (2) 4-9-006:050)	

MAUI COUNTY PLANNING DEPARTMENT'S REPORT
TO THE LĀNA'I PLANNING COMMISSION
APRIL 20, 2016

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, HI 96793

(Community Plan Amendment and Change in Zoning)
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Staff Report.CPA CIZ.doc

BEFORE THE LĀNA'I PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Applications of:	)	DOCKET NO. CPA 2015/0005
)	DOCKET NO. CIZ 2015/0006
Munekiyo Hiraga on behalf of)	DOCKET NO. EA 2015/0006
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)	Pūlama Lāna'i
To Obtain a Community Plan Amendment)	Munekiyo Hiraga
And Change in Zoning for Approximately)	(Consultant)
0.51 Acre of Land at 605, 615, and 623)	
Lāna'i Avenue, Lāna'i City)	
Lāna'i, Hawai'i,	)	(KWollenhaupt)
Lāna'i Tax Map Key No. (2) 4-9-006:050)	

DESCRIPTION OF THE PROJECT

This matter arises from applications filed on August 4, 2015, at the County of Maui Department of Planning (hereinafter referred to as "Department") for a Community Plan Amendment ("CPA") and a Change in Zoning ("CIZ"). The applications were filed by Munekiyo Hiraga (hereinafter referred to as "Consultant") on behalf of Pūlama Lāna'i (hereinafter referred to as "Applicant"), to reclassify an approximately 0.51 acre parcel from the Community Plan district "B, Business/Commercial" to "SF, Single-Family" and to reclassify the same subject parcel of 0.51 acre from the County of Maui Zoning district "B-CT, Business Country Town" to "R-1, Residential" at Tax Map Key No. (2) 4-9-006:050 (hereinafter referred to as "Subject Property"), Lāna'i City, Lāna'i, Hawai'i. See **Exhibit 1** for a regional location map.

It should be noted that descriptions and analysis in this staff report reference details from the Final Environmental Assessment (EA), February 2016, prepared for the Applicant by the Consultant. On January 20, 2016, the Final EA was accepted by the Lāna'i Planning Commission ("LPC"). The Final EA is included with this report in digital format on compact disc for reference. Use of this digital Final EA will enrich an understanding of this project as it includes all agency comments and responses gathered during the early consultation process and review of the Draft EA.

The proposed development involves the reconstruction of three (3) single-family residences along with three (3) detached carports in Lāna'i City. Located at 605, 615, and 623 Lāna'i Avenue, the former homes and garage were built as part of the original Lāna'i City development. Over the years, the structures fell into disrepair. As such, the homes were demolished in August 2014.

It is the Applicant's intent to construct the replacement homes in their original design with a few minor alterations with regards to providing alternative access to each home, and constructing three

(3) separate carports rather than having a single garage on the property. The homes will be approximately 1,100 square feet each.

DESCRIPTION OF THE PROPERTY

1. The subject property is located within Lānaʻi City. Land uses immediately surrounding the subject property include residential homes, with Dole Park and the Lānaʻi Theater, as well as small shops and restaurants in close proximity. The subject property was previously occupied by three (3) single-family residential homes and one (1) 3-car detached carport which were demolished in August 2014. The Applicant is the fee-simple owner of the property. The property is approximately 0.51 acre in size. The property is designated "B, Business/Commercial" in the Lānaʻi Community Plan and is zoned "B-CT, Country Town Business" by the County of Maui ("County"). As such, the proposed residential use is not consistent with the current Community Plan and County Zoning land use designations. Consequently, the Applicant submitted to the County applications for a Community Plan Amendment ("CPA") and Change in Zoning ("CIZ"). In reviewing this project, the Department has consistently supported the intent of these applications to increase the areas zoned for residential use in Lānaʻi City. As previously indicated, the Community Plan designation is requested to be changed to "SF, Single-Family" and the County Zoning is requested to be changed to "R-1, Residential". See **Exhibit 2** for a property location map. Photographs and a site key are shown in **Exhibit 3**. As indicated previously, this property is proposed to be redeveloped with three (3) single-family homes and three (3) detached carports. The proposed site plan is shown in **Exhibit 4**.

Vehicular access to the property is off Kōʻele Street, a two-lane, two-way County roadway with a north-south orientation serving the commercial and residential areas of Lānaʻi City. Pedestrian access is also provided off Lānaʻi Avenue.

2. Land Use Designations --

- | | | |
|----|----------------------------|-----------------------------|
| a. | State Land Use District -- | Urban |
| b. | Lānaʻi Community Plan -- | B, Business/Commercial |
| c. | County Zoning -- | B-CT, Country Town Business |
| d. | Special Management Area -- | <u>Outside of the SMA</u> |

3. Surrounding Uses --

- | | |
|----------|--|
| North -- | Single-family residences |
| East -- | Single-family residences |
| South -- | Single-family residences with the Lānaʻi City commercial area and Dole Park beyond |
| West -- | The Lānaʻi City Post Office with other commercial establishments and residences beyond |

APPLICABLE REGULATIONS

COMMUNITY PLAN AMENDMENT

Pursuant to Title 19, Chapter 19.510, General Application Procedures, Section 19.510.010(C), the Planning Director has determined that the application and Department Report meets the requirements of Section 19.510.010(D).

A community plan amendment is reviewed pursuant to Title 2, Administration and Personnel, Chapter 2.80B General Plan and Community Plans; Section 2.80B.110 Non-decennial amendments to community plans proposed by a person, Maui County Code, 1980, as amended. Applications shall follow the procedures set out in Sections 19.510.010 and 19.510.020 of Maui County Code, as amended. An EA or Environmental Impact Statement in accordance with Chapter 343, Hawai'i Revised Statutes, shall be submitted along with the application for a Community Plan Amendment.

CHANGE IN ZONING

Pursuant to Title 19, Chapter 19.510, General Application Procedures, Section 19.510.010(C), the Planning Director has determined that the application and Department Report meets the requirements of Section 19.510.010(D).

Pursuant to Title 19, Chapter 19.510, Section 19.510.040 Change in Zoning of the Maui County Code, the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The County Council may grant a change in zoning if all the following criteria are met:

1. The proposed request meets the intent of the general plan and the objectives and policies of the Community Plans of the County;
2. The proposed request is consistent with the applicable Community Plan land use map of the County;
3. The proposed request meets the intent and purpose of the district being requested;
4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements;
5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and
6. If the application Change in Zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the United States Soil and Conservation Service.

Pursuant to Title 19, Chapter 19.510, Section 19.510.050 Conditional Zoning of the Maui County Code, the County Council may impose conditions upon the applicant's use of the property. The conditions shall be imposed if the Council finds them necessary to prevent circumstances which may be adverse to the public health, safety and welfare. The conditions shall be reasonably conceived to mitigate the impacts emanating from the proposed land and shall meet the following criteria:

1. That the public shall be protected from the potentially deleterious effects of the proposed use; and

2. That the need for public services created by the proposed use shall be fulfilled.

PROCEDURAL MATTERS

1. On August 3, 2015, the Applicant mailed letters of notification and location map to all owners and recorded lessees within 500 feet of the property describing the applications and notifying the property owners of their filing.
2. On August 4, 2015, the Applicant filed applications for a Community Plan Amendment and a Change in Zoning with the County of Maui Planning Department.
3. On January 20, 2016, the Final Environmental Assessment filed by Munekiyo Hiraga was accepted by the Lāna'i Planning Commission (LPC) as this project involves an application for a Community Plan Amendment.
4. On March 11, 2016, the Applicant mailed a letter of notification and location map to all owners and recorded lessees within 500 feet of the Property describing the applications and notifying them of the scheduled public hearing, time and place by either certified or registered mail.
5. On March 19, 2016, a "Notice of Hearing" on the applications was published in the Maui News by the Maui Planning Department.
6. On March 22, 2016, March 29, 2016, and April 5, 2016, the Applicant published a "Notice of Hearing" and location map in the Maui News for three (3) consecutive weeks prior to the date of the public hearing for the applications.
7. The Final EA was accepted by the LPC on January 20, 2016. It acts as the primary supporting and informational document for the CPA and CIZ applications and is included as a compact disc with this application as previously stated.

REVIEWING AGENCIES

Multiple Federal, State, and County agencies have reviewed and commented upon the:

- Environmental Assessment,
- Application for the Community Plan Amendment, and
- Application for the Change in Zoning.

The Lāna'i Planning Commission reviewed in detail the Draft EA and Final EA. Comments received during the review period for the Draft EA were incorporated into the Final EA. The Lāna'i Planning Commission, after reviewing all the comments and detailed information, accepted the Final EA at their January 20, 2016 meeting and issued a Finding of No Significant Impact determination. A summary of reviewing agencies and comments received is provided in the table below.

County Agencies		
	Comment	Exhibit Number
Department of Environmental Management	Yes	5
Applicant Response		5a
Department of Fire and Public Safety	Yes	6
Applicant Response		6a
Department of Housing and Human Concerns	Yes	7
Applicant Response		7a
Department of Parks and Recreation	No	8
Applicant Response		8a
Police Department	No	9
Applicant Response		9a
Department of Public Works	No	10
Applicant Response		10a
Department of Transportation	No	11
Applicant Response		11a
Department of Water Supply	No	12
Applicant Response		12a
Lāna'i Planning Commission	Yes	13
Applicant Response		13a
State Agencies		
	Comment	Exhibit Number
Department of Health	Yes	14
Applicant Response		14a
Clean Water Branch, Department of Health	Yes	15
Applicant Response		15a
Maui Office, Department of Health	Yes	16
Applicant Response		16a
Department of Land and Natural Resources	Yes	17
Applicant Response		17a
Maui Office, State Historic Preservation Division	Yes	18
Applicant Response		18a
Department of Transportation	Yes	19
Applicant Response		19a
Office of Environmental Quality Control	Yes	20
Applicant Response		20a
Office of Planning	Yes	21
Applicant Response		21a

ANALYSIS

LAND USE

1. STATE LAND USE DISTRICT. Chapter 205A, Hawai'i Revised Statutes (HRS), relating to the State Land Use Commission (SLUC), establishes the four (4) major land use districts in which all lands in the State are placed. These districts have been designated "Urban", "Rural", "Agricultural" and "Conservation". The SLUC classifies the majority of lands on Lāna'i for "Agricultural" and "Conservation" uses. The island of Lāna'i encompasses a total land area of approximately 90,500 acres. Of this total area,

"Agricultural" lands occupy 46,639 acres, "Conservation" lands encompass 38,197 acres, "Urban" lands comprise 3,257 acres, and "Rural" lands consist of 2,407 acres (County of Maui, Office of Economic Development, 2011). The lands underlying the subject property are presently designated "Urban". See **Exhibit 22**. The proposed action is consistent with the property's "Urban" designation.

2. **HAWAII STATE PLAN.** The proposed project is in conformance with the goals, objectives and policies of the Hawai'i State Plan. Chapter 226, HRS, also known as the Hawai'i State Plan, is a long-range comprehensive plan which serves as a guide for the future long-range development of the State by identifying goals, objectives, policies, and priorities, as well as implementation mechanisms.

The proposed action is in keeping with the following goals of the Hawai'i State Plan.

- A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.
- Physical, social, and economic well-being, for individuals and families in Hawai'i, that nourishes a sense of community responsibility, of caring, and of participation in community life.

Objectives and Policies of the Hawai'i State Plan

The request for reclassification is in conformance with the following objectives and policies of the Hawai'i State Plan:

§226-12 Objective and policies for the physical environment--scenic, natural beauty, and historic resources.

- (a) *Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawaii's scenic assets, natural beauty, and multi-cultural/historical resources.*
- (b) *To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:*
 - (4) *Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage.*
 - (5) *Encourage the design of developments and activities that complement the natural beauty of the islands*

§226-13 Objectives and policies for the physical environment--land, air, and water quality.

- (b) *To achieve the land, air, and water quality objectives, it shall be the policy of this State to:*
 - (6) *Encourage design and construction practices that enhance the physical qualities of Hawaii's communities.*

- (7) *Encourage urban developments in close proximity to existing services and facilities.*

§226-19 Objectives and policies for socio-cultural advancement--housing.

- (a) *Planning for the State's socio-cultural advancement with regard to housing shall be directed toward the achievement of the following objectives:*
 - (1) *Greater opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, through collaboration and cooperation between government and nonprofit and for-profit developers to ensure that more affordable housing is made available to very low-, low- and moderate-income segments of Hawaii's population.*
 - (2) *The orderly development of residential areas sensitive to community needs and other land uses.*
- (b) *To achieve the housing objectives, it shall be the policy of this State to:*
 - (1) *Effectively accommodate the housing needs of Hawaii's people.*
 - (2) *Stimulate and promote feasible approaches that increase housing choices for low-income, moderate-income, and gap-group households.*
 - (3) *Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.*
 - (4) *Promote appropriate improvement, rehabilitation, and maintenance of existing housing units and residential areas.*
 - (5) *Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.*
 - (6) *Facilitate the use of available vacant, developable, and underutilized urban lands for housing.*
 - (7) *Foster a variety of lifestyles traditional to Hawaii through the design and maintenance of neighborhoods that reflect the culture and values of the community.*
 - (8) *Promote research and development of methods to reduce the cost of housing construction in Hawaii.*

3. **MAUI COUNTY GENERAL PLAN.** As indicated by the Maui County Charter, the purpose of the general plan shall be to:

... indicate desired population and physical development patterns for each island within the County; shall address the unique problems and needs of each island and region within the County; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.

Chapter 2.80B of the Maui County Code, relating to the General Plan and Community Plans, implements the foregoing Charter provisions through enabling legislation calling for a Countywide Policy Plan (CWPP). The CWPP was adopted as Ordinance No. 3732 effective March 24, 2010.

The following section identifies pertinent objectives, policies, implementing actions and related provisions set forth in the CWPP. It is recognized that the document is comprehensive in nature and addresses a number of functional planning areas which apply to all programs, plans, and projects. However for purposes of addressing General Plan compliance requirements, policy considerations which are deemed most relevant in terms of compatibility and consistency are addressed in this section.

With regard to the CWPP, Section 20.80B.030 of the Maui County Code states the following:

The countywide policy plan shall provide broad policies and objectives which portray the desired direction of the County's future. The countywide policy plan shall include:

1. *A vision for the County;*
2. *A statement of core themes or principles for the County; and*
3. *A list of countywide objectives and policies for population, land use, the environment, the economy, and housing.*

Core principles set forth in the CWPP are listed as follows:

1. *Excellence in the stewardship of the natural environment and cultural resources;*
2. *Compassion for and understanding of others;*
3. *Respect for diversity;*
4. *Engagement and empowerment of Maui County residents;*
5. *Honor for all cultural traditions and histories;*

6. *Consideration of the contributions of past generations as well as the needs of future generations;*
7. *Commitment to self-sufficiency;*
8. *Wisdom and balance in decision making;*
9. *Thoughtful, island-appropriate innovation; and*
10. *Nurturance of the health and well-being of our families and our communities.*

Congruent with these core principles, the Countywide Policy Plan identifies goals, objectives, policies and implementing actions for pertinent functional planning categories, which are identified as follows:

1. *Natural environment*
2. *Local cultures and traditions*
3. *Education*
4. *Social and healthcare services*
5. *Housing opportunities for residents*
6. *Local economy*
7. *Parks and public facilities*
8. *Transportation options*
9. *Physical infrastructure*
10. *Sustainable land use and growth management*
11. *Good governance*

With respect to the proposed project, the following goals, objectives, policies and implementing actions are illustrative of the project's compliance with the Countywide Policy Plan:

B. Preserve Local Cultures and Traditions

Goal: *Maui County will foster a spirit of pono and protect, perpetuate, and reinvigorate its residents' multi-cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage.*

Objective:

1. *Perpetuate the Hawaiian culture as a vital force in the lives of residents.*

Policy:

- d. *Encourage the use of traditional Hawaiian architecture and craftsmanship.*

Objective:

4. *Preserve and restore significant historic architecture, structures, cultural sites, cultural districts, and cultural landscapes.*

Policies:

- f. *Perpetuate the authentic character and historic integrity of rural communities and small towns.*

- 1. Foster partnerships to identify and preserve or revitalize historic and cultural sites.*

E. Expand Housing Opportunities for Residents

Goal: *Quality, island-appropriate housing will be available to all residents.*

Objective:

- 2. Increase the mix of housing types in towns and neighborhoods to promote sustainable land use planning, expand consumer choice, and protect the County's rural and small-town character.*

Policies:

- b. Design neighborhoods to foster interaction among neighbors.*
- d. Promote infill housing in urban areas at scales that capitalize on existing infrastructure, lower development costs, and are consistent with existing or desired patterns of development.*

Objective:

- 3. Increase and maintain the affordable housing inventory.*

Policies:

- b. Prioritize available infrastructure capacity for affordable housing.*
- g. Minimize the intrusion of housing on prime, productive, and potentially productive agricultural lands and regionally valuable agricultural lands.*
- h. Encourage long-term residential use of existing and future housing to meet residential needs.*

J. Promote Sustainable Land Use and Growth Management

Goal: *Community character, lifestyles, economies, and natural assets will be preserved by managing growth and using land in a sustainable manner.*

Objective:

- 3. Design all developments to be in harmony with the environment and to protect each community's sense of place.*

Policies:

- c. Protect and enhance the unique architectural and landscape characteristics of each Community Plan Area, small town, and neighborhood.*
- j. Protect rural communities and traditional small towns by regulating the footprint, locations, site planning, and design of structures.*
- k. Support small-town revitalization and preservation.*

In light of the foregoing, the proposed project is deemed to be consistent with the Countywide Policy Plan for the 2030 General Plan.

- 4. LĀNA'I COMMUNITY PLAN.** The project site is located in the Lāna'i Community Plan region, one (1) of the nine (9) Community Plan regions established in the County of Maui. Planning for each region is guided by the respective Community Plans, which are designed to implement the Maui County General Plan. Each Community Plan contains recommendations and standards which guide the sequencing, patterns, and characteristics of future development in the region.

Land use guidelines are established by the Lāna'i Community Plan land use map. The subject property is designated for "B, Business/Commercial" use. See **Exhibit 23**. Implementation of the proposed project requires an amendment to the Community Plan Map

and as such, the application is seeking an amendment to establish the "SF, Single-Family" residential designation for the subject property.

The Lānaʻi Community Plan sets forth goals, objectives and policies which are statements identifying preferred future conditions. Goals, objectives and policies associated with the proposed use of the subject property include the following:

URBAN DESIGN

Goal:

Preserve and enhance the unique urban design character of Lānaʻi through consideration of planning, land use and design standards which respect the islands rural plantation history.

Objectives and Policies:

1. *Establish design standards in the commercial/civic center area of Lanaʻi City, to provide special treatment in the maintenance and/or enhancement of the unique visual and physical identity of the town. Design standards should be based on the following guidelines:*
 - *Maintain the existing scale and street layout pattern of Lanaʻi City.*
 - *Develop off-street parking as part of expanded commercial facilities.*
 - *Promote an architectural style within the commercial/civic center areas that is consistent with existing buildings and neighborhood character.*
4. *Encourage the use of wood construction for residential and commercial projects.*
5. *Minimize urban design restrictions for single family residential projects.*
11. *Ensure that proposed land use patterns in Lanaʻi City will preserve and complement the existing town design qualities.*

HOUSING

Goal:

Provide for the housing needs of all Lanaʻi residents in order to ensure a healthy and vibrant social and economic environment.

Objective and Policy

7. *Provide housing types which are consistent with Lanaʻi's rural community lifestyle.*

It is noted that the Lānaʻi Community Plan is in the process of being updated. The Planning Department issued recommended revisions on the Lānaʻi Planning Commission's draft on January 21, 2015 and they are currently under review by the Maui County Council.

In this regard, the Applicant has communicated the intent of the proposed CPA action to the Lānaʻi Planning Commission.

5. **COUNTY OF MAUI ZONING.** As designated by Maui County zoning, the subject property is located in the "B-CT, Country Town Business" district. To ensure conformity with Maui County zoning, the Applicant is seeking a change in zoning from "B-CT, Country Town Business" district to "R-1, Residential" district as part of the entitlement process for the proposed project. The Project will meet the building setbacks, height requirements, and density for the R-1 zoning standards.

In accordance with this request, the Applicant submits that the proposed action meets the following criteria for a zoning change as set forth in Section 19.510.040 of the Maui County Code.

1. *The proposed request meets the intent of the general plan and objectives and policies of the community plans of the County.*

Analysis: The proposed request meets the intent of the Maui County General Plan and the objectives and policies of the Lānaʻi Community Plan which guides growth and development in the region.

2. *The proposed request is consistent with the applicable community plan land use map of the County.*

Analysis: The subject property is designated for urban-type development.

3. *The proposed request meets the intent and purpose of the district being requested.*

Analysis: The Change in Zoning request meets the purpose and intent of the single-family residential zoning regulations. The granting of the proposed request would provide the land owner with the appropriate land use entitlements for the long-term use of the subject property for residential purposes.

4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements.*

Analysis: The proposed action will not have a significant impact on public or private services, facilities, and infrastructure systems nor is it expected to adversely affect or interfere with public requirements, conveniences, and improvements.

5. *The application, if granted would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.*

Analysis: The proposed action will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.

6. *If the application for change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the U.S. Soil Conservation Service.*

Analysis: Not applicable.

The reclassification of the subject parcel will not adversely affect neighboring land uses, as the existing character of the residential and commercial-zoned properties in the surrounding area will be maintained. From a long-term perspective, the reclassification of the subject property will provide land use consistency for the subject property and establish an appropriate area for continued residential use.

PHYSICAL ENVIRONMENT

1. CLIMATE

Existing Conditions. Like most areas of Hawai'i, Lāna'i's climate is relatively uniform year-round. The region's tropical climate, its position relative to storm tracts and the Pacific anticyclone, and the surrounding ocean combine to produce this stable climate. Variations in climate among different regions then, is largely left to local terrain. Temperature data collected at Lāna'i City indicates that August was the warmest month, with a high temperature of 78.1 degrees Fahrenheit, while January was the coolest month of the year with a low temperature of 59.5 degrees Fahrenheit (Maui County Data Book, 2014). Rainfall at Lāna'i City is highly seasonal, with most precipitation occurring between November and April when winter storms hit the area. Precipitation data collected at Lāna'i City shows that January was the wettest month, with 5.30 inches of precipitation, while June was the driest with 1.28 inches of precipitation. The average annual total was 35.04 inches (Maui County Data Book, 2014).

Potential Impacts and Proposed Mitigation. The proposed development will not present adverse impacts with regard to climatic conditions.

2. TOPOGRAPHY AND SOIL CHARACTERISTICS

Existing Conditions. The subject property is characterized as level to gently sloping topography. The property lies at an elevation of approximately 1,620 feet above mean sea level (amsl). The project site is located within the Molokai-Lahaina association of soils. Found on small areas that are subject to ponding, this soil association is characterized as deep, nearly level to moderately steep sloping, and well drained that have a moderately fine course texture. Waihuna clay, 0 to 3 percent slopes (WoA), defines the soil type related to the project site. It is characterized by moderately slow permeability, slow runoff, and slight erosion hazard. See **Exhibit 24**.

Potential Impacts and Mitigation Measures. The proposed CIZ and CPA are not anticipated to have any substantial adverse impacts on topography or soil conditions. The proposed development is characterized as a reconstruction of three (3) single-family homes and three (3) carports in a design similar to that of the previously existing structures. Erosion control measures and Best Management Practices (BMPs) will be implemented during the construction period to minimize soil erosion and control sedimentation.

3. FLOOD AND TSUNAMI HAZARD

Existing Conditions. Lāna'i City is located at an elevation of approximately 1,575 feet amsl. The tsunami evacuation map for this area of Lāna'i indicates that the project site is located beyond the limits of coastal flooding. Similarly, the project site is located within Flood Zone X on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map for the island of Lāna'i. Flood Zone X does not carry any development regulations.

Potential Impacts and Mitigation Measures. The proposed development should not pose flood hazards to downstream properties as the site was previously developed with single-family homes. As such, adjacent and downstream properties will not be adversely affected by the proposed action. Furthermore, because the project site is located in an upland region of the island and within FEMA Flood Zone X, there are no threats to the surrounding area from coastal wave action.

4. FLORA AND FAUNA

Existing Conditions. Plant life in the vicinity of the project site is characterized by well-maintained, ornamental landscaping that is typical of properties in Lāna'i City's residential areas. Animal life which may be found in the area is typical of the developed regions of Lāna'i.

Potential Impacts and Mitigation Measures. Plant life in the vicinity of the project site is reflective of the ornamental, landscape character of Lāna'i City. There are no rare, threatened, or endangered species of plant life located on the project site. Fauna and avifauna found in the vicinity are typical of the Lāna'i City area. There are no known rare, threatened, or endangered species of animal life or significant habitats found in the vicinity of the project site. The proposed CIZ and CPA will not have an adverse impact on biological resources in the area.

5. ARCHAEOLOGICAL RESOURCES

Existing Conditions. No archaeological features have been identified on the project site. The subject property was cleared and graded in connection with the former site development work. The site was previously occupied by three (3) single-family homes and one (1) detached garage. Historic American Building Survey (HABS) documents were prepared by for the previous structures and are included as Appendix A of the Final EA. The original houses were plantation period residences constructed as part of the original Lāna'i City development. They were constructed exclusively by Japanese contractors under the leadership of Kikuichi Honda. The double house configuration is a historically significant house vernacular in the State of Hawai'i because of its plantation era ties (HABS No. HI-559, 2014). The former houses were of single-story, single-wall construction, and featured board-and-batten exterior walls, side gable roofs with shed roof sections constructed with corrugated metal, and foundations of wood posts on footings of either single basalt stones or concrete blocks. The construction of the houses was typical of plantation housing of the time and was also commonly used for other residential construction in Hawai'i (HABS No. HI-559, 2014).

Potential Impacts and Mitigation Measures. The proposed action involves CIZ and CPA requests for the subject property in order to enable the reconstruction of the three (3) single-family homes. The homes will be reconstructed in the same design as was used with the original homes. The reconstruction is planned as the homes fell into a state of disrepair beyond rehabilitation and were demolished in August 2014. The new homes will conform to Lāna'i's architectural standards. As such, the proposed project will not have an adverse impact on archaeological resources in the area.

6. CULTURAL RESOURCES

Existing Conditions. The island of Lāna'i was initially inhabited by a number of native Hawaiians who cultivated dry land crops and fishponds. The first American colonization of Lāna'i was a group of 46 Mormon missionaries in 1854. Following an unsuccessful emigration attempt, one (1) of the church leaders started the Lāna'i Ranch on land that he had acquired. By 1875, about 90 percent of the island was in Lāna'i Ranch holdings. These land holdings on Lāna'i continued to change ownership for decades, with each owner continuing the cattle ranching operations (HABS No. HI-559, 2014). In 1922, virtually the

entire island was purchased by James Dole and the Hawaiian Pineapple Company, Ltd. (HAPCo). HAPCo's production was quickly outgrowing its Oahu holdings, and after Dole had seen the success of a small experimental pineapple crop cultivated on Lāna'i, he had envisioned a plan for the island which included fields for pineapple cultivation, a small town for the plantation workers, and infrastructure and harbor improvements to assist in the island's pineapple production (HABS No. HI-559, 2014). Lāna'i City became the first planned community in the Territory of Hawai'i. Construction began in 1923 on a small town intended to house the HAPCo's workers during Lāna'i's pineapple industry days. Today, it is the last intact plantation town in Maui County and the last intact example of Garden City planning and Hawai'i Sugar Planters Association Village planning standards in Maui County, and one (1) of the last in the State of Hawai'i (HABS No. HI-559, 2014). In addition to the HABS documentation, oral histories with former residents of the homes were gathered in order to gain insight into the conditions of the homes during their occupation, as well as the significance to the community the homes have. The oral histories are provided in Appendix D of the Final EA.

Potential Impacts and Mitigation Measures. The island of Lāna'i has been able to withstand the pressures of major development and maintain its small-town rural character. Many of the Lāna'i City homes are original structures from the original development. The three (3) homes that once existed at the subject property were unmaintained and, as such, fell into such a state of disrepair that they have been deemed uninhabitable and were demolished in August 2014. The proposed action seeks to reconstruct the homes in a similar design that would be in keeping with the architectural standards of Lāna'i City. In this regard, there will be no adverse impacts to Lāna'i City's cultural resources as a result of the proposed action.

7. NOISE AND AIR QUALITY

Existing Conditions. The project site does not experience adverse noise or air quality conditions. Noise and airborne pollutants that do exist can largely be attributed to noise and exhaust from occasional construction activities or vehicle traffic in the area.

Potential Impacts and Mitigation Measures. Air quality impacts associated with the project include dust generated by short-term construction related activities. Site work, such as grading and grubbing as well as excavation and fill, are associated with the generation of airborne particulates. However, since the property was previously developed, the site work will be minimal. BMPs, such as regular watering and sprinkling, will be implemented to minimize fugitive dust, as required. In the long term, there will be no significant impacts to air quality associated with the proposed project. As with air quality, ambient noise conditions will be impacted by construction activities. Noise from construction activities will be attributable to the vertical construction of the three (3) homes and carports. To aid in the mitigation of noise impacts, construction activities will be conducted only during daylight hours. In addition, the use of sound attenuating equipment and proper vehicle and equipment maintenance can be utilized to minimize impacts to ambient noise levels during construction. In general, the project will not generate adverse long-term noise and air quality conditions.

8. VISUAL RESOURCES

Existing Conditions. The project area is part of the plantation era architectural character which provides a scenic view and ambience. Lāna'i City is located approximately 1,575 feet in elevation and stands in the shadow of Lāna'i Hale, Lāna'i's highest mountain. Cook

Island pines that line the streets give the city a park-like appearance. The houses within the vicinity of the project site maintain a plantation-style architecture with corrugated iron roofs and neatly trimmed landscaping using native plants and multi-colored flowers.

Potential Impacts and Mitigation Measures. The homes will be reconstructed using their original design to maintain their consistency and compatibility with existing surrounding land uses. In addition, the proposed reconstruction is in keeping with the aesthetic and visual character of the district and is anticipated to have a positive impact upon the visual character of the surrounding area.

9. BEACH AND MOUNTAIN ACCESS CONSIDERATIONS

Existing Conditions. The project area is located within Lānaʻi City and is not within close proximity to any beaches or mountains. The Munro Trail can be accessed near Lānaʻi City, via Keōmuku Highway. This trail traces Lānaʻi's highest ridgeline to Lānaʻi Hale, the island's 3,370-foot peak. All beaches in Lānaʻi can be accessed via roads connecting to Lānaʻi City.

Potential Impacts and Mitigation Measures. The proposed action is not anticipated to adversely affect traditional mountain or beach access.

10. CHEMICAL AND FERTILIZER USE

Existing Conditions. Landscaping on the project site is typical of the tropical plants found within Lānaʻi City. Plants include ginger and ti plants and grass lawn.

Potential Impacts and Mitigation Measures. The use of landscaping herbicides will be generally limited to maintain the existing landscaping of the property in their application. Pesticides are expected to be used only as a treatment and not as a preventative measure.

SOCIO-ECONOMIC ENVIRONMENT

1. Population

Existing Conditions. The resident population of Lānaʻi has grown steadily within the past 20 years. This gain is evident during the period from 1990 to 1995 as the island's emerging visitor industry attracted new employees for its resort operations. In 1990, the resident population of Lānaʻi was at 2,426. In 2000, the population was 3,193, an increase of 31.6 percent (Maui County Data Book, 2014). The global financial crisis and resulting slowdown in the economy had a detrimental effect on population growth in the State. This is evidenced by Lānaʻi's population in 2010 of 3,135. The projected 2020 population for Lānaʻi is expected to increase to 4,308 (SMS, 2006).

Potential Impacts and Mitigation Measures. The proposed Change in Zoning and Community Plan Amendment is not anticipated to have an adverse nor significant impact upon the population.

2. Economy

Existing Conditions. With its shift to a visitor industry-based economy, the island of Lānaʻi has emerged as one of the foremost luxury golf resort destination areas in the world. In addition to the resorts, local businesses and visitor-oriented service providers contribute to

the success of the island's economy.

The Hawai'i jobless rate (seasonally unadjusted) in September 2015 was 3.6 percent statewide and 2.8 percent on Lāna'i compared to 4.3 percent statewide and 2.6 percent on Lāna'i in September 2014 (State Department of Labor and Industrial Relations, 2015).

Potential Impacts and Mitigation Measures. On a short-term basis, the project will support construction and construction-related employment. Accordingly, the project will have limited beneficial impact on the local economy during the period of construction. In the long term, the proposed change in zoning and community plan amendment will provide both direct and indirect economic benefits to the island's economy.

3. Housing

Existing Conditions. The project site is located within Lāna'i City, the island's main residential community. While the community is small, population projections predict an increase in the island's total population over the coming decades. Prior to August 2014, the project site contained three (3) single-family homes that were part of the original Lāna'i City development. Since their original development, the homes fell into a state of disrepair that left them uninhabitable, effectively causing these homes to be taken out of the available housing unit total for the island. As such, the homes were demolished in August 2014.

Potential Impacts and Mitigation Measures. The proposed action will enable the homes to be reconstructed and put into the number of available rental housing units for the island. Nonetheless, the proposed action will have a beneficial impact on Lāna'i's housing market.

PUBLIC SERVICES

1. Solid Waste Disposal

Existing Conditions. Single-family solid waste disposal on Lāna'i is provided by the Maui County Department of Environmental Management (DEM) on a weekly basis, while commercial disposal service is provided by a private disposal service. Opened in 1974, approximately 17 acres of the Lāna'i landfill's 35.67-acre site is currently utilized as a landfill.

Situated near Lāna'i City, the existing landfill has approximately 7 to 8 years of remaining capacity. In addition, programs for recycling diverted waste, such as glass, tires, cardboard, green waste, scrap metal, used oil, newspapers, and aluminum, have been undertaken by individuals, school students, the 4-H Club, and the Applicant.

Potential Impacts and Mitigation Measures. As applicable, a solid waste management plan will be formulated to address the disposal of construction generated waste. In the long term, the proposed action is not anticipated to adversely impact capacity of the existing landfill.

2. Police and Fire Protection

Existing Conditions. Police services for island residents are provided by the Maui Police Department (MPD). The current Lāna'i Police Station is situated in Lāna'i City. Fire prevention, protection, and suppression services for the island of Lāna'i are provided by the Maui County Department of Fire and Public Safety (DFPS). Located in Lāna'i City, the Lāna'i Fire Station is staffed by fire fighters on alternating work shifts and is equipped with two (2) vehicles with a storage capacity of 700 gallons per vehicle.

Potential Impacts and Mitigation Measures. Police and fire protection services are not expected to be adversely impacted by the proposed action nor will their existing service area limits be extended.

3. Medical Services

Existing Conditions. The Lānaʻi Community Hospital is the only major medical facility on the island. The 14-bed facility provides acute and long-term medical care, as well as 24-hour emergency medical service. Also in Lānaʻi City are the Lānaʻi Community Health Center and Straub Clinic which provide out-patient medical care for the island's residents.

Potential Impacts and Mitigation Measures. Medical services are not expected to be adversely impacted by the proposed action. The proposed action will not extend existing service area limits.

4. Recreational Facilities

Existing Conditions. Public parks and recreational facilities are administered and maintained by the Maui County Department of Parks and Recreation (DPR). DPR parks and facilities in Lānaʻi City include: the Lānaʻi Community Center, the Lānaʻi Gym and Tennis Courts, and the Lānaʻi Little League Field, Fraser Avenue Park and Kaumālapaʻu Highway/Fraser Avenue Park. There are also a number of privately owned and maintained recreational facilities that are available for public use. Situated in Lānaʻi City, Dole Park is a privately owned park utilized by the public. Additional privately owned parks utilized by the public include Olopua Woods Park, Waialua Park, and Hulopoe Beach Park. Olopua Woods Park and Waialua Park are located in Lānaʻi City, while Hulopoe Beach Park is situated near Mānele Small Boat Harbor in the Mānele Project District. Other beaches on Lānaʻi include: Kaiolohia (Shipwreck Beach), Lopa Beach, Polihua Beach, and Sharks Bay. The Lānaʻi Recreation Center is a privately owned and maintained recreational complex which is utilized by the public. The Center encompasses a heated swimming pool, basketball court, exercise track, fitness course, softball fields, football field, recreational building, and playground. Other privately operated recreational facilities on Lānaʻi include two (2) 18-hole championship golf courses and a 9-hole golf course. The Experience at Kōʻele (currently closed) and the Challenge at Mānele adjoin The Lodge at Kōʻele and the Mānele Bay Resorts, respectively. In addition to guests, these privately operated facilities are also available for use by the public. The 9-hole Cavendish Golf Course is a privately operated facility in Lānaʻi City which provides recreational opportunities for Lānaʻi residents at no cost.

Potential Impacts and Mitigation Measures. The proposed action is not expected to generate a need for additional recreational facilities. There are no anticipated adverse impacts to existing recreational facilities and resources.

5. Educational Resources

Existing Conditions. The island of Lānaʻi is served by the State Department of Education's (DOE's) public school system. Located in Lānaʻi City, Lānaʻi High and Elementary School (LHES) provides elementary and secondary educational facilities and services for children from kindergarten through the twelfth grade. LHES is the largest of six (6) kindergarten through grade 12 public schools in the DOE system. It is the only school that serves

educational needs on the island of Lānaʻi. Since 2009, total school student enrollment has remained steady.

Potential Impacts and Mitigation Measures. The proposed action may result in three (3) additional families residing in Lānaʻi City. Regardless of this potential increase, the proposed action is not anticipated to place added demands on educational facilities or services on Lānaʻi.

INFRASTRUCTURE

1. Roadways

Existing Conditions. Vehicular access to the property is off of Kōʻele Street, a two-lane, two-way County road with a north-south orientation serving the commercial and residential areas of Lānaʻi City. Access is also provided off of Lānaʻi Avenue. Traffic circulation within the Lānaʻi City is provided by a system of connecting streets.

A traffic assessment was prepared for the proposed project in December 2014. On completion, the proposed project is expected to generate approximately three (3) trips during the AM and PM peak hours of traffic. See Appendix A within Appendix E of the Final EA.

Potential Impacts and Mitigation Measures. The proposed action is not anticipated to adversely affect traffic operating conditions in Lānaʻi City. The traffic assessment determined that the number of trips generated by the proposed project is insignificant, and as such, no traffic mitigation measures were recommended. Refer to Appendix A within Appendix E of the Final EA.

2. Water

Existing Conditions. The subject property is serviced by an 8-inch water main in Kōʻele Street. Refer to Appendix E of the Final EA.

Potential Impacts and Mitigation Measures. The water use related to the proposed single-family homes and the impacts to source and transmission capabilities are not deemed significant as the homes will be replacing previously existing structures. The homes will be serviced by existing laterals and meters. Refer to Appendix E of the Final EA.

3. Wastewater

Existing Conditions. Wastewater is treated at the County of Maui's Lānaʻi Wastewater Treatment Facility (WWTF) located in Lānaʻi City. The WWTF has a design capacity of 0.5 MGD. The Lānaʻi sewage system is a gravity flow system serving Lānaʻi City. The WWTF and treatment ponds are located southwest of Lānaʻi City and provide secondary (R-1) treatment of incoming flows. The subject property is serviced by 8-inch sewer mains in Kōʻele Street and Lānaʻi Avenue.

Potential Impacts and Mitigation Measures. The existing sewage collection system and property sewer laterals will accommodate the wastewater from the project. The wastewater requirements of the project are not expected to have an adverse effect on existing wastewater facilities or capacities as the homes will replace previous structures. Sewer

service cleanouts for each home on the property will be provided and designed to County of Maui standards.

4. Drainage

Existing Conditions. The subject property was previously developed with three (3) single-family homes constructed as part of the original Lāna'i City development. There is an existing 18-inch storm drain line in Kō'ele Street. There are no existing storm water inlets or catch basins to collect runoff off Kō'ele Street in the vicinity of the project site. Runoff onsite sheet flows from Lāna'i Avenue towards Kō'ele Street beneath and around the raised houses onto Kō'ele Street and the adjacent properties downstream. There are no drain collection structures on the project site.

Potential Impacts and Mitigation Measures. No further grading work is proposed as part of the proposed action. The property will be maintained "as is" with the existing drainage improvements. Should additional drainage improvements be required during the building permit review for the replacement homes and carports by the Department of Public Works (DPW), the improvements will be designed and approved at that time.

5. Electrical, Telephone and Cable

Existing Conditions. Electrical, telephone, and cable services on Lāna'i are provided by Maui Electric Company, Hawaiian Telcom, Inc., and Oceanic Time Warner Cable, respectively. The electrical, telephone, and cable transmission lines for the property are located along the roadway rights-of-way.

Potential Impacts and Mitigation Measures. The proposed action is not expected to adversely impact or disrupt services being provided by these utilities.

OTHER GOVERNMENT APPROVALS

The applicant has or will be filing for the following governmental permits, including but not limited to:

1. State of Hawai'i
 - A. Department of Health Community Noise Permit, as applicable.
 - B. Department of Transportation Permit to Operate Oversized and Overweight Vehicles on State Highways, as applicable.
2. County of Maui
 - A. Change in Zoning
 - B. Community Plan Amendment
 - C. Work to Perform in County Right-of-Way Permit, as applicable.
 - D. Construction Permits (Building, Grading, Driveway)

TESTIMONY

As of April 13, 2016, and as a result of the notice of the public hearing for these CPA and CIZ applications, no further testimony is on-file with the Department, other than that found in the Final EA accepted on January 20, 2016.

ALTERNATIVES

Community Plan Amendment

1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. Recommendation of Approval to the County Council. The Commission is not the final approving authority on the Community Plan Amendment and, therefore, can only make a recommendation to the County Council to approve or deny the Community Plan Amendment. The County Council is the authority to act on the Community Plan Amendment.
3. Recommendation of Denial to the County Council. The Commission is not the final approving authority on the Community Plan Amendment and, therefore, can only make a recommendation to the County Council to approve or deny the Community Plan Amendment. The County Council is the authority to act on the Community Plan Amendment.

Change in Zoning

1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. Recommendation of Approval to the County Council. The Commission is not the final approving authority on the Change in Zoning and, therefore, can only make a recommendation to the County Council to approve or deny the Change in Zoning. The County Council is the authority to act on the Change in Zoning.
3. Recommendation of Denial to the County Council. The Commission is not the final approving authority on the Change in Zoning and, therefore, can only make a recommendation to the County Council to approve or deny the Change in Zoning. The County Council is the authority to act on the Change in Zoning.

APPROVED

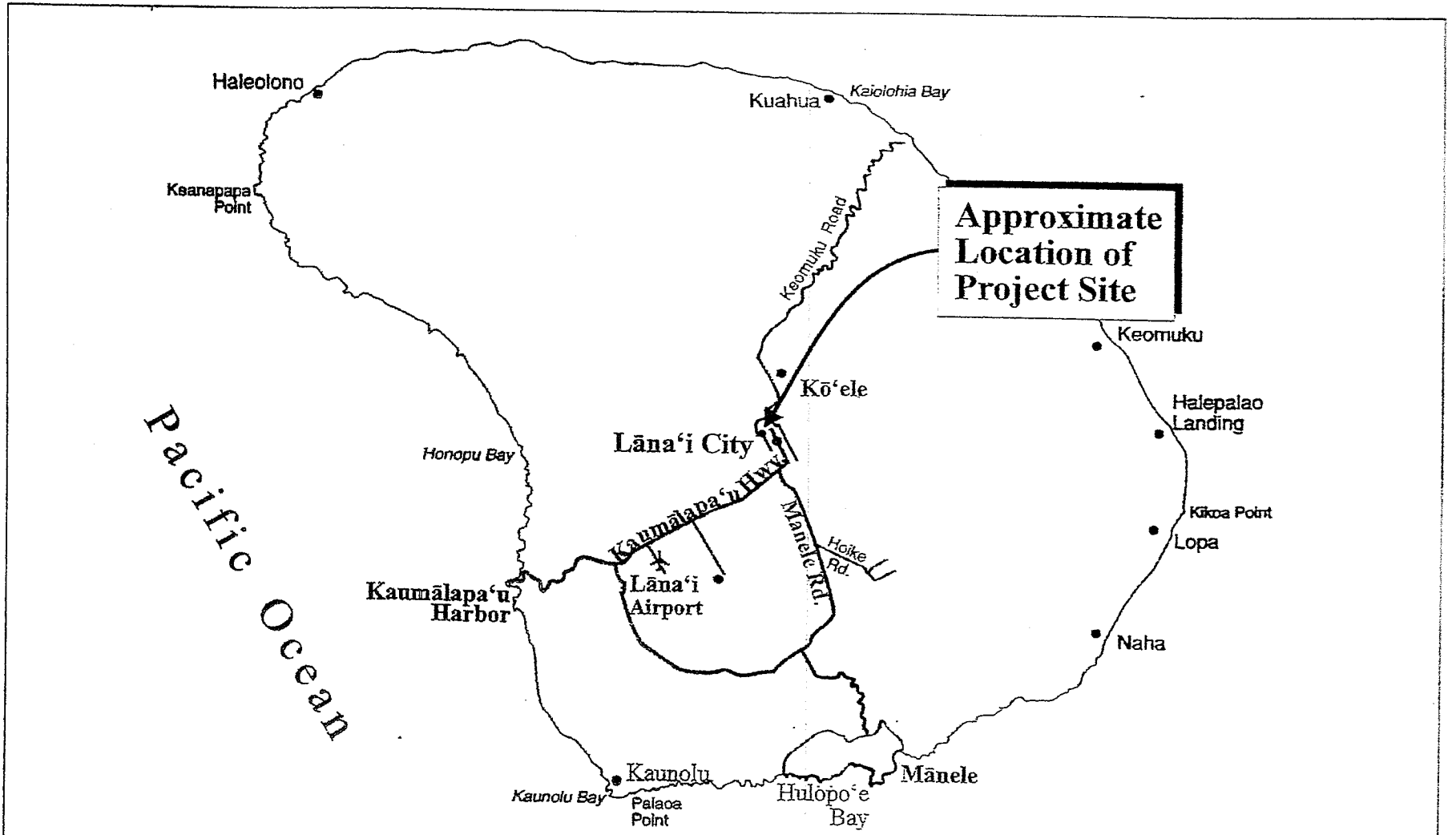


WILLIAM SPENCE
Director of Planning

EXHIBITS

EXHIBITS

1. Regional Location Map
2. Property Location Map
3. Site Photographs
4. Proposed Site Plan
5. Comment Letter From Department of Environmental Management
- 5a. Response Letter To Department of Environmental Management
6. Comment Letter From Department of Fire and Public Safety
- 6a. Response Letter To Department of Fire and Public Safety
7. Comment Letter From Department of Housing and Human Concerns
- 7a. Response Letter To Department of Housing and Human Concerns
8. Comment Letter From Department of Parks and Recreation
- 8a. Response Letter To Department of Parks and Recreation
9. Comment Letter From Police Department
- 9a. Response Letter To Police Department
10. Comment Letter From Department of Public Works
- 10a. Response Letter To Department of Public Works
11. Comment Letter From County Department of Transportation
- 11a. Response Letter To County Department of Transportation
12. Comment Letter From Department of Water Supply
- 12a. Response Letter To Department of Water Supply
13. Comment Letter From Lanai Planning Commission
- 13a. Response Letter To Lanai Planning Commission
14. Comment Letter From Department of Health
- 14a. Response Letter To Department of Health
15. Comment Letter From Department of Health, Clean Water Branch
- 15a. Response Letter To Department of Health, Clean Water Branch
16. Comment Letter From Department of Health, Maui Office
- 16a. Response Letter To Department of Health, Maui Office
17. Comment Letter From Department of Land and Natural Resources
- 17a. Response Letter To Department of Land and Natural Resources
18. Comment Letter From State Historic Preservation Division, Maui Office
- 18a. Response Letter To State Historic Preservation Division, Maui Office
19. Comment Letter From State Department of Transportation
- 19a. Response Letter To State Department of Transportation
20. Comment Letter From Office of Environmental Quality Control
- 20a. Response Letter To Office of Environmental Quality Control
21. Comment Letter From Office of Planning
- 21a. Response Letter To Office of Planning
22. State Land Use Classifications
23. Community Plan Designation
24. Soil Classification Map

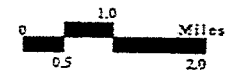


Source: Belt Collins Hawaii

Figure 1

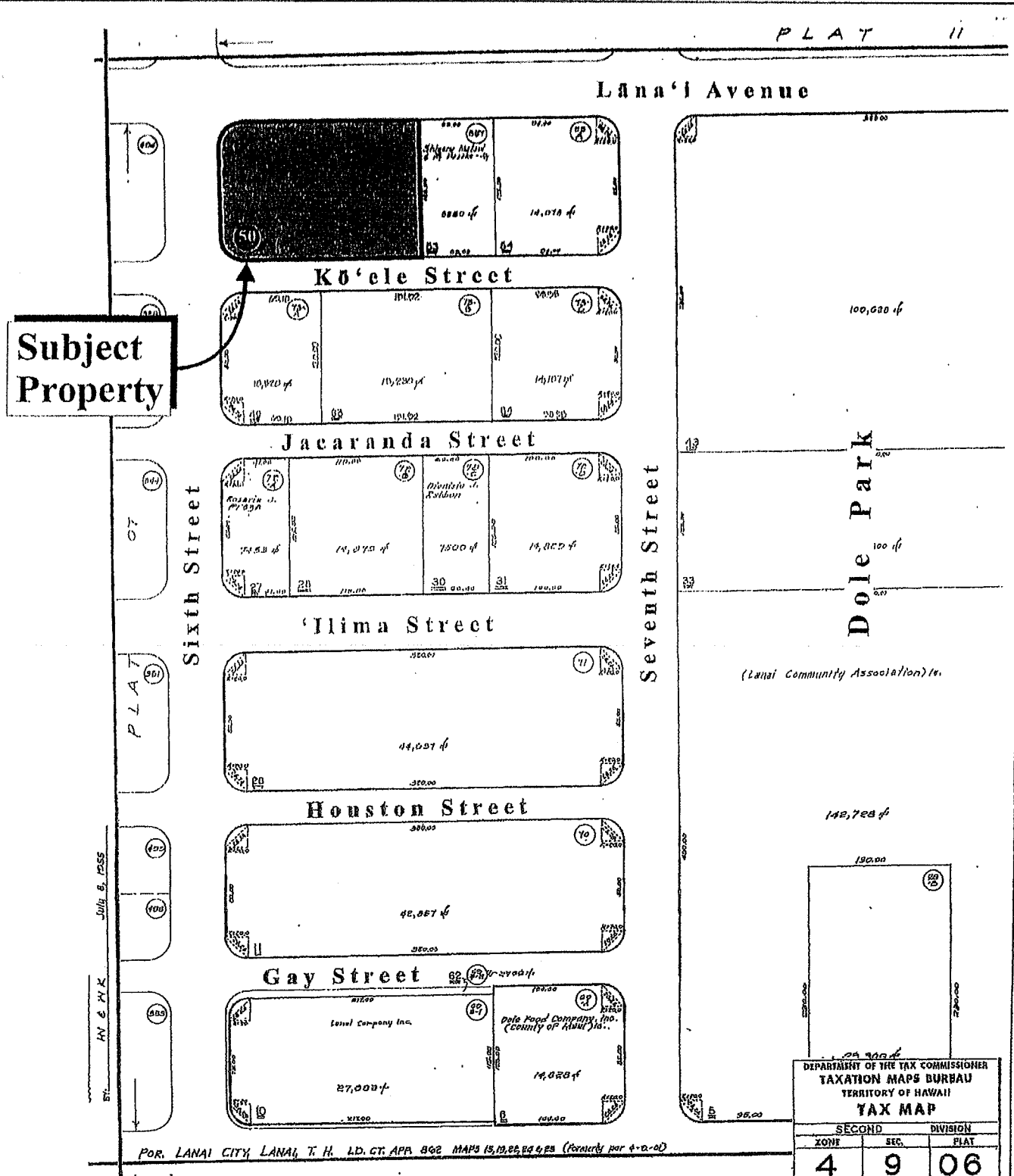


Lānaʻi Avenue Residential Homes Regional Location Map



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





Source: Maui County Real Property Tax Division

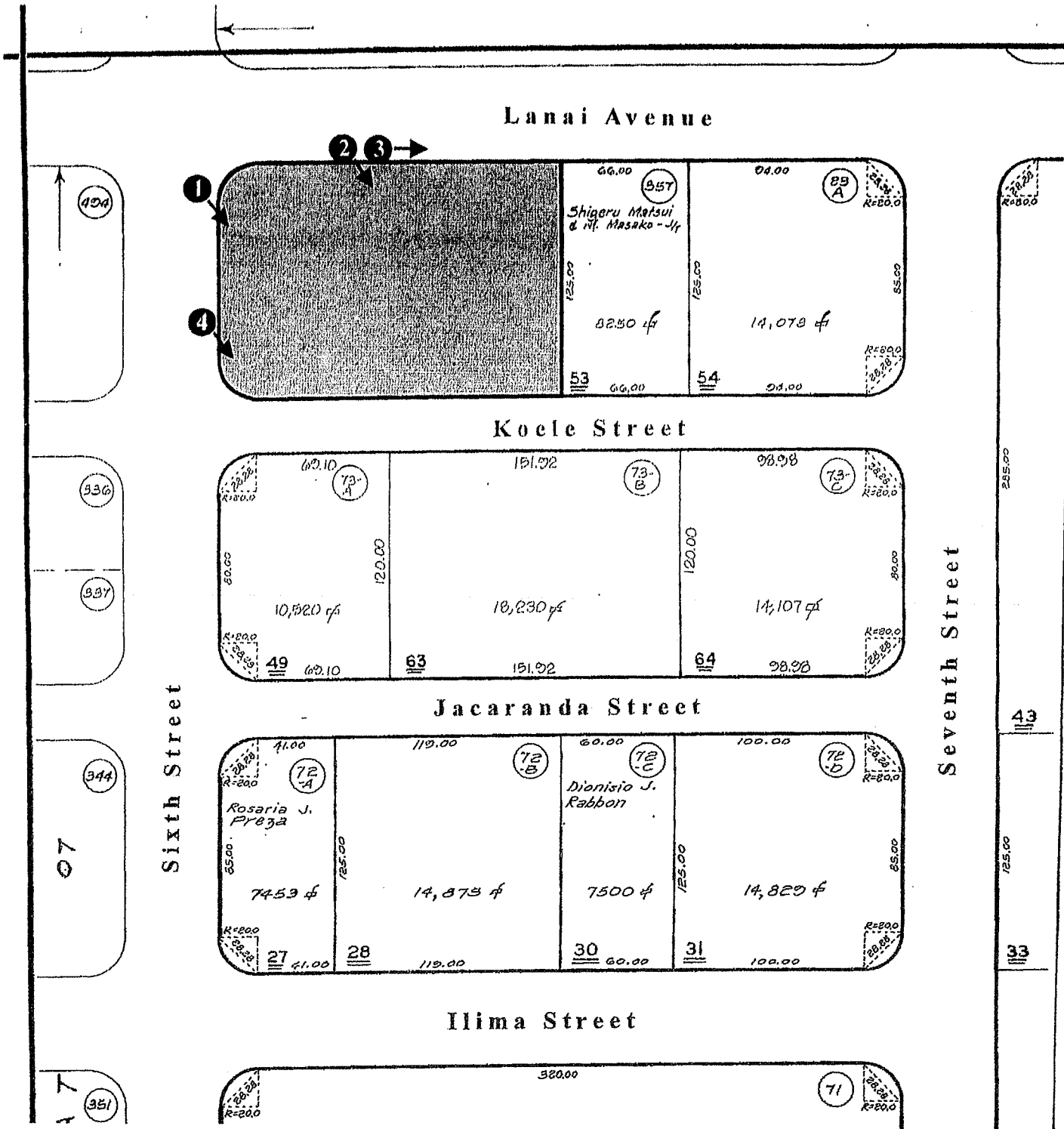
Figure 2 Lāna'i Avenue Residential Homes Property Location Map NOT TO SCALE



Prepared for: Lanai Resorts, LLC, a Hawaii Limited Liability Company doing business as Pūlama Lāna'i



Pūlama Lanai (Lāna'i Avenue Houses 174) Property Location Map



Source: Maui County Real Property Tax Division

Lanai Avenue Residential Homes

Photo Reference Map

NOT TO SCALE

EXHIBIT 3



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



Photo No. 1: View looking south from Lanai Avenue and Sixth Street intersection into property



Photo No. 2: View looking south from Lanai Avenue into property

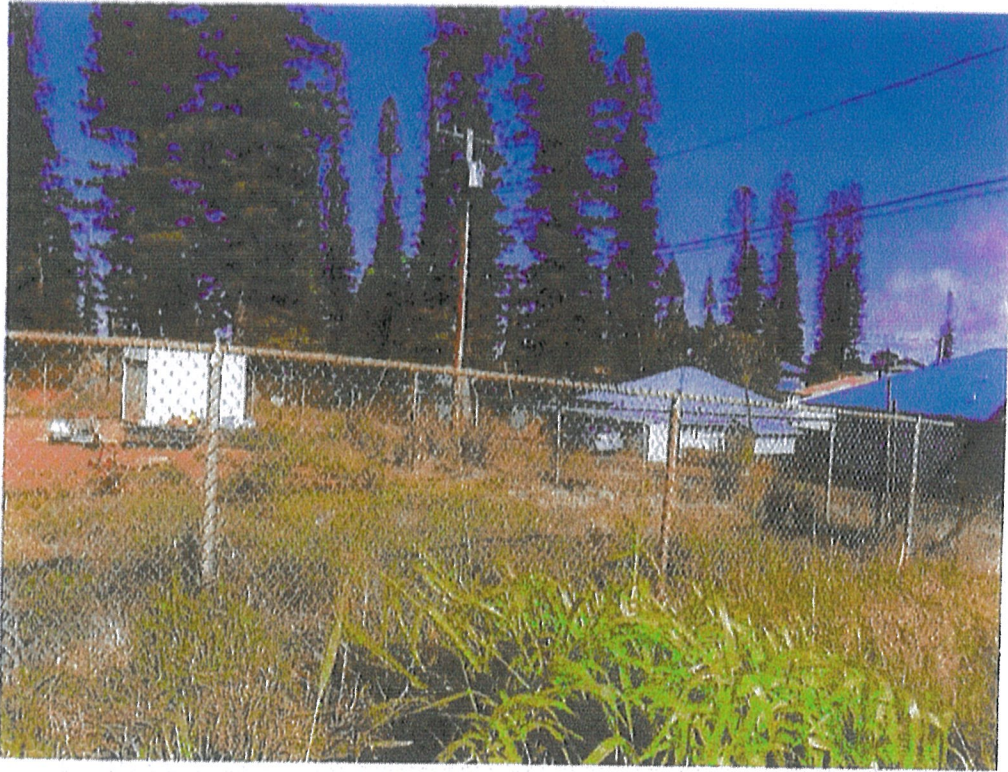
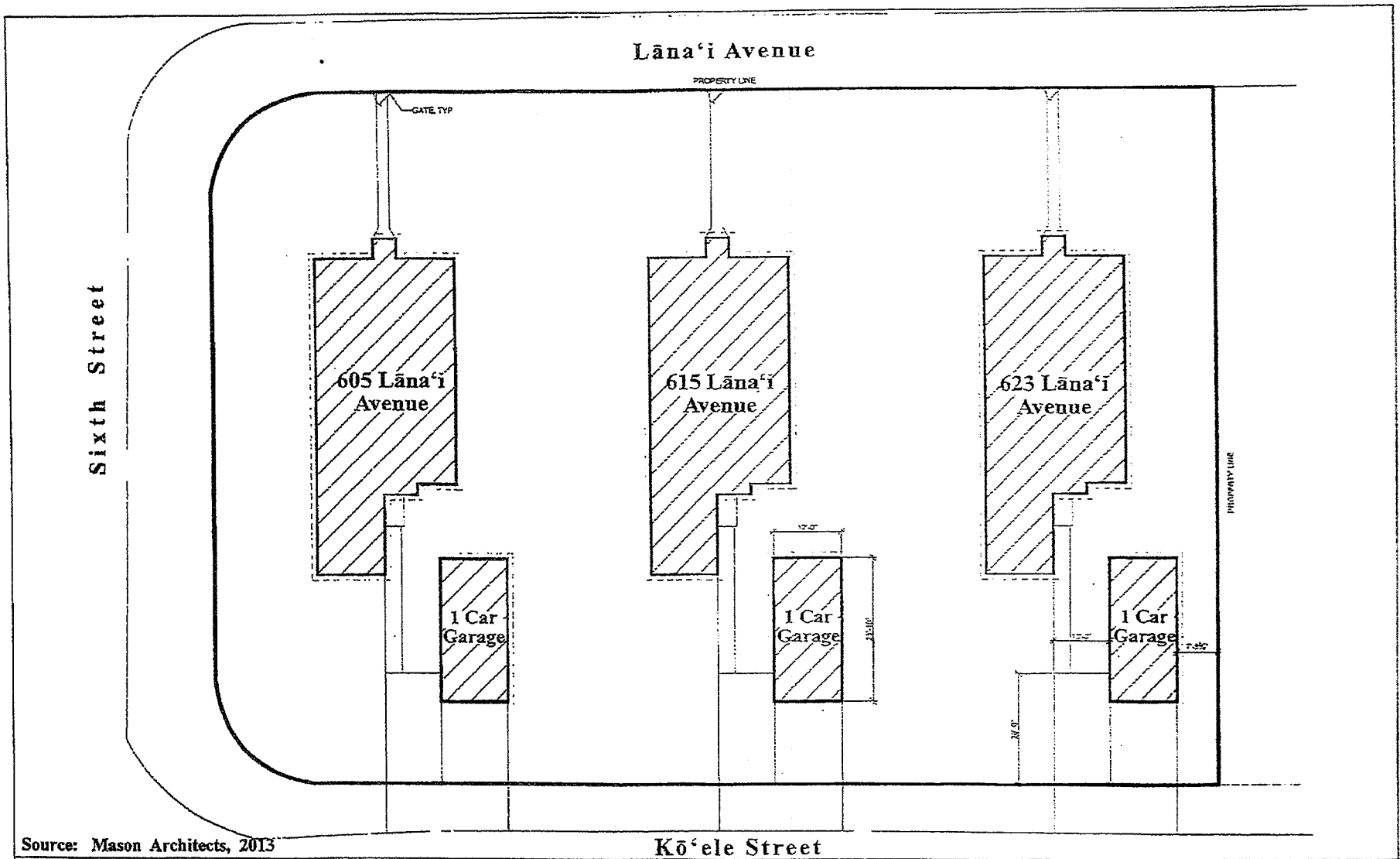


Photo No. 3: View looking south from Sixth Street into property



Photo No. 4: View along Lanai Avenue looking at eastern boundary at property

EXHIBIT
A



Source: Mason Architects, 2013

Figure 4

Lāna'i Avenue Residential Homes Proposed Site Plan

NOT TO SCALE

Prepared for: Lanai Resorts, LLC, a Hawaii Limited Liability
Company doing business as Pūlama Lāna'i

 MUNEKIYO HIRAGA

Pūlama Lanai/Lanai Avenue Homes 1741/Proposed Site Plan

AGENCY TRANSMITTAL RESPONSE e-FORM
FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI
10/23/2015


AGENCY NAME	Department of Environmental Mgmt.	PHONE	270-8230
PROJECT: APPLICANT: PERMIT NO: TMK: STREET ADDRESS: PROJECT DESCRIPTION: SECURITY CODE:	Lanai Avenue Residential Homes Lanai Resorts, LLC (DBA Pulama Lanai) CPA 2015/0005, CIZ 2015/0006, EA 2015/0006 (2) 4-9-006:050 605, 615, AND 623 Lanai Avenue, Lanai City, Lanai, Hawaii Reconstruction of three (3) single-family homes and three (3) detached carports.		
<input checked="" type="checkbox"/> COMMENTS/RECOMMENDATIONS <input type="checkbox"/> NO COMMENTS			
WASTEWATER RECLAMATION DIVISION COMMENTS			
<p>a. The Engineering Study indicates that there are three (3) existing single service sewer laterals, which previously served the three (3) demolished dwellings, for the subject property. If all three (3) sewer laterals will be utilized for the proposed replacement dwellings, a property sewer service cleanout shall be installed on each of the laterals at the owner's expense, prior to connection to the County's sewer system. The cleanouts shall be located 2 feet inside property line. Any unused lateral will need to be cut and plugged at the sewer main, and plans will need to be submitted to our division for review and approval prior to the start of construction. Contact the WWRD Inspector at phone number 270-7417 a minimum of five (5) working days prior to installation of the cleanout(s).</p>			
<input checked="" type="checkbox"/> COMMENTS/RECOMMENDATIONS <input type="checkbox"/> NO COMMENTS			
SOLID WASTE DIVISION COMMENTS			
Estimate quantities of construction waste to be disposed at the Lanai Landfill.			
Signed:			
Print Name:	Kyle Ginoza, Director	Date	10/23/15

EXHIBIT 5



January 26, 2016

Stewart Stant, Director
Department of Environmental Management
County of Maui
2050 Main Street, Suite 1C
Wailuku, Hawai'i 96793

SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City,
Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Mr. Stant:

Thank you for your letter dated October 23, 2015 providing comments on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we offer the following information in response to the comments in your letter.

1. Wastewater Reclamation Division:

A property sewer service cleanout will be installed on each of the property's sewer service laterals prior to connection to the County of Maui's sewer system as part of project implementation. Furthermore, the cleanouts will be located approximately two (2) feet inside of the property line as per County standard. The Wastewater Reclamation Division inspector will be contacted at least five (5) working days prior to installation.

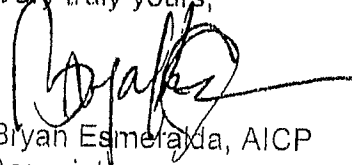
2. Solid Waste Division:

A solid waste management plan will be formulated as applicable to address the proper disposal of construction-generated waste as a result of project implementation. At this time, quantities of waste to be disposed of are unknown.

Stewart Stant, Director
January 26, 2016
Page 2

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, feel free to contact me at 244-2015.

Very truly yours,



Bryan Esmeralda, AICP
Associate

BE:tn

Cc: Kurt Wollenhaupt, Department of Planning
Gordon Ring, R.M. Towill
Lynn McCrory, Pūlama Lānaʻi

K:\DATA\Pūlama Lānaʻi\anal\Avonue Houses 174\ICPA CIZ EA Response\DEM Response.doc

October 9, 2015

**Kurt Wollenhaupt
Department of Planning
Wailuku, HI 96793**

**Re: Lanai Avenue Residential Homes - Reconstruction
Lanai City, Lanai, Hawaii
CPA 2015/0005, CIZ 2015/0006, EA 2015/0006
(2) 4-9-006: 050**

Dear Kurt:

Thank you for the opportunity to comment on this subject. At this time, our office provides the following comments:

- Our office has no objection to the proposed change in zoning necessary to continue the existing use of these homes.
- Our office does reserve the right to comment on the proposed project during the building permit review process when fire department access, water supply for fire protection, and fire and life safety requirements will be addressed.

If there are any questions or comments, please feel free to contact me at (808) 876-4693.

Sincerely,

Paul Haake
Captain - Fire Prevention Bureau
Dept. of Fire & Public Safety
County of Maui

313 Manea Place Wailuku, HI 96793
876-4690 office
876-4693 direct line
244-1363 fax



MUNEKIYO HIRAGA

Planning, Project Management, Sustainable Solutions

Michael T. Munekiyo
PRESIDENT

Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT

Mark Alexander Roy
VICE PRESIDENT

Tossa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

Paul Haake, Captain
Fire Prevention Bureau
Department of Fire and Public Safety
County of Maui
313 Manea Place
Wailuku, Hawai'i 96793

SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Captain Haake:

Thank you for your letter dated October 9, 2015 providing comments on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we offer the following information in response to the comments in your letter.

- We acknowledge that your office has no objection to the proposed Change in Zoning (CIZ) necessary to continue the existing use of these homes. We note that in addition to a CIZ, the Applicant is also requesting a Community Plan Amendment (CPA) for the subject property from "Business/Commercial" to "Single-Family Residential".
- We understand that your office reserves the right to comment on the proposed project during the building permit review process. We would like to note that demolition permits have already been issued by the Development Services Administration (DSA) of the Department of Public Works for the existing houses. The houses were demolished in August 2014. Furthermore, building permits have already been submitted for processing by the DSA for the reconstruction of the replacement houses and carports. Approval of these building permits are contingent on completion of the CIZ and CPA processes.

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729

Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233

www.munekiyoHIRAGA.com

EXHIBIT 6A

Paul Haake, Captain
January 26, 2016
Page 2

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, feel free to contact me at 244-2015.

Very truly yours,

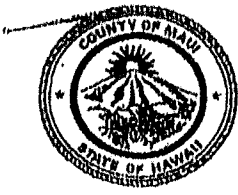


Bryan Esmeralda, AICP
Associate

BE:tn

cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lāna'i

K:\DATA\Pūlama Lāna'i\mal Avouzo House\174\ICPA CIZ EA Response\MFD response.doc



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

ALAN M. ARAKAWA
Mayor

CAROL K. REIMANN
Director

JAN SHISHIDO
Deputy Director

200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX 270-7185 • EMAIL director.hhc@mauicounty.gov

Date: October 14, 2015
To: Kurt Wollenhaupt, Staff Planner
From: Buddy A. Almeida, Housing Administrator
Subject: **Preliminary Planning Review**
Residential Workforce Housing Policy; Ord 3418
Chapter 2.96, MCC; effective 12/5/2006

RECEIVED
OCT 20 2015
DEPT. OF PLANNING - CURRENT
COUNTY OF MAUI

Project Name: **LANAI AVENUE RESIDENTIAL HOMES**
Applicant: **LANAI RESORTS, LLC (DBA PULAMA LANAI)**
Subject I.D.: **CPA 2015/0005, CIZ20150006, EA2015/0006**
TMK: **(2) 4-9-006:050**
Street Address: 605, 615 and 623 Lanai Avenue, Lanai City, Hawaii
Determination:

Not-Applicable
Does not meet applicability as set forth in 2.96.030(A), MCC.

Applicable

No Exemptions

Exemptions: (2.96.030)

- B.1. An executed affordable housing agreement, currently in effect and approved prior to the effective date of chapter.
- B.2. A development subject to a change in zoning condition that requires affordable or residential workforce housing.
- B.3. A subdivision granted preliminary subdivision approval prior to the effective date of this chapter. (12/5/2006)
- B.4. A building permit application submitted prior to the effective date of this chapter.
- B.5. A family subdivision, for immediate family members, as described in sections 18.20.280(B)(1) and (B)(2) of this code.
- B.6. A development by a government entity, 201H, community land trust, or an affordable housing project with more than the residential workforce housing units, in-lieu fees, or in-lieu land required by section 2.96.040, as approved by the director.

Additional Comments:


See comments below

See Attachment(s)

We have NO comment

[Empty rectangular box for additional comments]

Reviewed By:


Buddy A. Almeida, Housing Administrator

Date

10/15/15

January 26, 2016

Carol Reimann, Director
Department of Housing and Human Concerns
County of Maui
2200 Main Street, Suite 546
Wailuku, Hawai'i 96793

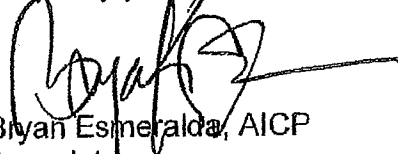
SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Ms. Reimann:

Thank you for your letter dated October 14, 2015 on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we acknowledge that the Department of Housing and Human Concerns has no comment to offer as the project does not meet applicability for the Workforce Housing Policy under Maui County Code, Chapter 2.96.030(A).

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, feel free to contact me at 244-2015.

Very truly yours,


Bryan Esmeralda, AICP
Associate

BE:tn

Cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lāna'i

K:\DATA\Pūlama Lanai\Lanai Avenue Houses 1741\CPA CIZ EA Responses\DHHC Response.doc

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyoHIRAGA.com

EXHIBIT 7A

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

*Please Review
& Draft Comments*



NOV 17 2015

RECEIVED

2015 OCT -8 PM 2:57

COUNTY OF MAUI

DEPARTMENT OF PLANNING

September 14, 2015

TRANSMITTAL

STATE AGENCIES	
X	Dept of AG, Honolulu
X	Dept of Hawaiian Homelands
X	Dept of Health, Honolulu
X	Dept of Health, Maui (2)
X	DLNR-Land, Maui
X	DLNR-Planning (5)
X	DLNR-SHPD, Oahu (Architectural Only)
X	DLNR-SHPD, Maui
X	DOE, Admin
X	DOT, Maui
X	DOT, Statewide Planning Office (4)
X	OEQC
X	Office of Hawaiian Affairs
X	Office of Planning
OTHER	
X	Maui Electric Company

COUNTY AGENCIES	
X	Dept of Environmental Management (2)
X	Dept of Finance - Real Property Division
X	Dept of Housing & Human Concerns
X	Dept of Parks & Recreation
X	Dept Public Works (1 CD, 2 Hard Copies)
X	Dept of Transportation
X	Dept of Water Supply
X	Fire & Public Safety
X	Police Department

15 NOV 16 4 8 54
DEPT OF PLANNING
CURRENT DIV - RECEIVED

PROJECT:	LANAI AVENUE RESIDENTIAL HOMES
APPLICANT:	LANAI RESORTS, LLC (DBA PULAMA LANAI)
STREET ADDRESS:	605, 615, AND 623 LANAI AVENUE, LANAI CITY, LANAI, HAWAII
PROJECT DESCRIPTION:	Reconstruction of three (3) single-family homes and three (3) detached carports.
TMK:	(2) 4-9-006:050
PERMIT NO.:	CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

TRANSMITTED TO YOU ARE THE FOLLOWING:

Application(s)

THESE ARE TRANSMITTED AS CHECKED BELOW:

For your Comment and Recommendation

Please separate your comments into 1) a list of those you would like the Department of Planning to propose as conditions of project approval, and 2) those you may just wish to have us notify the applicant and/or a hearing body about. The Department will only recommend conditions that meet various criteria of the required permit. Please also provide any previous comments, letters, etc. pertinent to this application. Submit your comments directly to me by November 9, 2015. Boxes for Recommended Conditions and General Comments are also provided to assist you. **If you have no comment, please sign the "No Comment" box and fax to (808) 270-1775.** Thank you for your time and assistance. For additional clarification, please contact me via email at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789.

Sincerely,

Kurt Wollenhaupt
KURT WOLLENHAUPT, Staff Planner

EXHIBIT 8

AGENCY NAME	Parks and Recreation	PHONE	270-7230
--------------------	----------------------	--------------	----------

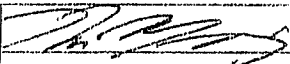
Agency Transmittal – Lanai Avenue Residential Homes (CPA 2015/0005, CIZ 2015/0006, EA 2015/0006)
September 14, 2015
Page 2

Attachments:

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Staff Planner
Project File
General File

KFW:xx

K:\WP_DOCS\PLANNING\Cpa\2015\0005_LanaiAvenue\ProjectBackground\AgencyTransmittal_LanaiAvenueHomes.doc

NO COMMENT			
Signed:		Dated:	
Print Name:	Ka'ala Buenconsejo	Title:	Director

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	

GENERAL COMMENTS BOX			
Signed:		Dated:	
Print Name:		Title:	



MUNEKIYO HIRAGA

Planning, Project Management, Sustainable Solutions

Michael T. Munekiyo
PRESIDENT
Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

Ka'ala Buenconsejo, Director
Department of Parks and Recreation
County of Maui
700 Halia Nakoia Street, Unit 2
Wailuku, Hawai'i 96793

SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Mr. Buenconsejo:

Thank you for your letter received by the Department of Planning on November 16, 2015 on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we acknowledge that the Department of Parks and Recreation has no comment to offer at this time.

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, feel free to contact me at 244-2015.

Very truly yours,

Bryan Esderalda, AICP
Associate

BE:tn

Cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lāna'i

K:\DATA\Pūlama Lanai\Lanai Avenue Houses 1741\CPA CIZ EA Responses\DPR Response.doc

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Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyo-hiraga.com

EXHIBIT 8A



POLICE DEPARTMENT
COUNTY OF MAUI

OCT 23 2015



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-8400
FAX (808) 244-8400

DEPT. OF PLANNING
CURRENTLY RECEIVED

TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

October 20, 2015 ¹⁵ OCT 23 P1:18

MEMORANDUM

TO : KURT WOLLENHAUPT, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : TIVOLI FAAUMU, CHIEF OF POLICE

SUBJECT : PERMIT NO. : CPA 2015/0005, CIZ 2015/0006, EA
2015/0006
TMK : (2) 4-9-006: 050
Project
Name : Lanai Avenue Residential Homes
Applicant : Lanai Resorts, LLC (dba Pulama Lanai)

No recommendation or comment to offer.

Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.

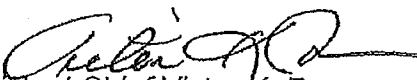

Assistant Chief Victor K. Ramos
For: TIVOLI S. FAAUMU
Chief of Police

EXHIBIT 9

January 26, 2016

Tivoli Faaumu, Chief
Police Department
County of Maui
55 Mahalani Street
Wailuku, Hawai'i 96793


SUBJECT: Lānaʻi Avenue Residential Homes; (2)4-9-006:050; Lānaʻi City, Hawaiʻi; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Chief Faaumu:

Thank you for your letter dated October 20, 2015 on the proposed Lānaʻi Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, we acknowledge that the Police Department has no comment to offer at this time.

A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, feel free to contact me at 244-2015.

Very truly yours,


Bryan Esmeralda, AICP
Associate

BE:tn

Cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lānaʻi

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ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS

200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

October 27, 2015

OCT 27 2015

GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPT OF PLANNING - CURRENT

OCT 27 2015

RECEIVED

MEMO TO: WILLIAM R. SPENCE, PLANNING DIRECTOR
FROM: *DCG* DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS
SUBJECT: **CHANGE IN ZONING AND COMMUNITY PLAN AMENDMENT
FOR LANAI AVENUE RESIDENTIAL HOMES; TMK: (2) 4-9-006:050
CIZ 2015/0006; CPA 2015/0005; EA 2015/0006**

We reviewed the subject application and have no comments at this time.

If you have any questions regarding this memorandum, please call Rowena M. Dagdag-Andaya at 270-7845.

DCG:RMDA:da

xc: Highways Division
Engineering Division

S:\DSA\Engr\CZMDraft Comments\49006050_lanai_ave_res_homes_ciz_cpa_ea.wpd

EXHIBIT 10 153



MUNEKIYO HIRAGA

Planning. Project Management. Sustainable Solutions.

Michael T. Munekiyo
PRESIDENT

Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT

Mark Alexander Roy
VICE PRESIDENT

Tessa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

David Goode, Director
Department of Public Works
County of Maui
200 South High Street, Room 434
Wailuku, Hawai'i 96793

SUBJECT: Lāna'i Avenue Residential Homes; TMK (2) 4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Mr. Goode:

Thank you for your letter dated October 27, 2015 on the proposed Lāna'i Avenue Residential Homes project. On behalf of the applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we acknowledge that the Department of Public Works has no comment to offer at this time.

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, please feel free to contact me at 244-2015.

Very truly yours,

Bryan Esmeralda, AICP
Associate

BE:lh

cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lāna'i

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Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729

Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233

www.munekiyo-hiraga.com

EXHIBIT 10A

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



OCT 9 2015

COUNTY OF MAUI

DEPARTMENT OF PLANNING

September 14, 2015

TRANSMITTAL

STATE AGENCIES	
X	Dept of AG, Honolulu
X	Dept of Hawaiian Homelands
X	Dept of Health, Honolulu
X	Dept of Health, Maui (2)
X	DLNR-Land, Maui
X	DLNR-Planning (6)
X	DLNR-SHPD, Oahu (Architectural Only)
X	DLNR-SHPD, Maui
X	DOE, Admin
X	DOT, Maui
X	DOT, Statewide Planning Office (4)
X	OECC
X	Office of Hawaiian Affairs
X	Office of Planning
OTHER	
X	Maui Electric Company

COUNTY AGENCIES	
X	Dept of Environmental Management (2)
X	Dept of Finance -- Real Property Division
X	Dept of Housing & Human Concerns
X	Dept of Parks & Recreation
X	Dept Public Works (1 CD, 2 Hard Copies)
X	Dept of Transportation
X	Dept of Water Supply
X	Fire & Public Safety
X	Police Department

15 OCT 26 9 15

DEPT OF PLANNING
CURRENT DIVISION

PROJECT:	LANAI AVENUE RESIDENTIAL HOMES
APPLICANT:	LANAI RESORTS, LLC (DBA PULAMA LANAI)
STREET ADDRESS:	606, 615, AND 623 LANAI AVENUE, LANAI CITY, LANAI, HAWAII
PROJECT DESCRIPTION:	Reconstruction of three (3) single-family homes and three (3) detached carports.
TWK:	(2) 4-9-006:050
PERMIT NO.:	CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

TRANSMITTED TO YOU ARE THE FOLLOWING:

<input checked="" type="checkbox"/>	Application(s)
-------------------------------------	----------------

THESE ARE TRANSMITTED AS CHECKED BELOW:

<input checked="" type="checkbox"/>	For your Comment and Recommendation
-------------------------------------	-------------------------------------

Please separate your comments into 1) a list of those you would like the Department of Planning to propose as conditions of project approval, and 2) those you may just wish to have us notify the applicant and/or a hearing body about. The Department will only recommend conditions that meet various criteria of the required permit. Please also provide any previous comments, letters, etc. pertinent to this application. Submit your comments directly to me by November 9, 2015. Boxes for Recommended Conditions and General Comments are also provided to assist you. If you have no comment, please sign the "No Comment" box and fax to (808) 270-1775. Thank you for your time and assistance. For additional clarification, please contact me via email at kurt.wollenhaupt@maui-county.gov or at (808) 270-1789.

Sincerely,

Kurt Wollenhaupt
KURT WOLLENHAUPT, Staff Planner

RCVD OCT 9 2015

AGENCY NAME		PHONE	
--------------------	--	--------------	--

Agency Transmittal - Lanai Avenue Residential Homes (CPA 2015/0005, CIZ 2015/0006, EA 2015/006)
 September 14, 2015
 Page 2

Attachments:

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
 Staff Planner
 Project File
 General File

KFW:xx
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 e.doc

NO COMMENT			
Signed:	<i>J. Oster</i>	Dated:	10-26-15
Print Name:	JIM OSTER	Title:	ENGINEER

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	

GENERAL COMMENTS BOX			
Signed:		Dated:	
Print Name:		Title:	



MUNEKIYO HIRAGA

Planning, Project Management, Sustainable Solutions.

Michael T. Munekiyo
PRESIDENT
Kerlynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

Jim Oster, Engineer
Department of Transportation
County of Maui
2145 Kaohu Street, Suite 102
Wailuku, Hawai'i 96793

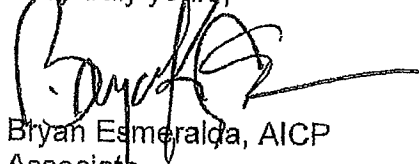
SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Mr. Oster:

Thank you for your letter dated October 20, 2015 on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we acknowledge that the Department of Transportation has no comment to offer at this time.

A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, feel free to contact me at 244-2015.

Very truly yours,


Bryan Esmeralda, AICP
Associate

BE:tn

Cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lāna'i

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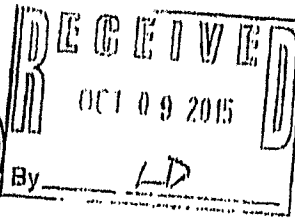
Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyo-hiraga.com

EXHIBIT 11A

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELLE CHOUTEAU McLEAN
Deputy Director



2015 OCT -8 PM 2:46
COUNTY OF MAUI

COUNTY OF MAUI

DEPARTMENT OF PLANNING

September 14, 2015

TRANSMITTAL

STATE AGENCIES	
X	Dept of AG, Honolulu
X	Dept of Hawaiian Homelands
X	Dept of Health, Honolulu
X	Dept of Health, Maui (2)
X	DLNR-Land, Maui
X	DLNR-Planning (5)
X	DLNR-SHPD, Oahu (Architectural Only)
X	DLNR-SHPD, Maui
X	DOE, Admin
X	DOT, Maui
X	DOT, Statewide Planning Office (4)
X	OECC
X	Office of Hawaiian Affairs
X	Office of Planning
OTHER	
X	Maui Electric Company

COUNTY AGENCIES	
X	Dept of Environmental Management (2)
X	Dept of Finance - Real Property Division
X	Dept of Housing & Human Concerns
X	Dept of Parks & Recreation
X	Dept Public Works (1 CD, 2 Hard Copies)
X	Dept of Transportation
X	Dept of Water Supply
X	Fire & Public Safety
X	Police Department

PROJECT:	LANAI AVENUE RESIDENTIAL HOMES
APPLICANT:	LANAI RESORTS, LLC (DBA PULAMA LANAI)
STREET ADDRESS:	605, 615, AND 623 LANAI AVENUE, LANAI CITY, LANAI, HAWAII
PROJECT DESCRIPTION:	Reconstruction of three (3) single-family homes and three (3) detached carports.
TMK:	(2) 4-9-006:050
PERMIT NO.:	CPA 2015/0006, CIZ 2015/0006, EA 2015/0006

TRANSMITTED TO YOU ARE THE FOLLOWING:

Application(s)

THESE ARE TRANSMITTED AS CHECKED BELOW:

For your Comment and Recommendation

Please separate your comments into 1) a list of those you would like the Department of Planning to propose as conditions of project approval, and 2) those you may just wish to have us notify the applicant and/or a hearing body about. The Department will only recommend conditions that meet various criteria of the required permit. Please also provide any previous comments, letters, etc. pertinent to this application. Submit your comments directly to me by November 9, 2015. Boxes for Recommended Conditions and General Comments are also provided to assist you. If you have no comment, please sign the "No Comment" box and fax to (808) 270-1775. Thank you for your time and assistance. For additional clarification, please contact me via email at kurt.wollenhaupt@maui-county.gov or at (808) 270-1789.

Sincerely,

 KURT WOLLENHAUPT, Staff Planner

AGENCY NAME	DEPARTMENT OF WATER Supply	PHONE	MARTI BUCKNER 463-3164
--------------------	-------------------------------	--------------	---------------------------


Agency Transmittal - Lanai Avenue Residential Homes (CPA 2015/0005, CIZ 2015/0006, EA 2015/0006)
September 14, 2015
Page 2

Attachments:

to: Clayton I. Yoshida, AICP, Planning Program Administrator
Staff Planner
Project File
General File

KFW:xx

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NO COMMENT			
Signed:		Dated:	DEC 07 2015
Print Name:	DAVE TAYLOR	Title:	DIRECTOR

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	

GENERAL COMMENTS BOX			
Signed:		Dated:	
Print Name:		Title:	

January 26, 2016

David Taylor, Director
Department of Water Supply
County of Maui
200 South High Street, 5th Floor
Wailuku, Hawai'i 96793

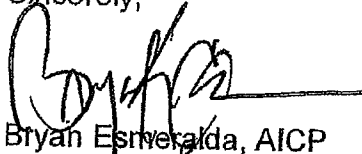
SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Mr. Taylor:

Thank you for your letter dated December 7, 2015 on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we acknowledge that the Department of Water Supply has no comment to offer at this time.

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, feel free to contact me at (808) 244-2015.

Sincerely,


Bryan Esmeralda, AICP
Associate

BE:tn

cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lāna'i

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Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyo-hiraga.com

Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



OCT 28 2015

COUNTY OF MAUI
DEPARTMENT OF PLANNING

October 26, 2015

Mr. Bryan Esmeralda, Associate
Munekiyo Hiraga
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Esmeralda:

SUBJECT: LANAI PLANNING COMMISSION (COMMISSION) COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR A COMMUNITY PLAN AMENDMENT (CPA) AND CHANGE IN ZONING (CIZ) FOR THE LANAI AVENUE RESIDENTIAL HOMES PROJECT, LOCATED AT 605, 615, AND 623 LANAI AVENUE, ISLAND OF LANAI, HAWAII; TMK (2) 4-9-006:050 (CPA 2015/0005) (CIZ 2015/0006) (EA 2015/0006)

At a regular meeting held on October 21, 2015, the Commission reviewed the above-referenced document and agreed to be the Accepting Authority for the Final Environmental Assessment with the Anticipation of a Findings of No Significant Impact (FONSI).

Should you require further clarification, please contact Staff Planner Kurt Wollenhaupt at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789.

Sincerely,

CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

- xc: John S. Rapacz, Planning Program Administrator (PDF)
- Kurt F. Wollenhaupt, Staff Planner (PDF)
- Gwen Hiraga, Munekiyo Hiraga
- Lynn McCrory, Pulama Lanai, (PDF)
- Project File
- General File

WRS:CIY:KFW:sn
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MUNEKIYO HIRAGA

Planning, Project Management, Sustainable Solutions

Michael T. Munekiyo
PRESIDENT

Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT

Mark Alexander Roy
VICE PRESIDENT

Tessa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

William Spence, Director
Department of Planning
County of Maui
Attention: Kurt Wollenhaupt, Staff Planner
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Mr. Spence:

Thank you for your letter dated October 26, 2015 regarding the Lāna'i Planning Commission's (Commission) comments on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we acknowledge that at its meeting of October 21, 2015, the Commission reviewed the Draft Environmental Assessment (EA) and agreed to be the Accepting Authority for the Final EA with the Anticipation of a Findings of No Significant Impact.

Thank you again for your letter. A copy of your letter, as well as this response letter, will be included in the Final EA for the proposed project. Should you have any questions, feel free to contact me at 244-2015.

Very truly yours,

Bryan Esmeralda, AICP
Associate

BE:tn

Cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lāna'i

K:\DATA\Pūlama Lanai\Lanai Avenue Houses 1741\CPA CIZ EA Responses\Planning Response.doc

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233

www.munekiyoHIRAGA.com

EXHIBIT 134



OCT 23 2015

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:

EPO 15-252

October 16, 2015

Mr. Bryan Esmeralda
Muneklyo Hiraga
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Esmeralda:

SUBJECT: Draft Environmental Assessment (DEA) for the Community Plan Amendment (CPA) and Change in Zoning (CIZ) for the Lanai Avenue Residential Homes Project
605, 615, and 623 Lanai Avenue, Lanai
TMK: (2) 4-9-006:050 (CPA 2015/0005) (CIZ 2015/0006) (EA 2015/0006)

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your DEA to our office via the OEQC link:

http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Lanai/2010s/2015-10-08-LA-5E-DEA-Lanai-Avenue-Residential-Homes.pdf

EPO strongly recommends that you review the standard comments and available strategies to support sustainable and healthy design provided at: <http://health.hawaii.gov/epo/landuse>. Projects are required to adhere to all applicable standard comments.

We suggest you review the requirements for the National Pollutant Discharge Elimination System (NPDES) permit. We recommend contacting the Clean Water Branch at (808) 586-4309 or cleanwaterbranch@doh.hawaii.gov after relevant information is reviewed at:

1. <http://health.hawaii.gov/cwb>
2. <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/standard-npdes-permit-conditions>
3. <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/forms>

Please note that all wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems". We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please review online guidance at: <http://health.hawaii.gov/wastewater> and contact the Planning and Design Section of the Wastewater Branch at 586-4294.

EXHIBIT

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14

Mr. Bryan Esmeralda
Page 2
October 16, 2015

If noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control". A noise permit may be required and should be obtained before the commencement of work. Please call the Indoor and Radlological Health Branch at (808) 586-4700 and review relevant information online at: <http://health.hawaii.gov/irhb/noise>

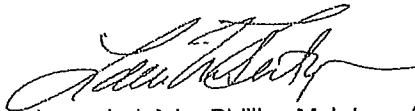
EPO encourages you to examine and utilize the Hawaii Environmental Health Portal. The portal provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawaii Emergency Response Exchange, Hawaii State and Local Emission Inventory System, Water Pollution Control Viewer, Water Quality Data, Warnings, Advisories and Postings. The Portal is continually updated. Please visit it regularly at: <https://eha-cloud.doh.hawaii.gov>

You may also wish to review the draft OEQC viewer at: <http://eha-web.doh.hawaii.gov/oeqc-viewer/>
This viewer geographically shows where previous Chapter 343 documents have been prepared.

In order to better protect public health and the environment, the U.S. Environmental Protection Agency (EPA) has developed a new environmental justice (EJ) mapping and screening tool called EJSCREEN. It is based on nationally consistent data and combines environmental and demographic indicators in maps and reports. EPO encourages you to explore, launch and utilize this powerful tool in planning your project. The EPA EJSCREEN tool is available at: <http://www2.epa.gov/ejscreen>

We request that you utilize all of this information on your proposed project to increase sustainable, innovative, inspirational, transparent and healthy design.

Mahalo nui loa,



Laura Leialoha Phillips McIntyre, AICP
Program Manager, Environmental Planning Office

Attachment 1: OEQC Viewer Map
Attachment 2: U.S. EPA EJSCREEN 3 page report

c: Applicant: Lanai Resorts, LLC
Kurt Wollenhaupt, Lanai Planning Commission via email {kurt.wollenhaupt@mauicounty.gov}
DOH: DHO Maui, IRHB {via email only}

lanai 5 sites found

Results

Filter

Show sites with no location

lanai Airport Runway Safety Improvements (DEA, AFNSI)
Environmental Assessment (Agency)

MANELE SMALL BOAT HARBOR (FEA-FONSI)
Environmental Assessment (Agency)

Aircraft Rescue Fire Fighting Station (DEA- AFNSI)
Environmental Assessment (Applicant)

lanai Airport Runway Safety Area Improvement (FEA-FONSI)
Environmental Assessment (Agency)

Aircraft Rescue Fire Fighting (FEA-FONSI)
Environmental Assessment (Applicant)



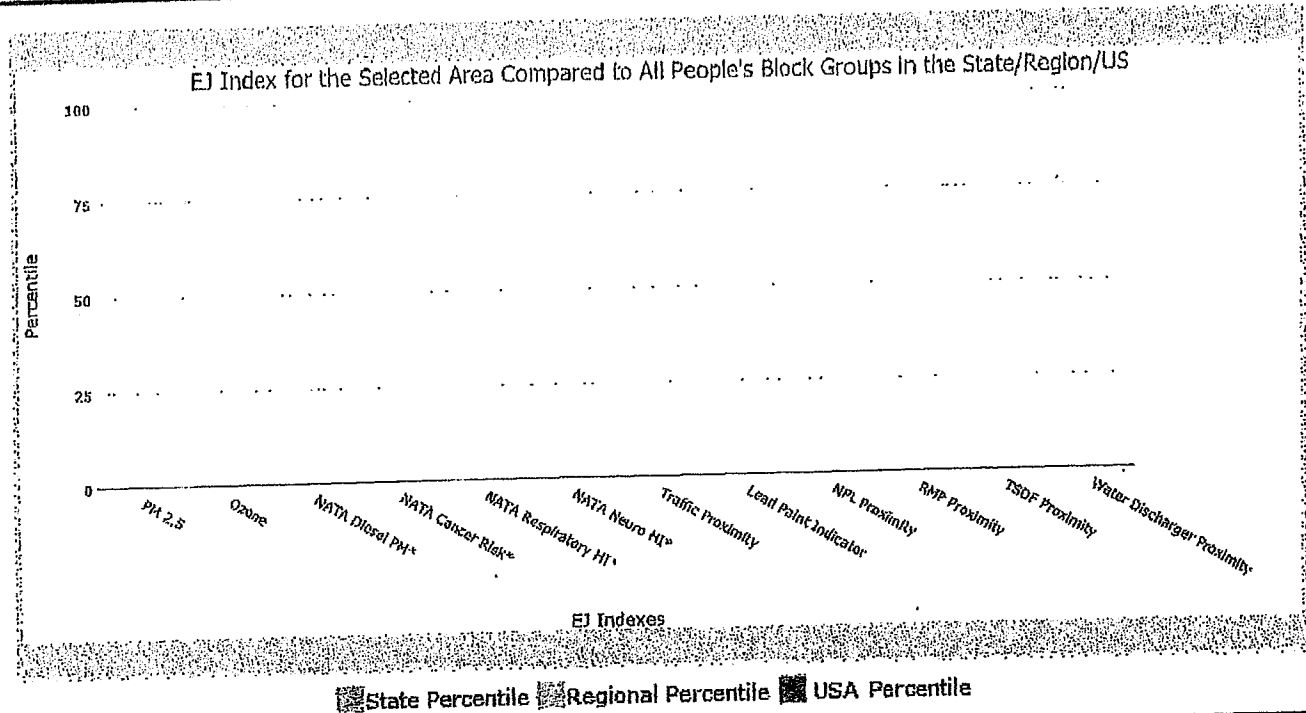
EJSCREEN Report



for 1 mile Ring Centered at 20.789917,-156.957571, HAWAII, EPA Region 9

Approximate Population: 0

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	N/A	N/A	N/A
EJ Index for Ozone	N/A	N/A	N/A
EJ Index for NATA Diesel PM*	N/A	N/A	N/A
EJ Index for NATA Air Toxics Cancer Risk*	N/A	N/A	N/A
EJ Index for NATA Respiratory Hazard Index*	N/A	N/A	N/A
EJ Index for NATA Neurological Hazard Index*	N/A	N/A	N/A
EJ Index for Traffic Proximity and Volume	N/A	N/A	N/A
EJ Index for Lead Paint Indicator	N/A	N/A	N/A
EJ Index for Proximity to NPL sites	N/A	N/A	N/A
EJ Index for Proximity to RMP sites	N/A	N/A	N/A
EJ Index for Proximity to TSDFs	N/A	N/A	N/A
EJ Index for Proximity to Major Direct Dischargers	N/A	N/A	N/A



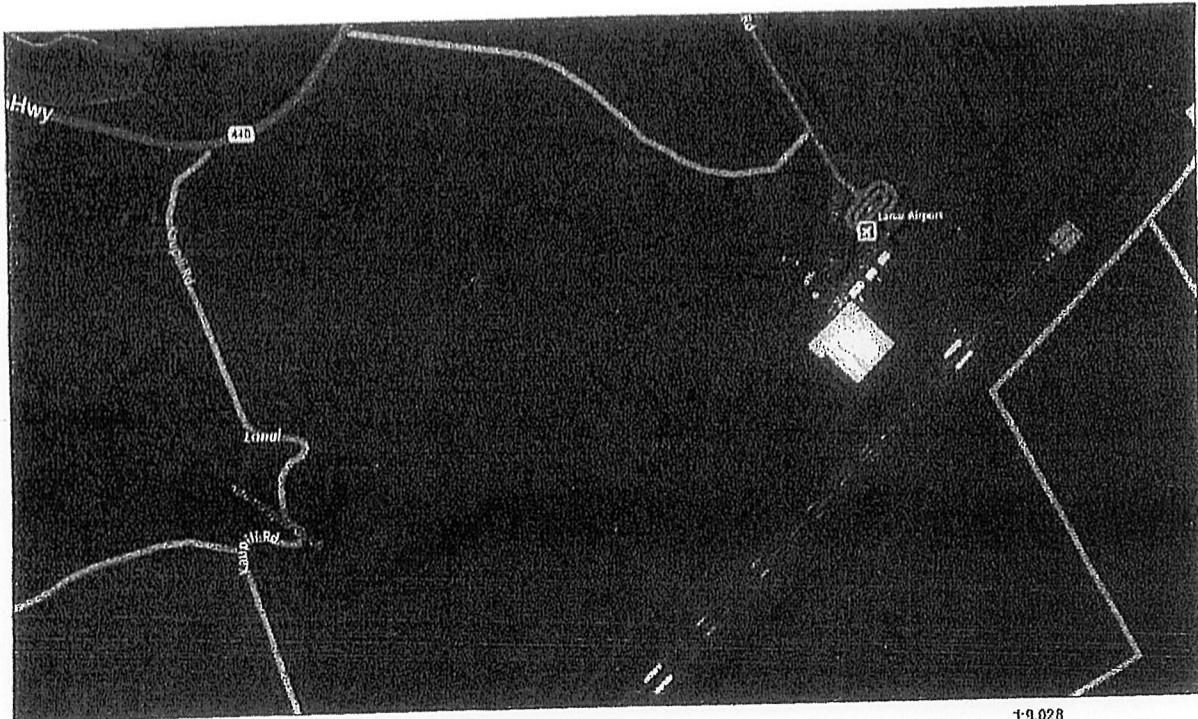
This report shows environmental, demographic, and EJ indicator values. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

EJSCREEN Report



for 1 mile Ring Centered at 20.789917,-156.957571, HAWAII, EPA Region 9

Approximate Population: 0



October 16, 2015

✚ Digitized Point

1:9,028
0 0.075 0.15 0.3 mi
0 0.1 0.2 0.4 km
© 2015 DigitalGlobe © 2015 GeoEye Earthstar Geographics © 2015
Mapbox © 2015 HERE © 2015

Selected Variables	Raw Data	State Avg.	%ile In State	EPA Region Avg.	%ile In EPA Region	USA Avg.	%ile In USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	N/A	N/A	N/A	9.95	N/A	9.78	N/A
Ozone (ppb)	N/A	N/A	N/A	49.7	N/A	46.1	N/A
NATA Diesel PM ($\mu\text{g}/\text{m}^3$) ¹	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NATA Cancer Risk (lifetime risk per million) ¹	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NATA Respiratory Hazard Index ¹	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NATA Neurological Hazard Index ¹	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Traffic Proximity and Volume (daily traffic count/distance to road)	N/A	280	N/A	190	N/A	110	N/A
Lead Paint Indicator (% Pre-1960 Housing)	N/A	0.17	N/A	0.25	N/A	0.3	N/A
NPL Proximity (site count/km distance)	N/A	0.092	N/A	0.11	N/A	0.096	N/A
RMP Proximity (facility count/km distance)	N/A	0.18	N/A	0.41	N/A	0.31	N/A
TSDF Proximity (facility count/km distance)	N/A	0.092	N/A	0.12	N/A	0.054	N/A
Water Discharger Proximity (facility count/km distance)	N/A	0.33	N/A	0.19	N/A	0.25	N/A
Demographic Indicators							
Demographic Index	N/A	51%	N/A	46%	N/A	35%	N/A
Minority Population	N/A	77%	N/A	57%	N/A	36%	N/A
Low Income Population	N/A	25%	N/A	35%	N/A	34%	N/A
Linguistically Isolated Population	N/A	6%	N/A	9%	N/A	5%	N/A
Population With Less Than High School Education	N/A	10%	N/A	18%	N/A	14%	N/A
Population Under 5 years of age	N/A	6%	N/A	7%	N/A	7%	N/A
Population over 64 years of age	N/A	14%	N/A	12%	N/A	13%	N/A

¹ The National-scale Air Toxics Assessment (NATA) environmental indicators and EJ indexes, which include cancer risk, respiratory hazard, neurodevelopment hazard, and diesel particulate matter will be added into EJSCREEN during the first full public update after the soon-to-be-released 2011 dataset is made available. The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <http://www.epa.gov/ttn/atw/natamain/index.html>.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.



MUNEKIYO HIRAGA

Planning, Project Management, Sustainable Solutions.

Michael T. Munekiyo
PRESIDENT

Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT

Mark Alexander Roy
VICE PRESIDENT

Tosaa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

Laura Phillips McIntyre, Program Manager
Environmental Planning Office
Department of Health
State of Hawai'i
P.O. Box 3378
Honolulu, Hawai'i 96801-3378

SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006; EPO 15-252

Dear Ms. McIntyre:

Thank you for your letter dated October 16, 2015 providing comments on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we offer the following information in response to the comments in your letter.

- The standard comments and available strategies to support sustainable and healthy design provided on your office's website will be reviewed, and any applicable standard comments will be adhered to.
- The requirements for the National Pollutant Discharge Elimination System (NPDES) will be reviewed. We acknowledge that the Clean Water Branch should be contacted for coordination after relevant information is reviewed, however, it is not anticipated that an NPDES permit will be required for the proposed project.
- We understand that all wastewater plans must conform to applicable provisions of the Department of Health's (DOH) Administrative Rules, Chapter 11-62, "Wastewater Systems", and acknowledge that your office

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Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyohiraga.com

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EXHIBIT 14A

reserves the right to review the detailed wastewater plans for compliance to applicable rules.

- Should it be anticipated that noise created during the construction phase of the project will exceed maximum allowable levels as set forth in Hawaii Administrative Rules (HAR), Chapter 11-46 "Community Noise Control", the Indoor and Radiological Branch will be contacted, and a noise permit will be obtained prior to the commencement of work, as applicable.
- Information and tools provided on the Hawaii Environmental Health Portal website will be reviewed and utilized, as applicable.
- We acknowledge that the draft Office of Environmental Quality Control (OEQC) viewer is available and that it geographically shows where previous Chapter 343 documents have been prepared.
- We acknowledge that the U.S. Environmental Protection Agency (EPA) has developed a new Environmental Justice (EJ) mapping and screening tool called EJSCREEN to better protect public health and the environment in the planning process. EJSCREEN will be utilized as applicable.
- We will utilize the information and tools provided in your letter as applicable to increase sustainable, innovative, inspirational, transparent, and healthy design.

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, feel free to contact me at (808) 244-2015.

Very truly yours,


Bryan Esmeralda, AICP
Associate

BE:tn

Cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lāna'i

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DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 06801-3378

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
EMDCWB

10026PCTM.15

October 12, 2015

Mr. Brian Esmeralda
Associate
Muneklyo Hiraga
735 Bishop Street, Suite 321
Honolulu, Hawaii 96813

Dear Mr. Esmeralda:


**SUBJECT: Comments on the Draft Environmental Assessment (DEA) for
Lanai Avenue Residential Homes
TMK (2) 4-9-006:050
Lanai City, Island of Lanai, Hawaii**

The Department of Health (DOH), Clean Water Branch (CWB), has reviewed the subject document and has no comments at this time. The DOH-CWB provided comments on the early consultation for the preparation of a DEA for this project (Letter No. 02052PCTM.14, dated February 24, 2014).

Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at: http://health.hawaii.gov/epo/files/2013/10/CWB_Oct22.pdf.

If you have any questions, please visit our website at: <http://health.hawaii.gov/cwb>, or contact the Engineering Section, CWB, at (808) 586-4309.

Sincerely,


for ALEC WONG, P.E., CHIEF
Clean Water Branch

CTM:bk

114

EXHIBIT 15



MUNEKIYO HIRAGA

Planning. Project Management. Sustainable Solutions.

Michael T. Munekiyo
PRESIDENT

Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT

Mark Alexander Roy
VICE PRESIDENT

Tessa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

Alec Wong, Chief
Clean Water Branch
Department of Health
State of Hawai'i
P.O. Box 3378
Honolulu, Hawai'i 96801-3378

SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006 (10026 PCTM.15)

Dear Mr. Wong:

Thank you for your letter dated October 12, 2015 on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we acknowledge that the Clean Water Branch has no comment to offer at this time. We also acknowledge and thank you for your comments provided during the early consultation period for preparation of the Draft Environmental Assessment (EA) for the project (letter No. 02052PCTM.14, dated February 24, 2014).

Furthermore, we understand that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules, Chapters 11-54 and 11-55, and that the Applicant may be responsible for fulfilling additional requirements related to your program.

In addition, we will review the standard comments on your website and will comply with any applicable comments.

Alec Wong, Chief
January 26, 2016
Page 2

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the Final EA for the proposed project. Should you have any questions, feel free to contact me at (808) 244-2015.

Very truly yours,



Bryan Esmeralda, AICP
Associate

BE:tn

Cc: Kurt Wollenhaupt, Department of Planning
Gordon Ring, R.M. Towill
Lynn McCrory, Pūlama Lāna'i

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15-61369

NOV 24 2015

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PREBLER, M.D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M.D., M.P.H.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
84 HIGH STREET
WAILUKU, HAWAII 96793-3378

COURT REPORTS
DEPT. OF PLANNING
CURRENT DIV. RECEIVED

November 20, 2015 15 NOV 20 P 4:05

Mr. William R. Spence
Director
Department of Planning
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

Attn: Kurt Wollenhaupt

Dear Mr. Spence:

Subject: Lanai Avenue Residential Homes
Applicant: Lanai Resorts, LLC (DBA Pulama Lanai)
Permit No.: CPA2015/0005, CIZ 2015/0006, EA, 2015/0006
TMK: (2) 4-9-006:050
Project Location: 605, 615, and 623 Lanai Avenue, Lanai City, Lanai, Hawaii
Project Description: Reconstruction of three (3) single family homes and three (3) detached carports

Thank you for the opportunity to review this project. We have the following comments to offer:

1. Wastewater disposal for this project shall be through the County System. If you have any questions, please call Roland Tejano, Environmental Engineer, at 808 984-8232.
2. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. Please call the Indoor & Radiological Health Branch at 808 586-4700.

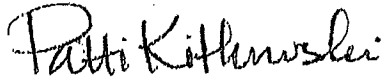
It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/> be reviewed and any comments specifically applicable to this project should be adhered to.

EXHIBIT 16

Mr. William R. Spence
November 20, 2015
Page 2

Should you have any questions, please contact me at patricia.kitkowski@doh.hawaii.gov or 808 984-8230.

Sincerely,



Patti Kitkowski
District Environmental Health Program Chief

c EPO



MUNEKIYO HIRAGA

Planning, Project Management, Sustainable Solutions.

Michael T. Munekiyo
PRESIDENT

Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT

Mark Alexander Roy
VICE PRESIDENT

Tessa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

Patti Kitkowski, District Environmental
Health Program Chief
State of Hawaii
Department of Health
Maui District Health Office
54 High Street
Wailuku, Hawai'i 96793

SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Ms. Kitkowski:

Thank you for your letter dated November 20, 2015 providing comments on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we offer the following information in response to the comments in your letter.

1. We acknowledge your comment. A description of the wastewater disposal method is provided in the Final Environmental Assessment (FEA). Wastewater will be conveyed to the County's system. As such, coordination will be undertaken with the Department of Environmental Management.
2. We acknowledge your comment. A noise permit will be obtained, as applicable, through the Indoor and Radiologic Health Branch prior to the commencement of construction of the project pursuant to Hawai'i Administrative Rules, Chapter 11-46.
3. The Department of Health's Standard Comments will be reviewed prior to the commencement of construction of the project, and any applicable comments will be adhered to.

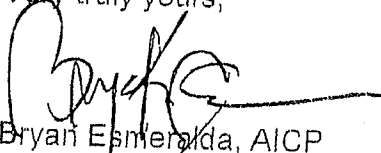
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Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
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EXHIBIT 16A

Patti Kittkowski, District Environmental
Health Program Chief
January 28, 2016
Page 2

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the FEA for the proposed project. Should you have any questions, feel free to contact me at (808) 244-2015.

Very truly yours,



Bryan Esmeralda, AICP
Associate

BE:tn

Cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lāna'i

K:\DATA\Pūlama Lāna'i\Local Avenue Houses 174 HCPA C12 EA Responses\DOH Maui Response.doc

DAVID V. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 9, 2015

County of Maui
Department of Planning
Attention: Mr. Kurt Wollenhaupt, Staff Planner via email: kurt.wollenhaupt@mauicounty.gov
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Dear Mr. Wollenhaupt:

SUBJECT: Lanai Avenue Residential Homes

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from the Engineering Division on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files

EXHIBIT 17

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 7, 2015

MEMORANDUM

TO: FR:

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division - Maui District
- Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator
 SUBJECT: Lanai Avenue Residential Homes
 LOCATION: Lanai City, Island of Lanai; TMK: (2) 4-98-006:050
 APPLICANT: Lanai Resorts, LLC (dba) Pulama Lanai

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by November 6, 2015.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed:

Print Name:

Carly S. Chang, Chief Engineer

Date:

11/6/15

cc: Central Files

2015 OCT 9 11:15 AM
15 OCT 9 2015 11:15 AM
15 OCT 9 2015 11:15 AM

15 OCT 9 2015 11:15 AM

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/ Russell Y. Tsuji

Ref.: Applications for Change in Zoning and Community Plan Amendment for Proposed Lanai
Avenue Residential Homes, Lanai City
Maui.031

COMMENTS

- (X) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone X. The National Flood Insurance Program (NFIP) does not regulate developments within Zone X.
- () Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is also located in Zone _____.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is _____.
- () Please note that the project site must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
 - () Mr. Carter Romero (Acting) at (808) 961-8943 of the County of Hawaii, Department of Public Works.
 - () Mr. Carolyn Cortez at (808) 270-7253 of the County of Maui, Department of Planning.
 - () Mr. Stanford Iwamoto at (808) 241-4896 of the County of Kauai, Department of Public Works.
- () The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
 - () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.
 - () Additional Comments: _____
 - () Other: _____

Should you have any questions, please call Mr. Dennis Imada of the Planning Branch at 587-0257.

Signed: _____

CARTY S. CHANG, CHIEF ENGINEER

Date: 11/14/15



Flood Hazard Assessment Report

www.hawaiiinfo.org

Property Information

COUNTY: MAUI
 TMK NO: (2) 4-9-005:050
 WATERSHED: PALAWAI BASIN
 PARCEL ADDRESS: 605 LANAI AVE
 LANAI CITY, HI 96763

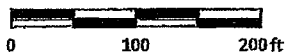
Notes:

Flood Hazard Information

FIRM INDEX DATE: SEPTEMBER 19, 2012
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL: 1500030500F
 PANEL EFFECTIVE DATE: SEPTEMBER 19, 2012

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: NO
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO
 FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND

(Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AD: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone X5 (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase apply, but coverage is available in participating communities.
--	--



MUNEKIYO HIRAGA

Planning, Project Management, Sustainable Solutions

Michael T. Munekiyo
PRESIDENT

Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT

Mark Alexander Roy
VICE PRESIDENT

Tessa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

Russell Tsuji, Land Administrator
Land Division
Department of Land and Natural Resources
State of Hawai'i
P.O. Box 621
Honolulu, Hawai'i 96809

SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City,
Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Mr. Tsuji:

Thank you for your letter dated November 9, 2015 on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we appreciate that the Department of Land and Natural Resources, Land Division made the Draft Environmental Assessment (EA) available for review. We are providing the following information in response to the comments in your letter.

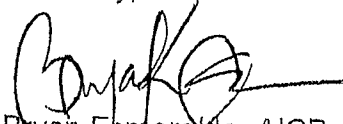
Engineering Division

We acknowledge that the project site is located within Flood Zone X according to the Flood Insurance Rate Map for the area, and that the National Flood Insurance Program does not regulate developments within Zone X.

Russell Tsuji, Land Administrator
January 26, 2016
Page 2

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, feel free to contact me at (808) 244-2015.

Sincerely,



Bryan Esmeralda, AICP
Associate

BE:tn

cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lānaʻi

K:\DATA\Pūlama Lānaʻi\11.01.16\Avonue Homes 174\ICPA CIZ EA Responses\DLNR Response.doc

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY Y. PEARSON
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAWAHAU ISLAND RESERVE COMMISSION
LAND
STATE PARKS

November 30, 2015

Kurt Wollenhaupt
County of Maui, Department of Planning
Via email to: kurt.wollenhaupt@mauicounty.gov

LOG NO: 2015.03683
DOC NO: 1510JP11
Archaeology

Aloha Mr. Wollenhaupt,

SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County
605, 615, and 623 Lānaʻi Avenue Residential Homes Reconstruction Project
CPA 2015/0005, CIZ 2015/0006, and EA 2015/0006
Kamolu Ahupuaʻa, Lāhainā District, Island of Lānaʻi
TMK (2) 4-9-006:050 (por.)

Thank you for the opportunity to review the submittal received by our office on October 19, 2015. Proposed plans include the reconstruction of three single family homes and three detached carports upon the residentially developed 14,107 square foot parcel.

A review of our records shows that the parcel has not been subject to an archaeological survey. The parcel is located in a previously grubbed, graded and developed subdivision so any potential archaeological surface sites have most likely been destroyed. Proposed plans do not include extensive ground altering grading or excavation activities. Subsequently, we determine that **no historic properties will be affected** during the proposed project.

In the event that cultural resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or lava tubes are identified during work, please cease work in the immediate vicinity of the find, protect the find from disturbance, and contact the State Historic Preservation Division at (808) 243-1285. Please contact Jenny Pickett at (808) 243-5169 or Jenny.L.Pickett@hawaii.gov if you have any questions or concerns regarding this letter.

Mahalo,

Morgan E. Davis
Lead Archaeologist, Maui Section

cc: County of Maui
Department of Planning
Planning@co.maui.hi.us

County of Maui
Department of Public Works – DSA
Rence.Segundo@co.maui.hi.us

County of Maui
Cultural Resources Commission
Annalise.Kehler@co.maui.hi.us

EXHIBIT

18



MUNEKIYO HIRAGA

Planning, Project Management, Sustainable Solutions.

Michael T. Munekiyo
PRESIDENT

Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT

Mark Alexander Roy
VICE PRESIDENT

Tessa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

Morgan Davis, Lead Archaeologist, Maui Section
State Historic Preservation Division
Department of Land and Natural Resources
State of Hawai'i
601 Kamokila Boulevard, Suite 555
Kapolei, Hawai'i 96707

SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006
LOG NO: 2015.03683; DOC NO: 1510JP11

Dear Ms. Davis:

Thank you for your letter dated November 30, 2015 providing comments on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we offer the following information in response to the comments in your letter.

We acknowledge your comment that the parcel had not been subject to an archaeological survey. As was stated in your letter, the parcel is located in a previously grubbed, graded, and developed area of Lāna'i City. The proposed project plans do not include extensive ground altering grading or excavation activities. We acknowledge your determination that no historic properties will be affected with implementation of the proposed project.

Furthermore, in the event that cultural resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or lava tubes are identified during project construction, work in the immediate vicinity of the find will cease, and the State Historic Preservation Division will be contacted for implementation of appropriate protocols.

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyo-hiraga.com

EXHIBIT

18A

128

Morgan Davis, Lead Archaeologist, Maul Section
January 26, 2016
Page 2

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, feel free to contact me at (808) 244-2015.

Very truly yours,



Bryan Esmeralda, AICP
Associate

BE:tn

Cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lānaʻi

K:\DATA\Pūlama Lānaʻi\Anal Avarua Housos 1741\CPA CIZ FA Responses\DLNR SHIPD Response.doc

DAVID Y. IGE
GOVERNOR



FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT
STP 8.1876

IN REPLY REFER TO:

OCT 28 2015

RECEIVED

October 16, 2015

Mr. Kurt Wollenhaupt
Staff Planner
County of Maui
Department of Planning
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Dear Mr. Wollenhaupt:

Subject: Lanai Avenue Residential Homes
Community Plan Amendment (CPA2015/0005)
Change of Zoning (CIZ 2015/0006)
Draft Environmental Assessment (EA 2015/0006)
Lanai, Hawaii
TMK: (2) 4-9-006:050

The subject project is not expected to significantly impact the State highway facility. However, the developer is required to obtain a permit from Department of Transportation (DOT) Highways Division, Maui District Office for the transport of oversized and/or overweight materials and equipment on State highway facilities.

If there are any questions, please contact Mr. Norren Kato of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

Sincerely,

[Handwritten Signature]
FOR FORD N. FUCHIGAMI
Director of Transportation



MUNEKIYO HIRAGA

Planning, Project Management, Sustainable Solutions.

Michael T. Munekiyo
PRESIDENT
Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

Ford Fuchigami, Director
Department of Transportation
State of Hawai'i
869 Punchbowl Street
Honolulu, Hawai'i 96813-5097

SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006 STP 8.1876

Dear Mr. Fuchigami:

Thank you for your letter dated October 16, 2015 providing comments on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we acknowledge your assessment that the proposed project is not expected to significantly impact the State highway facility. However, the Applicant will obtain a permit from the Department of Transportation Highways Division, Maui Office for the transport of oversized and/or overweight materials on State highway facilities, as required.

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, feel free to contact me at (808) 244-2015.

Very truly yours,

Bryan Esmeralda, AICP
Associate

BE:tn

Cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lāna'i

K:\DATA\Pūlama Lanai\Lanai Avenue Houses 174\ICPA CIZ EA Responses\SDOT Response.doc



STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
Department of Health
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813
Telephone (808) 586-4185
Email: oeqchawaii@doh.hawaii.gov

RECEIVED
NOV 12 PM 3:41
OFFICE OF HAWAII
DEPARTMENT OF PLANNING
AND ZONING

November 6, 2015

Department of Planning, County of Maui
Attn: William Spence, Director
2200 Main Street, Suite 315
Wailuku, HI 96793

Dear Mr. Spence,

SUBJECT: Draft Environmental Assessment (EA) for Lānaʻi Avenue Residential Homes

The Office of Environmental Quality Control (OEQC) reviewed the Draft EA prepared for the subject project and offers the following comments for your consideration.

The technical aspects of the project are straightforward and many of the pre-consultation recommendations were incorporated into the EA. The OEQC additionally supports the following recommendations:

1) Floral Resources

Using native vegetation for landscaping, "...wherever and whenever possible, [indigenous] Hawaiian plants shall be used for landscaping on, and sourced from, the island and ahupua'a in which the species was found or known to occur" (Act 233 (2015)).

2) Low Impact Development

With future climate change uncertainties and the depletion of important resources, we recommend the proposed action consider incorporating green and low impact development (LID) initiatives. Elements such as solar hot water and electricity, pervious driveways, and eco-friendly materials could be incorporated into the project design. These measures are consistent with State and County commitments to the Aloha+ Challenge and would demonstrate Pūlama Lānaʻi's commitment to stewardship of the land, while giving residents access to affordable housing.

Thank you for the opportunity to comment on the Draft EA. We look forward to the response that also will be included within the project's Final EA. If you have any questions about these comments, please consult myself or Tom Eisen in our office at (808) 586-4185.

Sincerely,

Scott Glenn, Interim Director

EXHIBIT 20



MUNEKIYO HIRAGA

Planning, Project Management, Sustainable Solutions

Michael T. Munekiyo
PRESIDENT
Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

Scott Glenn, Interim Director
Office of Environmental Quality Control
Department of Health
State of Hawai'i
235 South Beretania Street, Suite 702
Honolulu, Hawai'i 96813

SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City, Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Mr. Glenn:

Thank you for your letter dated November 6, 2015 on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we offer the following information in response to the comments in your letter.

We acknowledge your comment that the technical aspects of the project are straightforward, and that many of the pre-consultation recommendations were incorporated into the Draft Environmental Assessment (EA).

Furthermore, we acknowledge your comments in support of floral resources and low impact development. These comments will be sent to the project's design team for review and incorporation, as applicable.

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyoHIRAGA.com

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EXHIBIT 20A

Scott Glenn, Interim Director
January 26, 2016
Page 2

We appreciate the input you provided. A copy of your comment letter, as well as this response letter, will be included in the Final EA for the proposed project. Should you have any questions, feel free to contact me at (808) 244-2015.

Very truly yours,



Bryan Esmeralda, AICP
Associate

BE:tn

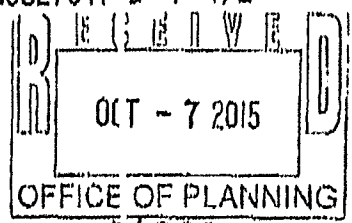
Cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lānaʻi
Glenn Mason, Mason Architects

K:\DATA\Pūlama Lānaʻi and Aunuu Houses 17-1\ICPA CIZ EA Responses\OEQC Response.doc

ALAN M. ARAKAWA Mayor

WILLIAM R. SPENCE Director

MICHELE CHOUTEAU McLEAN Deputy Director



COUNTY OF MAUI

DEPARTMENT OF PLANNING

September 14, 2015

TRANSMITTAL

STATE AGENCIES	
X	Dept of AG, Honolulu
X	Dept of Hawaiian Homelands
X	Dept of Health, Honolulu
X	Dept of Health, Maui (2)
X	DLNR-Land, Maui
X	DLNR-Planning (3)
X	DLNR-SHPD, Oahu (Architectural Only)
X	DLNR-SHPD, Maui
X	DOE, Admin
X	DOT, Maui
X	DOT, Statewide Planning Office (4)
X	OEOC
X	Office of Hawaiian Affairs
X	Office of Planning
OTHER	
X	Maui Electric Company

COUNTY AGENCIES	
X	Dept of Environmental Management (2)
X	Dept of Finance - Real Property Division
X	Dept of Housing & Human Concerns
X	Dept of Parks & Recreation
X	Dept Public Works (1 CD, 2 Hard Copies)
X	Dept of Transportation
X	Dept of Water Supply
X	Fire & Public Safety
X	Police Department

15 OCT 22 11:20

CURRENT DIVISION

PROJECT: LANAI AVENUE RESIDENTIAL HOMES
APPLICANT: LANAI RESORTS, LLC (DBA PULAMA LANAI)
STREET ADDRESS: 605, 615, AND 623 LANAI AVENUE, LANAI CITY, LANAI, HAWAII
PROJECT DESCRIPTION: Reconstruction of three (3) single-family homes and three (3) detached carports.
TMK: (2) 4-9-006-080
PERMIT NO.: CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

TRANSMITTED TO YOU ARE THE FOLLOWING:

X Application(s)

THESE ARE TRANSMITTED AS CHECKED BELOW:

X For your Comment and Recommendation

Please separate your comments into 1) a list of those you would like the Department of Planning to propose as conditions of project approval, and 2) those you may just wish to have us notify the applicant and/or a hearing body about. The Department will only recommend conditions that meet various criteria of the required permit. Please also provide any previous comments, letters, etc. pertinent to this application. Submit your comments directly to me by November 9, 2015. Boxes for Recommended Conditions and General Comments are also provided to assist you. If you have no comment, please sign the "No Comment" box and fax to (808) 270-1775. Thank you for your time and assistance. For additional clarification, please contact me via email at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789.

Sincerely,
Kurt Wollenhaupt
 KURT WOLLENHAUPT, Staff Planner

10/27/15 - faxed form
 Per K, no comment.

AGENCY NAME	Office of Planning	PHONE	808-587-2885
--------------------	--------------------	--------------	--------------

Agency Transmittal - Lanai Avenue Residential Homes (CPA 2015/0005, CIZ 2015/0006, EA 2015/0006)
 September 14, 2015
 Page 2

Attachments:

cc: Clayton I. Yoshida, AICP, Planning Program Administrator
 Staff Planner
 Project File
 General File

KIPW:xx
 K:\WP_DOCS\PLANNING\Cpa\2015\0005_LanaiAvenue\ProjectBackground\AgencyTransmittal_LanaiAvenue home s.doc

NO COMMENT			
Signed:	<i>[Signature]</i>	Dated:	10/22/15
Print Name:	RODNEY FUMAGOSHI	Title:	PLANNING ADMINISTRATOR

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	

GENERAL COMMENTS BOX			
Signed:		Dated:	
Print Name:		Title:	



MUNEKIYO HIRAGA

Planning, Project Management, Sustainable Solutions.

Michael T. Munekiyo
PRESIDENT

Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT

Mark Alexander Roy
VICE PRESIDENT

Tessa Munekiyo Ng
VICE PRESIDENT

January 26, 2016

Rodney Funakoshi, Planning Administrator
Office of Planning
State of Hawai'i
P.O. Box 2359
Honolulu, Hawai'i 96804-2359

SUBJECT: Lāna'i Avenue Residential Homes; (2)4-9-006:050; Lāna'i City,
Hawai'i; CPA 2015/0005, CIZ 2015/0006, EA 2015/0006

Dear Mr. Funakoshi:

Thank you for your letter dated October 22, 2015 on the proposed Lāna'i Avenue Residential Homes project. On behalf of the Applicant, Lanai Resorts, LLC a Hawai'i limited liability company doing business as Pūlama Lāna'i, we acknowledge that the Office of Planning has no comment to offer at this time.

A copy of your comment letter, as well as this response letter, will be included in the Final Environmental Assessment for the proposed project. Should you have any questions, feel free to contact me at (808) 244-2015.

Very truly yours,

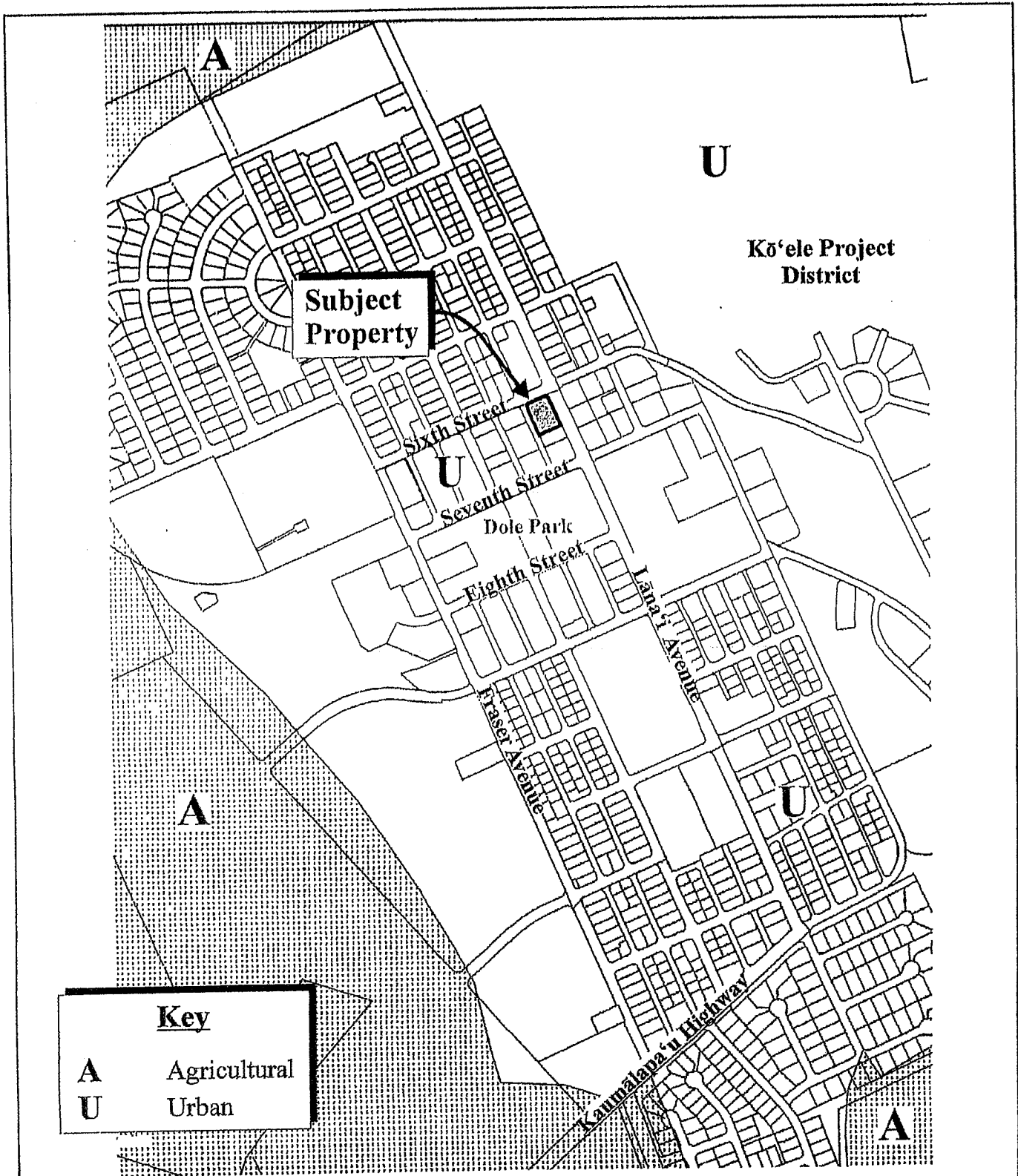
Bryan Esmeralda, AICP
Associate

BE:tn

Cc: Kurt Wollenhaupt, Department of Planning
Lynn McCrory, Pūlama Lāna'i

K:\DATA\Pulama Lanai\Lanai Avenue Houses 1741\CPA CIZ EA Responses\Office of Planning.doc

Mau: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 321 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyo-hiraga.com



Source: State Land Use Commission

Figure 6 Lānaʻi Avenue Residential Homes NOT TO SCALE
 State Land Use Classifications



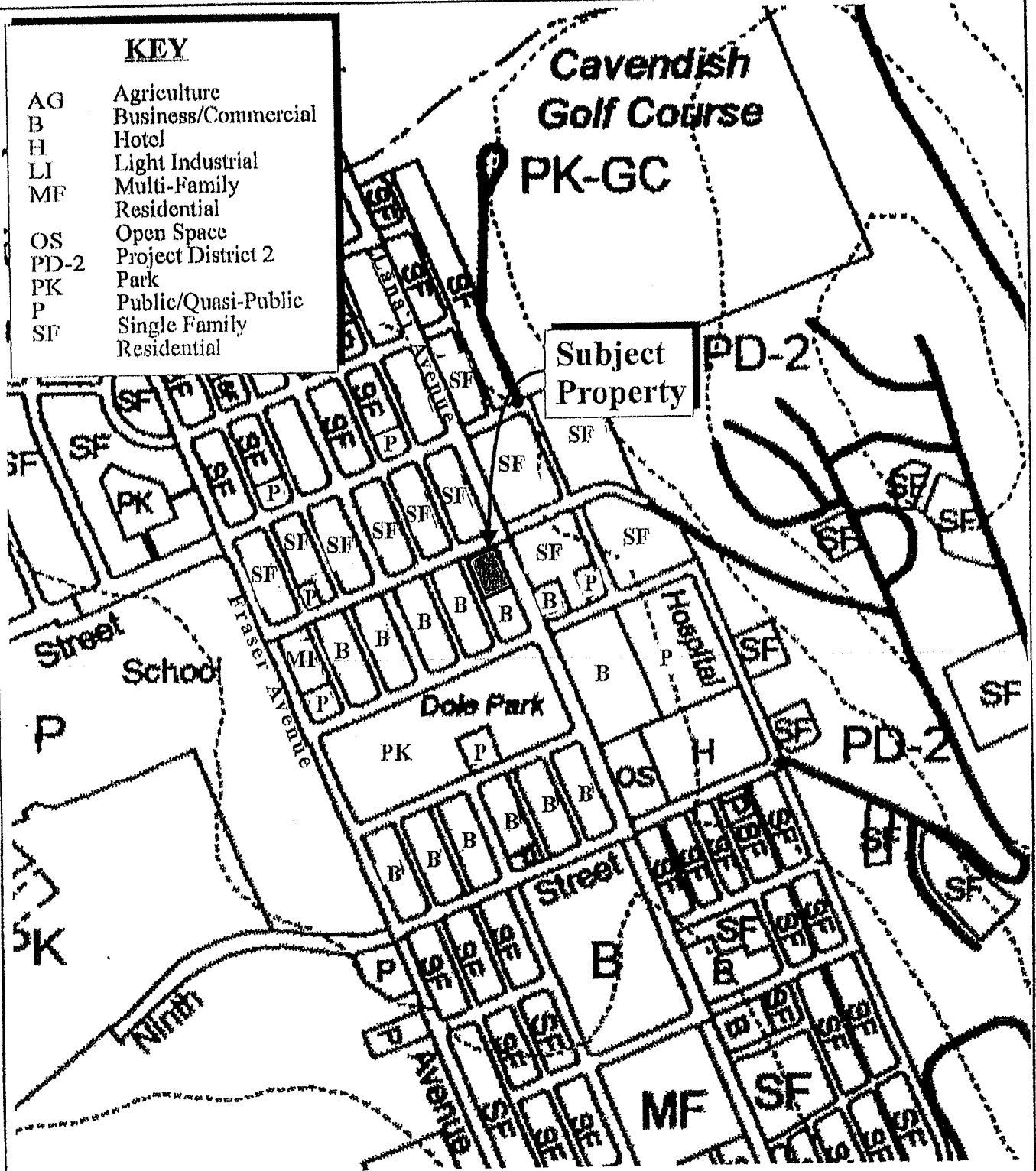
Prepared for: Lanai Resorts, LLC, a Hawaii Limited Liability Company doing business as Pūlama Lānaʻi



Pūlama Lanai/Lānaʻi Avenue Houses 1741/SLUC

KEY

- AG Agriculture
- B Business/Commercial
- H Hotel
- LI Light Industrial
- MF Multi-Family Residential
- OS Open Space
- PD-2 Project District 2
- PK Park
- P Public/Quasi-Public
- SF Single Family Residential



Source: County of Maui, Department of Planning

Figure 7 Lāna'i Avenue Residential Homes
Community Plan Designation

NOT TO SCALE

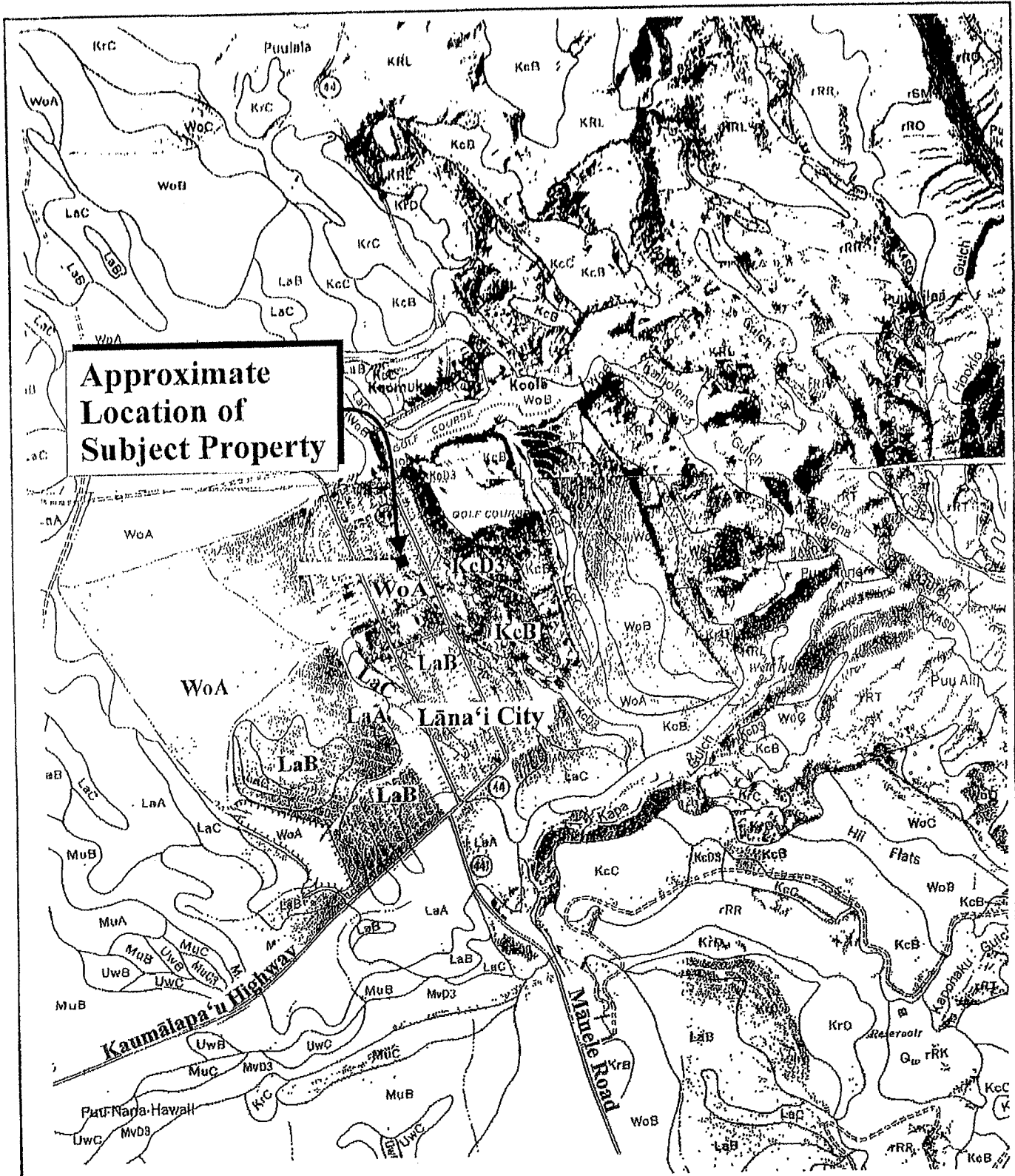


Prepared for: Lanai Resorts, LLC, a Hawaii Limited Liability Company doing business as Pūlama Lāna'i

 MUNEKIYO HIRAGA

Pūlama Lanai/Lāna'i Avenue Houses 174/Community Plan Designation

EXHIBIT 23



Source: USDA, Soil Conservation Service

Figure 5 Lānaʻi Avenue Residential Homes
Soil Classification Map

NOT TO SCALE



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



Pūlama Lānaʻi Lanai Avenue Houses 1741 Soil Classification

EXHIBIT 24

**Applications for Community Plan
Amendment and Change in Zoning
Lānaʻi Avenue Residential Homes
(2)4-9-006:050**

Lānaʻi Planning Commission

April 20, 2016

Prepared for: Pūlama Lānaʻi



Project Team

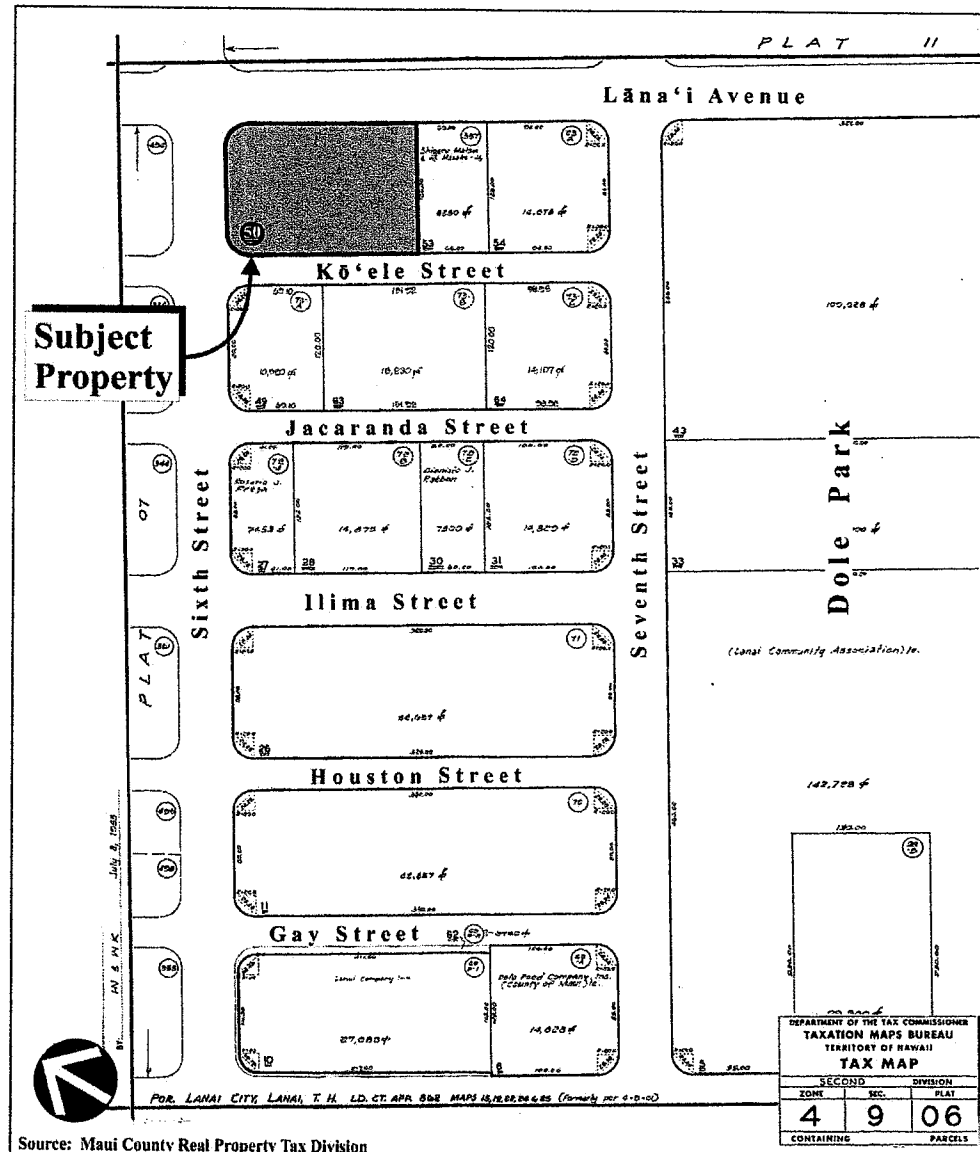
Landowner/Applicant:	Pūlama Lānaʻi
Architect:	Mason Architects
Civil Engineer:	R.M. Towill Corporation
Structural Inspector:	Okahara & Associates, Inc.
Oral Histories:	Pūlama Lānaʻi (Kepa Maly)
Planning Consultants:	Munekiyo Hiraga

Request

Applicant is requesting:

- Lānaʻi Planning Commission's recommendation of approval for a Community Plan Amendment and Change in Zoning to the Maui County Council

Property Location Map



Source: Maui County Real Property Tax Division

Pulama Lanai Lanai Avenue Houses 1741 PowerPoint Property Location Map

Property Description

- Property is located on Lānaʻi Avenue, in Lānaʻi City, Hawaiʻi
- TMK (2) 4-9-006:050; approximately 0.51 acre
- Owned by Pūlama Lānaʻi

	Existing	Proposed
State Land Use Designation	Urban	No Change
Lānaʻi Community Plan Designation	B, Business/Commercial	SF, Single-Family
Maui County Zoning Designation	B-CT, Country Town Business	R-1, Residential

Project Description

- Project involves the reconstruction of three (3) homes and three (3) detached carports at 605, 615, and 623 Lānaʻi Avenue for rental use; homes will be approximately 1,100 square feet each
- Former homes and garage were constructed as part of the original Lānaʻi City development in the 1920s
- Homes were demolished in August 2014
- New rental homes will be built using original exterior design with interior design modifications

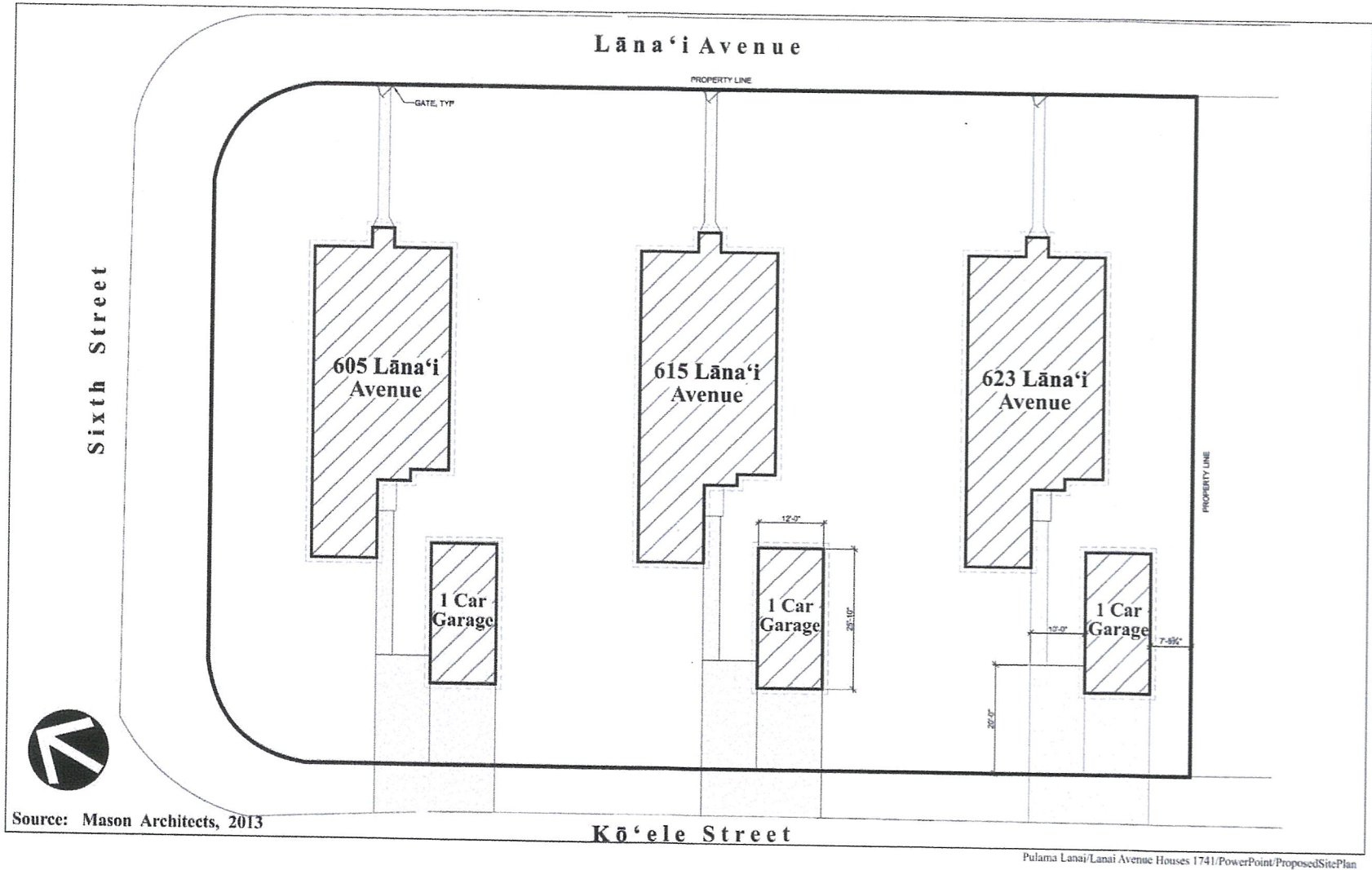
Project Background

- Former homes and garage were constructed as part of the original Lānaʻi City development in the 1920s
- A Structural Engineering Report prepared in 2001 noted that the homes and garage were in a dilapidated state with serious termite damage, mold infestation, and deterioration of the foundations and roof supports
- The report concluded that the three (3) homes and garage were structurally unsafe and posed public safety and health concerns
- Homes are intended to be reconstructed and reintroduced as available rental housing units for Lānaʻi

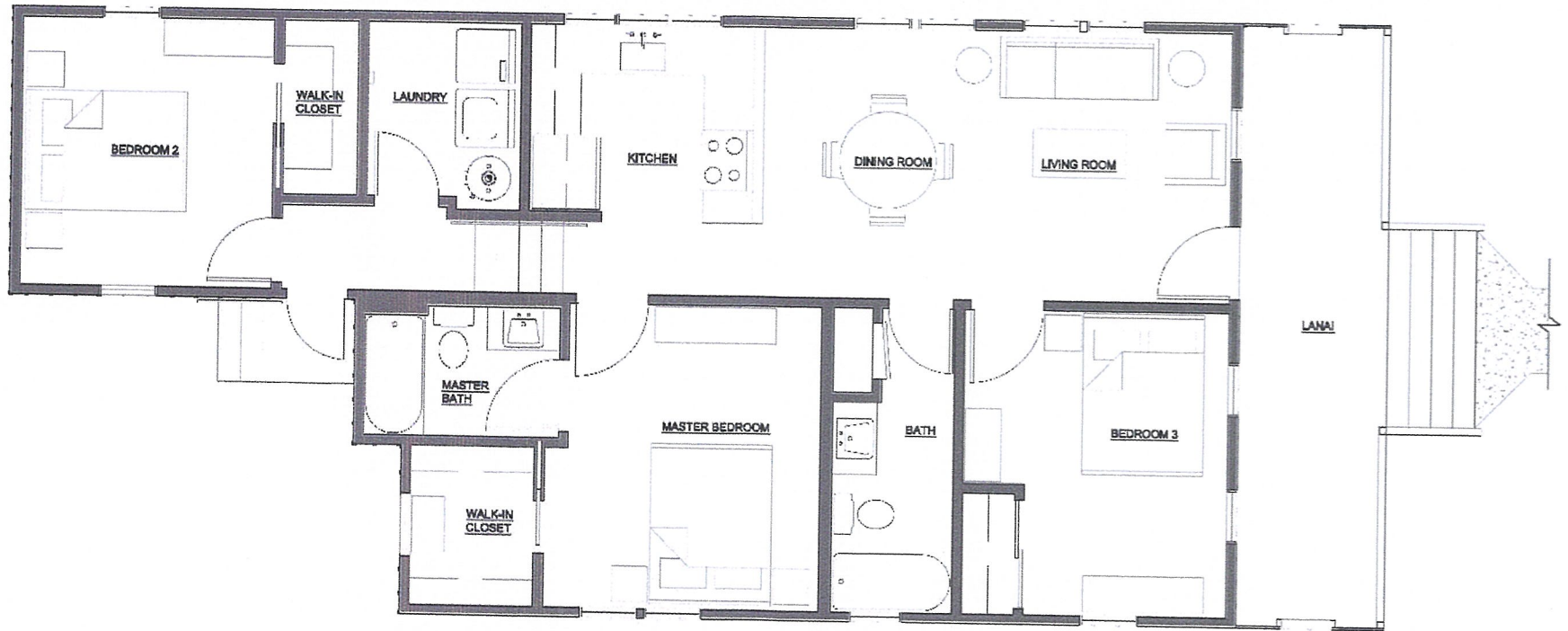
Photos – Existing Site



Proposed Site Plan



Proposed Floor Plan



Proposed Elevations



Front Elevation



Side (North) Elevation

Environmental Assessment

- Preparation of a Hawai'i Revised Statutes, Chapter 343 EA was triggered by the Community Plan Amendment request
- On January 20, 2016, the Lāna'i Planning Commission reviewed and accepted the (Draft) Final EA and issued a Finding of No Significant Impact determination
- The Final EA and FONSI were published in the Office of Environmental Quality Control's Environmental Notice on February 23, 2016

Community Outreach

- Public informational meetings to discuss the proposed project were held on Lānaʻi on:
 - September 18, 2013
 - July 28, 2015
- The Maui County Cultural Resources Commission discussed the proposed project at two of its regular meetings:
 - October 3, 2013 (On Lānaʻi)
 - December 5, 2013
- The Lānaʻi Planning Commission reviewed the Draft EA on October 21, 2015 and (Draft) Final EA on January 20, 2016 and provided further opportunity for public input
- The public had overall positive reviews of the proposed project
- Similarly, the Commission had minor comments on the project.

Community Plan Amendment

Areas of Consideration

- **Archaeology/Cultural Resources:** State Historic Preservation Division determined that proposed project will not affect historic properties
- **Traffic Impacts:** Traffic Assessment letter determined project will have minimal impacts on existing traffic
- **Infrastructure (Water, Sewer, Drainage):** The proposed project site has existing access to water and sewer services for future residences. Drainage improvements exist within project area.
- **Flora/Fauna Resources:** The project site does not include any threatened or endangered species. Site is surrounded by existing development and was formerly utilized for residential use.
- **Beach/Mountain Access:** The project site does not impact any traditional beach or mountain access points.
- **Community Outreach:** Pūlama Lānaʻi held two (2) community meetings; Lānaʻi Planning Commission reviewed Draft EA and Final EA and Maui County Cultural Resources Commission (MCCRC) reviewed project at public meetings where there was opportunity for review and comment.

Change in Zoning

A Change in Zoning is being requested in accordance with Section 19.510.040 of the Maui County Code, and will be in compliance with the following provisions:

- A. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county,
- B. The proposed request is consistent with the applicable community plan land use map of the county (with the concurrent CPA request),
- C. The proposed request meets the intent and purpose of the district being requested,
- D. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements, and
- E. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.

Summary

Applicant is requesting:

- Lānaʻi Planning Commission's favorable recommendation of the following to the Maui County Council:
 - Community Plan Amendment from B, Business/Commercial to SF, Single-Family
 - Change in Zoning from B-CT, Country Town Business to R-1, Residential

MAHALO

**LANA'I PLANNING COMMISSION
REGULAR MEETING
APRIL 20, 2016**

APPROVED 07-20-2016

A. CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Chair Kelli Gima at approximately 5:00 p.m., Wednesday, April 20, 2016, in the Lanai Senior Center, Lanai City, Hawaii.

A quorum of the Commission was present (See Record of Attendance).

Ms. Kelli Gima: Good evening everyone. We're going to go ahead and get started, so for those of you who are outside please come on in. Please silence your cell phones if you haven't already. We're going to start the April 20th, 2016 Lanai Planning Commission. It is now 5:00 p.m. And we're going to -- we do have quorum tonight. We have a few members missing. We're going to start off by the introduction of our new member, Medigale Badillo. Welcome. Would you like to say something about yourself to the community and to the commission? You can go on the microphone.

B. INTRODUCTION OF NEW MEMBER - MEDIGALE BADILLO

Ms. Medigale Badillo: Hello. I am Medigale Badillo. I'm...a resident here in Lanai for about 15 years, and I'm just going to step up for the best for our community, and have a good night.

Ms. Gima: Thank you and welcome. Next on the agenda we're going to start public testimony, and I have one on the list. And we are going to start off with Ron McOمبر.

C. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.

Mr. Ron McOمبر: . . . (inaudible) . . .

Ms. Gima: Okay, yeah, so what we're going to do is we're going to start general testimony if anybody needs to leave and can't stay for the evening. After the two permit application items, we'll open up testimony again after you've had time to hear the presentation, you might have some questions. So I'm going to read down the list, and if you are willing to give testimony right now, then please come up to the mic. Next is Albert Morita.

Mr. Albert Morita: Good afternoon Chairperson Gima and members of the commission. My name is Albert Morita. I'm nearly a life long resident of Lanai, in fact, having grown up in the

Koele area, in the much simpler times. I'm here on behalf of myself and my wife, Julia Morita, who has spent more than half of her life time on Lanai, and we both love it here.

We are here today to express our concern with the helistop pads proposed for Koele -- Koele, Lanai. We believe they are an inappropriate use of the lands and will be a detriment to and not in harmony with an area long cherished for its beautiful and serene nature. After all our late Dennis Kamakahi wrote: "Koele . . . (inaudible) . . . -- Memorializing the peaceful calm of that area." In addition, the proposed area sits at the junction of two major access roads to the north, west, and east areas of Lanai. The safety of those who use these roads and adjacent lands will be seriously compromised by the pads being so close, within 300 feet, of Keamoku Road, and the proposed flight . . . (inaudible) . . . to the northeast going directly over Keamoku Road. We question the selection of the Koele site when a perfectly good airport is just a 10 minute drive away from the Lodge at Koele, and provides a safe and accessible landing site. If the applicant really needs a closer site than the Lanai Airport, then they should consider the area marked on their exhibit regional location map which indicates an area near the sporting clay range about a mile or more to the north. And I kind, and I kind of wondering why the notice of hearing indicates this particular area, and I wasn't going to testify because that's the area I thought it was. But doing more research I find out it's right at the tennis courts at Koele. So at best it's a...clerical error, which I find hard to believe in these days of GPS, Google Earth and everything else. And at worse, an intentional effort to deceit? At any rate, please do not approve the request to construct and operate the proposed Koele helistop. Thank you.

Ms. Gima: Thank you. Uncle Albert, I have a quick question. Just to clarify, so you got a notice of hearing, but it didn't specifically say it was in the Koele area?

Mr. Morita: I relied on the map. And if there is a power point presentation later, it's on the exhibit. The exhibit is regional location map, and on that map it shows an area very near the sporting clay's entry gate, which is nearly a mile away. And if you depended on this map to see if it affected you or concerned you, you probably wouldn't have come tonight, and I nearly didn't come.

Ms. Gima: Alright. Thank you for your clarification and your testimony. Next up we have Margaret Peary.

Ms. Margaret Peary: Hello. Okay. My name is Margaret Peary. I haven't lived here for a long time. I would echo everything that Albert just said. I reflects my feelings exactly. I, I find this absurd because we are in such close proximity to the airport. This is not an inaccessible area. It's not as though they're shuttling down to Club Lanai or something where the roads can be washed out and it's very rough going to get to a place like that. Where I lived formerly in Mililani, it wasn't too far from a fire station, and every now and then a helicopter comes right over, and you think, oh dear God, I think they're going to land our roof because they just skims over and then they land in an empty field near the fire station. It isn't fun. It isn't nice. It certainly isn't something I would want to be anywhere near. They say the flight paths won't go near any residential areas, but if I were a guest, even, at Koele and you've got this loud thing now landing and it could land at night sometimes, I just think it's absurd that people who come

to this island can't just come in to the airport and make their way by car like everyone else and go to either Koele and Manele. I'm not -- you know whatever the Manele people are going to say about that, but as far as Koele, I'm absolutely against it, and I ask the board to vote no.

Ms. Gima: Thank you very much. Next up we have Randy Fernandez.

Mr. Randy Fernandez: Good evening Madame Chair Gima. I do feel for you Albert and the rest of the community about the Koele. I'm here for Manele. I do hope that you guys back us up down at Manele. As far as Koele, after hearing this testimony I feel like maybe we should look at Koele and see, you know, what we can do to make it happen. Maybe not so close. Maybe...another location. But definitely we would love to have a helipad somewhere in that vicinity. Thank you.

Ms. Gima: Thank you very much. Next we have Wendy Kaopuiki. You're going to do it after? Okay. Stanley Ruidas? After. Robin Kaye? After. Melvin Catiel?

Mr. Melvin Catiel: My name Melvin Catiel, born and raised here, and Koele was part of my playground before when we were young. We used to play there, Albert them and the Kwon family when they were living up there. I'm against the Koele helipad because you get people in the hospital who gotta be medivac, they gotta go down to the airport. Why you gotta build one up there just for tourists who get plenty money. No make sense. Let them go down the airport like any other people we gotta medivac. Plus on top of that, there's a graveyard up there. Now people holding services, you don't want a helicopter flying over, buzzing around. If it was me, my family there, I go look for the pilot, I give 'em dirty lickin'. So I don't know, if you guys probably wiping the tourist's ass too already, for you guys who want to build this. So I'm against it.

Ms. Gima: Thank you very much. Next we have Ken Escolito. Okay. Chad Campbell? Debbie dela Cruz?

Ms. Debbie dela Cruz: Thank you for the opportunity to provide testimony. My name is Debbie dela Cruz, and I'm a Lanai resident. I think we all share the hope that our resorts will succeed. We don't want to return to a few years ago when many good people were leaving the island as they lost their jobs. So as I read up on helistops I had that in mind. Do we need helistops for the resorts to succeed? Pacific Business News said that the helistops here would be some of the first on top any of Hawaii's hotels. So there are other high end resorts without helistops. Then I tried to think like the target rich visitor to Lanai and that was hard to stretch. From T.V. and movies, they appear to want the unique, they want comfort, and they want convenience. We've waited for hours at the Honolulu when there are flight delays and seen how impatient some of those well dressed people get. You know they'll never plan -- you know they'll never plan another trip to Lanai. My first thought when I see this, see that is stay home next time. My second thought is we need them. Lanai is a one horse town, and that horse is high end tourism. I may lose friends forever, but I finally decided not to oppose the helistops. Those rich people want exclusivity. If we accept the helistops, we need to look at minimizing the effects on the community, and consider what makes people move to Lanai, and what makes residents

stay. Helicopters buzzing overhead aren't part of that. Based on what I've read about the helistop controversies elsewhere, I ask that if you consider the following.

One, set time limits for the flights, such 7:00 a.m. to 7:00 p.m. The permit requested Pulama notified the 110 members of the Manele and Koele Associations about this request, and they only received two responses asking that there not be flights between 11:00 p.m. and 5:00 a.m. There's no mention of notifying Iwiole people. Please take into consideration that many of those homeowners are part-time residents who don't work on Lanai, unlike many residents who are working and need their sleep. The association homeowners probably have double wall homes, possibly insulated, and probably have air-conditioning so they don't need to keep their windows open. Most Lanai homes aren't doubled walled, and people typically leave their windows open so noise is a factor especially at night.

Number two, set sound limits in decibels. We don't want a huge Sikorsky landings off load a large group. The permit request states that the helicopters are, quote, "anticipated to carry a maximum of six passengers including the pilot," end quote. But this isn't a commitment for that passenger load. The noise from the helicopters is more important than the size.

Number three, minimize flights when possible by dropping baggage at the airport.

Number four, do not allow helicopters to fly over the city or within a certain distance from the city for noise and safety reasons.

Number five, allow uses at Manele helistop in cases of major emergencies so the community could get some benefit. This could be limited to government and medivac use. Some smart Lanai people have pointed out that our current community plan discourages the establishment of commercial heliport facilities outside of Lanai Airport, and prohibits aircraft flight patterns over Lanai City, and late night aircraft operations to mitigate noise. If the community makes a concession and allows helistops, please make sure that the community is protected as much as possible.

Lastly, at the Koloiki lookout several weeks ago, there was a couple looking over at Manele and Maui, and after a long while the wife turned and commented to her husband that it was so quiet. A guest watching the sunset from the veranda of the Lodge probably has the same thought, so let's not kill the golden goose by destroying what people come here for. Thank you.

Ms. Gima: Thank you very much. Next, we have Kathy Brindo.

Ms. Kathy Brindo: I'm Kathy Brindo. I've lived on Lanai, and raised my kids here. It's been 36 years. And what Debbie said one of the first things I thought -- I think to myself why, why do people want to come here? There's so much more on other islands. And recently, it kind of startled me because it's something I've just taken for granted is what Debbie said; people have said to me, oh, it's quiet here. We have --. When we think about we have the quiet, we have the lack of traffic. And the other thing, not so many people around. And they live with this everyday; the traffic, the people, the noise. And I think we're kind of starting to kill off what we

have, one of our better things with this.

I live in Iwiolo, and I figure from the --. Well, I'm right in front of Iwiolo, and I figure from the tennis courts, it would take about a minute for a helicopter to get to my house. We've had them landing, you know, in that area or at Koele, and it's loud. I mean, we always go outside to see what's happening because it's loud. And you know, the wind comes from that direction, so it's double loud. It's, it's right at you. You can't get away from it.

And then I had some questions too. How often are these going to happen? Are they going to have tours that go around the island? Are they going to be leaving hourly? You know, is it --. First I thought, oh, just once or twice a day, but it could be hourly. It could be more than that depending on what's happened.

Actually, I think that's about it, so thank you. Thank you for listening.

Ms. Gima: Thank you very much.

Ms. Zigmond: Kathy, can I ask you a question please? Do you live in Iwiolo?

Ms. Brindo: Yes, I live right in front.

Ms. Zigmond: Did you get a notice about this hearing?

Ms. Brindo: Kind of. Well, e-mail from friends.

Ms. Zigmond: But, I mean, you did not get one from the applicant as the homeowners at Manele and Koele did?

Ms. Brindo: No.

Ms. Zigmond: Okay, thanks.

Ms. Gima: Next, we have Myles Saruwatari.

Mr. Myles Saruwatari: Hello. I'm Myles Saruwatari. I grew up on Lanai. I moved away for 40-something years. I just moved back in 2013. Now my view may not be as well rounded as everybody else here because I haven't lived here for a long time. But I'm going to tell you when I came back to Hawaii, Lanai specifically, it was a shock. Shock. When I went to Lahaina for the first time in 40 years, I was shocked at Lahaina. It's Waikiki. Now, I'm not saying that's going to happen with the helipad here, but what is -- what I noticed about what the ads and everything for tourism to Hawaii, of Hawaii, Lanai, it's about the rustic Lanai; the country atmosphere, the peace and quiet. If you start having helicopters and that kind of stuff coming in on a regular basis doing tours, it destroys what you're advertising for Lanai tourism. Yeah, it creates, may create more business, more money, but where do you draw the line? We have a way of life...that is very important. Thank you.

Ms. Gima: Thank you Myles. Next up Betty Agtarap. You're not testifying? Okay. Warren Osako.

Mr. Warren Osako: I'll wait till after.

Ms. Gima: Okay. Haruo Kawamura? No? Okay. Max Renigado?

Mr. Max Renigado: How's it everybody, my name is Max. I'm not a Lanai boy. I moved here for work. I've been here for 14 years. My biggest concern about this heliport is the usage. That area is an active hunting area whether they be by paid hunt, by archery, by shotgun or on the weekends during hunting seasons. We've had a few incidents to where during hunting season a chopper came by and ruined many peoples' opportunities to successfully fulfill their opportunity here for whatever lottery that they signed up. The hunting part for the community that's a big financial...profit for us. Nothing that is self reliant on Pulama. This is community based guys that work hard for support the hunters. They reap the benefits from it. If this happens is...I would like for them not fly during hunting season. Shut them down because you give them free pass for go around town, what's going to stop them from doing a shoreline pass through all the areas that DLNR rents so that we can have our state hunt? How many guys going get pissed off saying, bra, I had one chance and this chopper came by, the herd gone. Okay, they stop coming, DNLR lose money, we lose money, the community lose money. I'm pretty sure some how, somewhere Pulama going feel the pain that the community going feel because bra, guys coming here, they spend a lot of money. Thousand dollars one person, between renting your car, your plane ticket, getting your food, getting animals back safely. And if you get one trophy, you're taxed, and that's a lot of money involved. And then we all doing this so that the goose egg can be happy. Think about the little people trying for be content with life here. It's like no sacrifice everything so that the goose egg can be happy.

Ms. Gima: Thank you Max. Lastly we have Kathy Carroll. Okay. Patricia Noble. You're not testifying. Okay. Bruce Harvey.

Mr. Bruce Harvey: Hello everybody I'm Bruce. I don't have any oppositions to the heliport down at Manele, but if somebody is trying to tell me in order to save time, bring them from the airport to Koele, I think by the time they get off the plane with their luggage and everything else, you'd get there faster than in a car, by helicopter. And I also firmly believe this is an end run of smoke and mirrors of picking people up, all of sudden, oh, we're going to Koele via Garden of the Gods, . . . (inaudible) . . .Kawela and Maunalei gulch. Somebody standing there at Koloiki Ridge, woah, where you guys going? Oh, we're going to Koele, so you know, I just have problems with the original intent of this. If somebody has a really good reason why they need a heliport up at Koele, I'd love to hear it. I mean, you might convince that we need one there. But so far it's, oh, we need exclusiveness. People are not going to come Lanai because they can't take a five minute helicopter ride from the airport to Koele. No, that's not going to happen. Once again, I think it's kind of "shibai" thing that they just want to throw a tour in. I really believe that, so...that's my opinion. Okay, thank you.

Ms. Gima: Thank you Bruce. Is there anyone else at this time that wants to testify that hasn't

been able to sign up? Auntie Winnie. Please come up and the Nick Palumbo next.

Ms. Winifred Basques: My name is Winifred Basques. I live on this island 53 years. I've been hunting on this island 45 years. I'm a hunter. Okay, I telling you this because it's sustainability. Okay, we live off the land. And if this helipad pass, look out man, we get one big problem. Big problems. If this gonna pass, my observation is, no, aole pilikia, pono. Stick to the regular place. If they want to come in, go to the airport. That is what it's all about. Did they have any permission to come from the FAA? Or did they have any permit come out from the EIS or the SMA permit? I don't think so, and yet he brings everybody over here to look this island and they gonna destroy our island, our lifestyle. Thank you very much.

Ms. Gima: Thank you. Nick?

Mr. Nick Palumbo: Hi. So coming here, I hear a lot of things and I feel –

Ms. Gima: Can you state your name please?

Mr. Palumbo: My name is Nick Palumbo. I'm a resident here. Like Uncle Melvin, I grew up playing around Koele when I was like 10 years at George Ohashi's house before any resorts, hotels here. And then like Max said, you know, you hear things and then your brain starts going. I didn't write anything down. Last year, while my friend was here on a State hunt, we went hunting at Mahana. We watched a deer from a mile away. As the deer made their way up and got in range, a helicopter flew. We couldn't hear the helicopter coming. It flew over the same herd we waited for, watching the helicopter buzz scared them all off and then chase 'em. My friend, from Maui, looked at me and he said, bra, I like shoot the helicopter right now, yeah. So the other night while hearing about this, I was in the shower and I started thinking, you know, it's going to be, it's going to be a heavy thing, yeah? And I started thinking about what he said, you know, about this meeting. Then I started thinking about where it's proposed to be; it's within a mile of my house. And I start thinking about my kids.

Last year my daughter was playing at the edge of Iwole fence feeding the horses with her mother, and she got shot in the head by a 22 air rifle in the head. Okay. The police had several different things. They couldn't find who had shot her. They still haven't found who had shot her. And I thought, the same person who had shoot a nine year old girl in the head would shoot a helicopter, you know. So...you know, safety is a real issue, yeah. And for me when I was -- 2010, my son was at the hotel at Manele, and he nearly drowned in the pool. He got medivac by helicopter to Oahu and it saved his life, yeah. So both ways, but just so long you guys listen to the community and, you know, the things that happen. So that's it. And I oppose, just to clarify that. I oppose it all together, but those are things that happened. Thank you.

Ms. Gima: Thanks Nick. Anyone else? Diane. Please state your name for the record.

Ms. Diane Preza: My name is Diane Preza. I was born and raised here on Lanai, and I have concerns about the Koele helipad. I live at Hawaiian Homelands along the Iwole ditch and the helicopters that pass there now, they don't fly over us, but they fly close enough that it's really --

it's kind of scary, it's really noisy, and like Kathy Brindo, we'd go outside because we think something is wrong and dogs going crazy. But, I just want you to consider that because like Uncle Albert said the airport is really close and I would prefer not to have the helipad at Koele. Thank you.

Ms. Zigmond: Madame Chair, can I ask her a question? Diane, you live at Hawaiian Homelands? Did you receive any notification about the –

Ms. Preza: I received the e-mail from Pulama.

Ms. Zigmond: But nothing that was a via mail like the homeowners did, or any specific address to you as a resident of Hawaiian Homelands?

Ms. Preza: . . . (inaudible) . . .

Ms. Gima: Thank you. Last call for public testimony at this time. Joelle?

Ms. Joelle Aoki: Good evening commissioners, my name is Joelle Aoki. I'm a native of Lanai. And I have mixed feelings about the helipad at Koele. I do know for a fact that helicopters that have flown to Lanai in the past has been very dangerous for me and my family. On one occasion we were rounding up our cattle and we were getting close to the shoot area, and the helicopter thought, oh, round up, and they decided to hover over us with me on the horse. I fell off, almost got trampled, and I was very upset, and so I found out from our senators the only way you could hold someone responsible is to be able to get the serial number off of the helicopter. But it's not like you're sitting there with your binoculars all day long, and, you know, when you're shook up like that it's almost impossible. You can get the markings and identifying marks of the, of the aircraft, but the serial number is very difficult to acquire. And this has happened more than once.

And although we may not have the large ranch today, we still have cattle on island and still till today when I go out there and I try to push them on foot, it's very dangerous because the helicopters pass above and they want to see what's going on because they can see me out in the open and the cattles turn around, and we're talking about 800 pound animals coming running at me and I'm on my feet.

And so for me it's been very dangerous and...so I think, you know, if there are conditions, it's very important about how the conditions are placed, and the times of day and the flight patterns. Often times, I do agree with Bruce Harvey because often times they, they...they go off of their flight pattern is what I understand. I personally know a couple of helicopter pilots who have told me when you have the helipad on Lanai, they're not going to fly the same pattern. They're going to -- they're going veer off of that sometimes. If they want to --. They're not required to stay on that flight pattern. And so...I just would like to ask you to think very carefully about the conditions on the helipads particularly at Koele. I have not received anything. I live pretty close to Koele, in Wailua housing, but did know about it through public notice. I, I do agree that it's very close to the airport, and I have personally caught a helicopter to Koele in the opening, the

grand opening of Koele, and it was actually faster to get up in the van because the luggage beat us so that's just from experience. Thank you.

Ms. Gima: Thank you Joelle. Okay, at this time, we're going to close public testimony and move on to our next agenda item which is election of officers for 2016-2017 commission year. This is new officers as chair and vice-chair. So we'll start off if anybody has any nominations.

D. ELECTION OF OFFICERS FOR 2016-2017 COMMISSION YEAR - CHAIR and VICE-CHAIR

Ms. Zigmond: Madame Chair?

Ms. Gima: Yes?

Ms. Zigmond: I think you have done such an outstanding job this past year even though we didn't have the full amount of meetings that we should have, so maybe you didn't get your feet completely wet, but I nominate you to be our fearless leader once again.

Mr. Bradford Oshiro: Kelli, I'll second that.

Ms. Gima: Okay. Bev motioned for myself, Kelli Gima, to be chair; Brad second. Let's take a vote. All --. I'm sorry. Is there any other nominations for anyone else to be chair? Alright, so we'll go ahead and take a vote. All in favor -- all in favor of those for me to be chair for the next commission year raise your hand. One, two, three, four, five, six. Unanimous. Okay. Thank you.

It was moved by Commissioner Beverly Zigmond, seconded by Commissioner Bradford Oshiro, then unanimously

VOTED: Commissioner Kelli Gima as Chairperson for the 2016-2017 commission year.

(Assenting: M. Badillo, M. Baltero, S. Ferguson, S. Koanui Nefalar, B. Oshiro, B. Zigmond)

(Excused: S. Marlowe)

(Absent: J. Barfield)

Ms. Gima: And then we'll go ahead for nominations for the vice-chair.

Ms. Zigmond: Madame Chair, I nominate Stacie to be vice-chair again, if she accepts.

Mr. Oshiro: And I second that.

Ms. Gima: Okay. Bev made a motion for Stacie to be vice-chair, Brad seconds it. Any other nominations for vice-chair? None. All in favor of those voting for Stacie to be vice-chair raise your hand. Unanimous. That passes. Alright.

It was moved by Commissioner Beverly Zigmond, seconded by Commissioner Bradford Oshiro, then unanimously

VOTED: Commissioner Stacie Koanui Nefalar as Vice-Chairperson for the 2016-2017 commission year.

(Assenting: M. Badillo, M. Baltero, S. Ferguson, S. Koanui Nefalar, B. Oshiro, B. Zigmond)

(Excused: S. Marlowe)

(Absent: J. Barfield)

E. RESOLUTION THANKING OUTGOING COMMISSIONER JOELLE AOKI

Ms. Gima: And next on our agenda item is a resolution thanking our outgoing commissioner Joelle Aoki.

Mr. Clayton Yoshida: Thank you Madame Chair, members of the Commission. I guess we'd like to pause for a few moments to, since we didn't have a March meeting, to thank the outgoing member, Joelle Aoki, for 4 ½ years of service as a member of the Lanai Planning Commission. We have a resolution of the Lanai Planning Commission, which reads:

WHEREAS, Joelle Aoki has served the County of Maui since August 2011 as a member of the Lana'i Planning Commission; and
WHEREAS, Ms. Aoki has served with distinction and has performed her duties in the highest professional manner with the Lana'i Planning Commission; and
WHEREAS, Ms. Aoki's term of office expired on March 31, 2016; now therefore
BE IT RESOLVED that the Lana'i Planning Commission hereby commends Ms. Aoki for her dedication and untiring public service to the people of Lana'i; and
FURTHERMORE, BE IT RESOLVED that the Lana'i Planning Commission expresses their sincere appreciation for Ms. Aoki's services and extends their best wishes in her future endeavors; and
FURTHERMORE, BE IT RESOLVED that copies of this Resolution be transmitted to the Honorable Alan Arakawa, Mayor of the County of Maui; and the Honorable Mike White, Council Chair of the Maui County Council.

So if you all could sign this Resolution for Joelle. We also have a letter, a congratulatory letter from Mayor as well as a certificate of appreciation from the Mayor thanking Joelle for her commitment to Lanai community, and her countless contributions to the Lanai Planning Commission. Thank you Joelle.

F. APPROVAL OF THE MINUTES OF THE FEBRUARY 17, 2016 MEETING

Ms. Gima: Okay, we will move on to Item F on the agenda, which is the approval of the minutes of the February 17, 2016 meeting. Commissioners, is there any discussions? Anything that needs to be pointed out to Leilani at all? Okay. Nothing? Do I hear a motion to approve the February 17th minutes?

Ms. Zigmond: I so move.

Ms. Stacie Koanui Nefalar: . . . (inaudible) . . .

Ms. Gima: Okay, it's been moved by Bev, and second by Stacie to approve the February 17th, 2016 minutes. Again, any discussion? All in favor of approving the minutes raise your hand. Okay, unanimous, that passes.

It was moved by Commissioner Beverly Zigmond, seconded by Commissioner Stacie Koanui Nefalar, then unanimously

VOTED: to approve the February 17, 2016 meeting minutes as submitted.

(Assenting: M. Badillo, M. Baltero, S. Ferguson, S. Koanui Nefalar, B. Oshiro, B. Zigmond)

(Excused: S. Marlowe)

(Absent: J. Barfield)

G. PUBLIC HEARING (Action to be taken after public hearing.)

- 1. MR. KURT MATSUMOTO, Chief Operating Officer of LANAI RESORTS, LLC (dba PULAMA LANAI) requesting a Community Plan Amendment from Business/ Commercial to Single Family Residential and a Change in Zoning from B-CT Country Town Business District to R-1 Residential District for the Lanai Avenue Residential Homes project, the reconstruction of three (3) single family homes and three (3) detached carports at 605, 615, and 623 Lanai Avenue, TMK: 4-9-006: 050, Lanai City, Island of Lanai. (CPA 2015/0005) (CIZ 2015/0006) (K. Wollenhaupt)**

Ms. Gima: Okay, on to Item G, which is our public hearing.

Ms. Zigmond: Madame Chair?

Ms. Gima: Yes?

Ms. Zigmond: Excuse me please. I was wondering if, since we have new members...and also as a refresher for the rest of us who might not fully understand or be aware of the conflict of interest especially when the applicant is the employer. If we could have some discussion about that. I remember sitting on this commission in previous times when an employee recused himself whenever the application was from the company or about the hotel, and I think that it's very important. I think...it's a threat to the integrity of this commission if we don't have that discussion and have a thorough understanding.

Ms. Richelle Thomson: Thank you for the question. So what the commissioner was referring to is the Board of Ethics. Sorry, the Charter's Code of Ethics. And that states that if you have a direct financial interest in an application that you should refrain from voting. There's a Board of Ethics opinion from 2004 that says that you're not automatically...you're not automatically disqualified or should refrain from voting, but you need to disclose your conflict of interest. In this case we're talking about an employer/employee relationship potentially by some of the members. If you're employed by the applicant, directly, you should disclose that on the record. It's your choice ultimately whether you would either vote, refrain from voting, request a deferral of the item so that you can seek a Board of Ethics opinion. And if you follow that Board of Ethics opinion, then you're in the clear as far as the commissioner. So if you have questions I can answer them.

Ms. Koanui Nefalar: What's the --. So if an employee -- what's the consequence of, of the employee if there is a conflict?

Ms. Thomson: Basically the potential consequence would be what someone who believes that the decision was made and improperly influenced by that conflict of interest. Someone could challenge that decision. A Board of Ethics complaint could also be brought against the commissioner, and the Board of Ethics could recommend, you know, removal or...or other.

Ms. Gima: Bev, did that answer your question?

Ms. Zigmond: I appreciate Corp Counsel talking about that. I understand that, or hopefully we will have a little more discussion on that when we get to the ethics part of our orientation workshop. I appreciate that...for what you gave us. I didn't actually have a question. I just needed to put it out there, and my understanding is it's also the perception of a conflict because that can be just as detrimental as an actual conflict.

Ms. Thomson: Thank you. I can answer that question. It's -- it's not a perception of a conflict. It's an actual conflict of interest that is...what you're trying to avoid.

Ms. Gima: Do any of the other commissioners have any questions for Corp Counsel or need any clarification on this?

Mr. Stephen Ferguson: Madame Chair, just for the record I would like to say that in recent

weeks I started working for Lanai Builders, so I might be participating in some of the discussion, but I would probably recuse myself from anything that comes up dealing with Pulama.

Ms. Gima: Any other questions from any of the other commissioners?

Ms. Koanui Nefalar: So how would it be determined that there is a direct conflict? 'Cause if the employee feels that there is none, I mean, who decides there is one and who decides it isn't?

Ms. Thomson: Thank you for the question. It's the Board of Ethics would be the agency that would determine that question. So this is -- this advisory opinion from 2004 dealt with employees of Castle & Cooke who were serving on the commission. And, so the Board of Ethics at that time wasn't dealing with a specific issue, so there wasn't an application that they were looking at. Does this employee have a direct financial interest such that person should not vote on a decision for that application. So what the board said was that employees are not -- employee commissioners are not automatically prohibited from voting on matters brought by then Castle & Cooke. They must disclose the financial interest in any matter which may be affected by the action by this commission. The commissioner may ask the board to review the matter to determine if it's one that would be affected by the employment relationship and therefore require that the commissioner abstains from voting. And then it kind of goes on to say the commissioner must decide whether to proceed on the vote -- whether to proceed on the vote on the matter, abstain from voting, or request a deferral on vote until the commissioner has requested an advisory opinion of the Board. So Robert's Rules of Order also govern parliamentary procedures, and Robert's Rules of Order say you can't force someone to abstain from voting. You can raise, you know, the concept is this a conflict of interest, and, you know, you can discuss amongst yourself. The commissioner, though, themselves must decide do they want to seek a board opinion, do they feel that they don't have a direct conflict of interest so that they can participate and vote, or if they need -- if they're uncertain and they want a board opinion then they can request a deferral. And then that would be up to this body to decide whether to defer.

Ms. Koanui Nefalar: Okay, so what you're saying is so...for example, I work for the State of Hawaii Department of Education at the school. So if the school was here in front of us to say they're applying for a permit for something. And because I work for them, and if their permit gets denied -- or, well, let's say if my financial interest would be if the permit doesn't go through does that...hinder my employment?

Ms. Thomson: . . . (inaudible) . . . typical answer here. It depends. I think that what, what the Board of Ethics and that you, the commissioner, would look at is, you work for the DOE, for the school system. If it were a -- say it were for a program, it's funding for a program that you work directly on and if that didn't pass you would lose your job, that to me would be a clear conflict of interest and you should refrain from voting. If you would not lose your job, but it would generally affect your work life, that might be a gray area, and then you'd want a Board of Ethics opinion prior to voting. Or if you felt, you know, that's a conflict, then you could abstain from voting. If it's just, you know, we're going to put new playground equipment at the school, it has nothing to do with your job. It's not --. You wouldn't be affected by that decision one way or

another, then in my opinion that would not be a conflict of interest. But, again, the Board of Ethics is really the decision making authority on whether or not you have a conflict.

Ms. Koanui Nefalar: Then you would also have to go with feeling because working for your employer you can feel the pressure of having to vote one way or the other because it affects some other people that you work with, you know, your friends, your family. You have an obligation, or a feeling of obligation to vote in favor.

Ms. Thomson: I can understand that. I think one of things that -- and this is in general that the commissioners need to really put on their commission hat when they're here. So they -- yes, of course, you're still, you know, a wife, a mother, and a member of the public, but you're a commissioner in this role, first and foremost, and your job is to look at an application, apply the law related to that application, and then make a fair decision based on the law. And it would be the same I would say that your feelings shouldn't come in to is it a good project, is it a bad project, do I like it, do I not like. That's not so much what your role is. Your role is to apply the law to the application.

Ms. Zigmond: I have one more question. So if I'm on the clock while I'm at this meeting making decisions, is that a conflict?

Ms. Thomson: I assume that you mean on the clock for a -- yeah, working for an applicant whose application is up before the commission. I don't know. I think that if the commissioner felt that was a conflict of interest, then they should seek a Board of Ethics opinion. But that's getting a little bit too far into the . . . (inaudible) . . . for me to feel comfortable giving advice on it.

Ms. Gima: Thank you for some of that clarification. I think this will be beneficial to continue to have this conversation when we cover ethics, but also for all of us commissioners as ongoing with the meeting to bring this up if you ever feel that you need to state your conflict or as to recuse yourself. Yeah, I think it should be an ongoing discussion when needed.

So we're going to move along unless there's any other questions now is the time. Okay. We're going on to our public hearing, Item No. 1 . . . (*Chair Kelli Gima read the above project description into the record.*) . . . And who will be --? Okay, I'll turn it over to you.

Mr. Kurt Wollenhaupt: Good afternoon members of the Lanai Planning Commission. It's a pleasure to be here this evening. My name's Kurt, and I work with Clayton Yoshida in the Current Planning Division of the Maui County Department of Planning. So for the new commissioner, what my role is is to do an overview of the project, tell you kind of why we're even here tonight. The applicant's representative, Karlynn Fukuda, she will be presenting a power point presentation that will talk about the specific subject, and then we'll have questions at the behest of the chairwoman and the members of the commission.

So what's the history, especially for the new commissioner, we did give you a disc that would have the Environmental Assessment that was done for this project. Just to refresh the

commissioners, the Environmental Assessment is an information document that was deemed complete by this body. That completion date was done on January 20, 2016. Therefore the information document is an integral part of looking at today's public hearing item for a Community Plan Amendment and a Change in Zoning. The Environmental Assessment was published by the Office of Environmental Quality Control, and there was no public challenges during the legal challenge period. Therefore, it is deemed complete to be used for today's review.

That being the case, the matter before you does arise from applications that were filed back on August 4th, 2015, and it's for a project known as the Lanai Avenue Homes. The applications were filed by their applicant's representative, Munekiyo Hiraga, on behalf of Pulama Lanai, referred to today as the applicant. And it's to reclassify approximately half an acre parcel from the Community Plan District Business Commercial to Single Family. So that's the first thing we're going to be looking tonight is a Community Plan Amendment. The second is to reclassify the same subject parcel from the County of Maui's Zoning District from Business Country Town to R1-Residential. So we have two things that would be reviewed in the power point presentation in order to make the ability to actually re-build these three houses which would require both the Community Plan Amendment and the Change in Zoning.

That being the case, what is the proposed development? It involves the reconstruction of three single family residences along with three detached carports in Lanai City, located at 605, 615, and 623 Lanai Avenue. These were former homes that were demolished in August 2014, which brings a historical review. Demolition permits were recommended for approval by the Maui County Cultural Resources Commission on December 5th, 2013, and were issued by the County of Maui, Department of Public Works on May 23rd, 2014. The homes were demolished in August of 2014, and a detailed Historic American Building Survey -- that's you've mystically known as HABS -- documentation is in the Environmental Assessment which tells of the history of each of the three homes and it does meet the requirements of Historic Preservation Division of the Department of Land and Natural Resources and the Natural Parks Services of the US Department of the Interior.

That being the case, for the benefit of the new commissioner, the reason that we had to do an Environmental Assessment was because there was a Community Plan Amendment. You'll be getting training here with Chapter 343 with regards to Environmental Assessment requires there's a number of triggers. One of the triggers is if you're going to have a Community Plan Amendment, that triggers the requirement for an Environmental Assessment to look at the potential effects of this Change in Zoning and Community Plan Amendment.

With that, I think that Karlynn Fukuda will do the power point presentation if that's okay with the chairwoman, and that will be detailed description of the project. Thank you.

Ms. Gima: Hold on second, one of the commissioners have, has a question.

Mr. Oshiro: I was just wondering, for this application, is this costing Pulama any monetary value to apply for this application? To have it transferred from residential -- commercial to residential?

Mr. Wollenhaupt: Well, I -- I wouldn't speak on -- I wouldn't speak for Pulama. I would just speak from a Planning perspective. This would actually be considered probably a down zoning. When you would have a commercial property in most, most situations, that would be more valuable. So if I had a --

Mr. Oshiro: I just want to know is it costing any money --

Mr. Wollenhaupt: Right.

Mr. Oshiro: -- to get it from commercial to residential?

Mr. Wollenhaupt: Well, they do have an application fee, yes, they have to pay. So there's a Community Plan Amendment fee and a Change in Zoning fee and a public hearing fee. I would anticipate those fees would -- Clayton might know exactly -- but \$2,000, \$3,000 for those types of fees. Thank you.

Ms. Karlynn Fukuda: I'm going to need to jump back and forth to the lap top, so I'm hopefully not standing in anyone's way because I can't get the --.

Mr. Wollenhaupt: I'll do it.

Ms. Fukuda: Okay, thank you Kurt. So good evening chair and members of the Lanai Planning Commission. My name is Karlynn Fukuda of Muneikiyo Hiraga. We are here tonight to present the Community Plan Amendment and Change in Zoning for the proposed Lanai Avenue Residential Homes Project. Next slide please.

Joining me tonight is Lynn McCrory of Pulama Lanai, the project applicant. We also have here the list of project sub-consultants. Next slide please.

We are requesting the Planning Commission's recommendation of approval regarding the Community Plan Amendment and Change in Zoning for the project to the Maui County Council. Next slide please.

As Kurt mentioned, the project entails the construction of three replacement homes on Lanai Avenue. The property is identified as tax map key: 2-4-9-006-050, and is approximately a half acre in size. And we see here, it's on the corner of Lanai Avenue and Sixth Street, and then Koele Street here, but this is the property that we're talking about tonight.

The table shown here indicates the existing and proposed land use entitlements for parcel 50. In order to build the proposed three replacement homes and carports, a Community Plan Amendment from Business Commercial to Single Family Residential, as well as a Change of Zoning from Business Country Town to R1-Residential, is needed as Kurt mentioned. Next slide please.

As previously noted, the project involves the reconstruction of three replacement homes, and

three individual detached carports. The former homes and garage -- there was originally a three car garage at the site -- those were constructed as part of the original Lanai City development back in the 1920's. And as Kurt had mentioned the homes were and the carport was demolished in August of 2014. The new homes would be rental homes using the existing -- the original exterior design with some interior design modifications for today's living. Next slide please. Thank you.

It was noted in the Final EA and in the discussions that we've -- or the presentations that we've had with the Planning Commissioner earlier that a structural engineering report was prepared back in 2001, and noted that the three homes and the garage were in a dilapidated state with serious termite damage, and basically were structurally unsafe and posed a health and public safety concern. And, again, as we've previously mentioned, those homes would be reconstructed and available for rental housing units once they're completed. Next slide please.

Here are some photos of the site as it exists today. This is looking from Lanai Avenue back into the property, and then this would be the corner of Sixth Street looking, again, from Lanai Avenue. Next slide please.

Here is the proposed site plan. So, again, for orientation, Lanai Avenue is here, Sixth Street here, Koele is here, and then you would have the three individual homes with each with the one car garage. Next slide please.

Sorry, this is a little washed out in the slide here, but this is the proposed floor plan for the new homes. It'd be the same floor plan for each house. Next slide.

And then what you see here, again unfortunately this is washed out, but this is what the front elevation would be. You've got a lanai on the Lanai Avenue side of the house, and then this would be the side elevation.

As Kurt mentioned the Community Plan Amendment was the trigger for the Environmental Assessment. The anticipated Findings of No Significant Impacts (FONSI) were published with the Office of Environmental Quality Control (OEQC) Environmental Notice in October of 2015. The commission, the Planning Commission, reviewed and commented on the Draft EA at its October 21st meeting, and reviewed the Final EA and approved the Findings of No Significant Impacts or FONSI at its January 20, 2016 meeting. The FONSI notice was published in the OEQC Environmental Notice in February of this year. Next slide please.

We note that there has been a number of community meetings on this proposed project. Pulama Lanai held meetings in September of 2013, and then again in July of 2015. As Kurt mentioned earlier the Maui County Cultural Resources Commission reviewed the project, one, in October 2013, here on Lanai; and then again in December of 2013 with regards to the demolition of the old homes. And as I previously mentioned the Lanai Planning Commission has reviewed the EA document on two occasions which is also provided for public input. And there's been generally public support for this project. Next slide please.

In terms of the Community Plan Amendment criteria, we note the project compliance with the following areas as demonstrated in the Final EA. With regards to archaeology and cultural resources, the State Historic Preservation Division (SHPD) has determined that the proposed project will not affect historic properties. Traffic impacts -- the traffic assessment that was done determined that the project would have a minimal impact because the site was previously used for residential use as well. With regards to infrastructure, the site has access to existing water and sewer services, and there are existing drainage improvements in the area. With regards to flora and fauna, there were no threatened or endangered species found at the site. It's surrounded by existing development. And again it was formerly used for residential use. With regards to beach and mountain access, the site does not impact any traditional beach or mountain access trails. And as I mentioned previously there have been a number of community outreach meetings to talk about the proposed project. Next slide please.

Similarly with regards to the Change in Zoning criteria for the proposed project have been met with, (a), the proposed request meets the intent of the General Plan and objectives and policies of the community plan of the County. The proposed request is consistent with the applicable community plans land use map of the County. In this case, we're doing the Community Plan Amendment hand in hand with the Change in Zoning. The proposed request meets the intent and purpose of the district being requested. We are requesting residential use so that we can build residential homes on the site. The application, if granted would not adversely affect or interfere public services such as schools, park, water systems and the like. And if granted, the project would not adversely impact social, cultural, economic or environmental factors, or the character and quality of the surrounding area.

So in summary, we are requesting the Planning Commission's favorable recommendation on the Community Plan Amendment, first, and secondly on the Change in Zoning requests in order to allow for the construction of the three Lanai Avenue homes and related improvements. Next slide.

This concludes the presentation, and we're available to answer questions. Thank you.

Ms. Zigmond: Madame Chair? I have a question please. I'm not sure that you will be able to answer this but -- and I'll preface this by saying I don't think anybody can deny the need for housing here -- these are to be rental units, and I'm curious if, like, let's say myself who does not work for either the company or the Four Seasons would be able to -- if I would be eligible to rent one of those houses if I could afford it.

Ms. Fukuda: I'll turn that over to Lynn McCrory from Pulama Lanai.

Ms. Lynn McCrory: Thank you. Lynn McCrory, Pulama Lanai. There's been no decisions made on how these will be rented or anything else along these lines at this point. So, and no price either.

Ms. Zigmond: I'm not worried about the price. I'm just worried . . . (inaudible) . . .

Ms. McCrory: No, it would assume it's open to everyone. I can't imagine that we would just say just this. I know we've heard testimony from a number of people saying could the original families or members of the original families rent those houses, too. We've heard that. So, just no decisions have even being made on that.

Ms. Zigmond: Thank you. But that would be going contrary to what the company's current housing policy is. Yes.

Ms. McCrory: I don't know what the current policy is. I'm sorry. This is with testimony we received in the past. So we keep track of all the various components and say when we get to that point. We gotta get through County Council after this.

Mr. Oshiro: My question is, you know, when you say general meetings you have with the community. What kind of meetings you talking about? If you're talking about Pulama's community meetings which I get e-mail over, I neva see what the meeting's about. It just says Pulama has a community meeting and there's no -- nothing on there saying what the meeting's about. And I wonder because if the -- there's a flyer attached to it, if that flyer is posted around the city, there's nothing in there that says this meeting is for this reason, or this is what is going be brought up. So how can you say -- you know, what I'm trying to say is how can -- if that's what you're going on, that community meeting, that flyer that goes out, like they just had one, it didn't state what the meeting was about or what they were going to discuss. So I don't know where you're getting your community or your general information that the community feels this way because when I look at it, I've -- you know, unless it deals with me, I not going to the meeting because I don't have the time. So, you know, I don't know. So can you explain to me where you're getting your information from?

Ms. Fukuda: So, my understanding is that Pulama Lanai does general meetings with the community every month to talk about a variety of matters that they have going on. These community meetings are not required.

Mr. Oshiro: I understand that part, okay. What I'm saying is the flyer, the e-mail that I get every month says community meetings, but it doesn't state what is being mentioned on the community meeting.

Ms. Fukuda: So I'll defer to Lynn McCrory on that one.

Ms. McCrory: Lynn McCrory, Pulama Lanai. We actually just noticed that when you look at the flyer for the meeting on an iPhone it's blank as to the purpose. If you look at it on a computer and you see it posted around town, it says specifically the community meeting is about the Manele Hotel updates, it's about Sporting Clays, it's about the three Lanai Avenue Homes. We have no idea why that is, but I saw it myself with this last Manele one. So if you're looking at only on an iPhone, then, yeah, it's going to show blank. But the post, the notices are also posted around town...so they are put up.

Mr. Oshiro: Okay, before my Mac, my Dell blew up and I went to iPhone, I mean, to my Apple,

it didn't matter. It didn't state anything. It -- well, it didn't state anything for me. And it's like, why you sending me this, this notice when there's nothing there for me to look at?

(Commissioner Marlene Baltero excused from the meeting at approximately 6:10 p.m.)

Ms. McCrory: Lynn McCrory. I will check on the Apple. I had not heard that before. And we've been doing community meetings since October of 2013, so I have not had anyone come and say that. I noticed it on the iPhone, so that one for sure. But we'll add an Apple computer to find out why it doesn't show. But there are notices posted around town. That is also part of what we do.

Ms. Gima: And then without any objections of the commissioners, I'm going to open up to public testimony again to see if there's anybody that would like to testimony. If so, please raise your hand. Kathy? And please state your name for the record.

Ms. Carroll: Kathy Carroll with Mike Carroll Gallery, and we've lived here 15 years. We're in full support of this re-zoning, and the rebuilding of the three homes. We think it's important to honor the architecture that was previously here, and it is important to have more rental homes on the island. Thank you.

Ms. Gima: Thank you. Warren?

Mr. Osako: Warren Osako, was born and raised on Lanai, and have been back here nearly 30 years now. I'm in favor of the re-zoning and change of designation to residential. However, I do, as a former member of the Cultural Resources Commission, I do have to say that for the people of Lanai, the meetings are always weekday business hours so for a lot of people you're not able to attend any of the meetings even though it's held sometimes on Lanai, very, in my tenure at the commission, there was one meeting held on Lanai. And the rules actually say there should be at least one meeting a year here. But I am in favor of the change.

However, I also have a concern about there's three homes of that era and design between Ninth and Eighth Street on Lanai Avenue. Two of them are still owned by Pulama. I think one is still occupied, the other one is not, and I'm hoping that they do not do demolition by neglect because one is still occupied. If it's liveable it can be saved. The other one was recently vacated. You know, it should be able to be saved and that's my comments. Thank you.

Ms. Gima: Thank you. Anyone else wishing to give testimony at this time?

Ms. Caron Green: Caron Green. I've been a resident of Lanai for over nine years now, and I can remember passing down Lanai Avenue for all those years and saying what a shame that those building were looking so awful. They were a total eye sore. And I commend Pulama Lanai for going through the effort to do all the work, to get the plans so that they can replicate them as close as possible to make them useable today. And of course, as people have mentioned, we always need rental property. Whether or not it's going to rented to people from

Pulama Lanai or people from Four Seasons or the community at large, it will help alleviate some of the pressure in the community on housing, so I'm very much in favor.

Ms. Gima: Anyone else? John?

Mr. John de la Cruz: Hello. I'm John de la Cruz, I live on Lanai. And Brad, I did attend the meeting about the houses, and I have no objections on the houses being built. The only thing, concern I have is...I believe those three houses were in a housing pool. But I'm not sure whether they were in for the general employees or for supervisors. But I would recommend that the houses be made available in the same category as they were before, that they go back in the housing pool. And I do comment, though, that the...the plans I saw, the houses are really nice and I believe they're going to be well built, they'll have parking in the back. If they try and park in front there's going to be problems, and I've seen cars park there while, while the houses were vacant. But, again, I have no objections on the houses being built. The only concern is...Pulama should look back in their records, and it should be in your facilities department, and there used to be a housing committee that addressed all the housing concerns on a monthly basis, and I don't know if they still have that. But I think with the housing shortage, those three houses should be put back into the same pool that they were before they were uninhabitable. Anyway, those are my comments. Thank you.

Ms. Gima: Thank you. Last call for testimony. Nick, and then Dave.

Mr. Palumbo: Hi. I just wanted to say I've been on the list for a house for three years, and I was about 180, and then I got down to 44, and eight months ago I got -- I was six on the list. So still no house, yeah. Six on list, eight months ago. I've seen a lot of people come and go, so just, if we could, like, we talked about fairness. You know, I don't oppose more housing or whatnot, but we're talking about helipads and the helicopter pilots gotta live some where, yeah? So it would be good if there was some fairness to the housing because the sad thing would be, yeah, we all, we want more housing, we want more housing, but it's monopolized and the people who they need have housing while there's people here who need housing that might not be a manager or someone. You know, but people have been waiting for a long time, and there's a list and...yeah.

Ms. Gima: Thank you. Dave?

Mr. David Green: Dave Green, Lanai resident, Manele resident. I agree with what everybody else has said. I think the process that this has gone through has been fantastic. The one thing I would add is that I have an Apple computer at home. I get the community meetings. They always have a topic at the bottom. I have an iPhone, I always get the...maybe it's the version of iPhone I have, but I also get the topic of the meeting. I did attend the community meeting that John mentioned, and it was very informative, and I strongly support it; we need rental housing.

Ms. Gima: Thank you. Kathy? Kathy and then Joelle.

Ms. Brindo: I support it also, but I just want to make one caution. When they, when they rebuild these houses or put houses down not to put them on water easements. I had a house and they put a house on water easement next door, and so the water came down to my yard, so just a caution.

Ms. Gima: Thank you. Joelle?

Ms. Aoki: Joelle Aoki, Lanai resident. To jump on what John de la Cruz was saying, I believe the houses were previously occupied by essential personnel. It was Mona Viela and John E. Harris, and they both worked for Maui Electric. So those were the former residents, in my time. There may have been someone else them prior to them, but at the time it was essential personnel. And I think Pulama Lanai has done a great job with the, the layout. I would like to again call to the attention of the previous resident there. I believe Michelle Fujie brought up for her -- she asked for sensitivity to the fact that many of her pets are buried in that yard and, and to please keep in mind about where you're going to be placing the foot print.

Ms. Gima: Thank you. I'm going to be closing public testimony right now. Commissioners, any questions for the applicant? Any further discussion? Kurt, will you, since there's no discussion, would you be able to give your recommendations please?

Mr. Wollenhaupt: Kurt again from the Maui Planning Department. Again, for the benefit our newest commissioner the alternatives for our Community Plan Amendment and Change in Zoning would be a deferral of the item, recommendation of approval to the County Council, or a recommendation of denial to the County Council. This body is advisory. The County Council of the County of Maui will be the one that will render the final decision. That being the case, Madame Chairman, are we to be taking a vote on each separately or do you want me to take both at the same time? Okay, the recommendation for the Community Plan Amendment would be to recommend approval of the Community Plan Amendment, changing the community plan designation for the subject property from Business Commercial to Single Family. And the recommendation for the Change in Zoning from the Planning Department, recommending approval of the Change in Zoning, changing it from Business Country Town to R-1 Residential. And in consideration of the foregoing the Planning Department recommends that the Lanai Planning Commission adopts the Planning Department's report and recommendation prepared for the April 20th, 2016 meeting as its Findings of Facts, Conclusions of Law, and Decision and Order, and to authorize the Planning Director to transmit said recommendation on the Change in Zoning and the Community Plan Amendment to the Maui County Council on behalf of the Lanai Planning Commission.

Ms. Gima: Thank you. Fergie, for the record, you are recusing yourself for this vote?

Mr. Ferguson: . . . (nods) . . .

Ms. Gima: Okay.

Ms. Badillo: . . . (inaudible) . . .

Ms. Gima: You're recusing yourself as well? Then can you go ahead and say that on the microphone please so it's on the record?

Ms. Badillo: I'm Medigale Badillo, and just to be fair for the community because this is my first meeting, and I have to look for more information about this, and so, I'm sorry.

Ms. Thomson: Just for clarification, are you suggesting that you're recusing yourself because you have a conflict of interest? We might be able to talk that through a little bit.

Ms. Badillo: I just want to plan for myself, but I don't have more knowledge on this. But I truly go for more residential which is gonna be for the fairness for the community. But I do –

Ms. Thomson: I guess one of the consideration would be if you have had time to look through the staff report and the recommendation. So if you've had the chance to look through that, and if you have questions, you should ask them. One of the thing is that since Mr. Ferguson has to recuse himself because he works for Lanai Builders, we need a vote of five. But if you have not had the time to make a decision or to feel comfortable with the materials then you could request that this matter be deferred so you have a chance to review the materials.

Ms. Badillo: Yeah, I'm going to request for a –

Ms. Gima: So Medigale, just to make it clear, you're requesting to have this item referred -- I'm sorry, deferred until, like, the next meeting until you can catch on the reading and, and feel that you can make an informed decision? Is that what you're saying?

Ms. Badillo: Okay, just give me a moment, and I'll –

Ms. Gima: Okay, at this time, let's take a quick break, a 10 minute break, and you can -- if you can have any questions that you need to jot down that you may want to ask the applicant. So we'll resume at 6:35 p.m.

(The Lanai Planning Commission recessed at approximately 6:25 p.m. and reconvened at approximately 6:34 p.m.)

Ms. Gima: Please have a seat. We're going to resume our meeting. It's now 6:34 p.m. We left off with one of the commissioners having a little bit of an issue, thinking about if she should be voting or not. Is there anything that you want to share or say or ask of the applicant to provide you more information?

Ms. Badillo: I already spoke to Richelle, yes, and I have a clarification so...yeah, I'm okay.

Ms. Gima: Okay meaning that you're willing to vote?

Ms. Badillo: Yeah, I'm willing vote.

Ms. Gima: Okay. Commissioners, any other discussion questions that you may have for the applicant or the Planning Department? You all heard the recommendations. Anybody wanting to make any motions?

Mr. Oshiro: I make a motion to adopt whatever Kurt said. I don't know what he said. To adopt the project.

Ms. Gima: To adopt the . . . (inaudible) . . . We need a little bit more clarification.

Mr. Oshiro: To rezone from commercial to residential.

Ms. Gima: Or you could say, to adopt the staff report recommendation. Say that on the record.

Mr. Oshiro: Sounds good...let's adopt the staff report.

Ms. Gima: Okay, so there's been a motion by Brad to adopt the staff report recommendations. Do I hear a second? Stacie seconds. Any further discussion commissioners? Okay, all in favor of the motion to adopt the staff report recommendation, raise your hand. One, two, three, four, five; and for the record Mr. Ferguson has recused himself, but with five votes, it has passed.

It was moved by Commissioner Bradford Oshiro, seconded by Commissioner Stacie Koanui Nefalar, then

VOTED: to adopt the Planning Department's staff report recommendation as presented.

(Assenting: M. Badillo, K. Gima, S. Koanui Nefalar, B. Oshiro, B. Zigmond)

(Excused: M. Baltero, S. Marlowe)

(Absent: J. Barfield)

(Recused: S. Ferguson)

- 2. MR. KURT MATSUMOTO, Chief Operating Officer of LANAI RESORTS, LLC (dba PULAMA LANAI) requesting a State Land Use Commission Special Use Permit and a Conditional Permit for the Two Proposed Private Helistop Pads on Lanai Project, the construction of two (2) helistop landing pads and associated improvements on sites located on vacant agricultural land in the vicinity of Koele and the existing containerized plant nursery at Manele at TMK: 4-9-002: 001(por.), Island of Lanai. (SUP2 2015/0014) (CP 2015/0010) (K. Wollenhaupt)**

Ms. Gima: Okay, we're moving on to Item No. 2 . . . (Chair Kelli Gima read the above project description into the record.) . . . And I'll turn it over to you Kurt.

Mr. Wollenhaupt: Good evening again Madame Chairman, Chairwoman, and the members of the Lanai Planning Commission. The next item before you is indeed the request by the applicant, Pulama Lanai, to obtain a Conditional Permit and a State Land Use Commission Special Permit to allow the development of two private helistop pads on 2.5 acres of the 69,270 acre parcel in Lanai. The applicant is indeed proposing to construct two private helistop pads on Lanai. The presentation that will be given by the applicant's representative, Karlynn Fukuda, will hopefully address some of the critical detailed elements of exactly what this proposal is. I think there has been some talk about tours and flyovers. It is indeed a private helistop. The applicant will be getting into the specific details of that. I'm here to address why are we even here tonight for this application, especially for our newest commissioner.

The reason for a Conditional Permit, the project sites are not located -- they are located on property; both project sites which is indicated as Agricultural by Maui County zoning. That County zoning does not set forth as a permitted, which would be outright allowed, or a Special Use which could be done with just this body's discretion. A helistop within the County's ag zoning district, that being the case, we have to go to what we call a Conditional Permit. A Conditional Permit is to allow something that wouldn't otherwise be allowed, and therefore this body is advisory depending on whatever decision they make, to the County Council. So that's the Conditional Permit process because both of these sites are in Ag County zoning. Helistop, heliport facilities are not an outright or a special use.

The second item -- the second permit tonight is the State Land Use Special Permit. And as all the members would know, all land in Hawaii is split into four state districts: Conservation, Urban, Rural and Ag. The project site for the Koele helistop pad, that's located in the rural state district, and the Manele helistop is located within the agricultural district. That being the case, the helistop pads are again not an outright permitted use in either the State Rural or the State Ag. And since they're not an outright permitted use, therefore we have to have this body determine whether or not that can be obtain through a State Special Permit. Because the project area is less than 15 acres, the Lanai Planning Commission acts as the deciding authority on the State Special Permit. Were this to be greater than 15 acres, this body would make an advise -- an advisory decision to the State Land Use Commission.

So, I know it's a bit technical, but I hope it helps the newest commissioner. So we have two permits looking at Conditional Permit, you're advisory; and a State Special Permit in which you'll make a decision. The decision that you would make on the State Special Permit tonight, whatever it will be, will be contingent upon whether or not it moves to the County Council and what decision that they make. So you will make decision of the State Special Permit. That will be essentially held until the Conditional Permit can be reviewed.

That being the case, I think that the power point presentation is going to hopefully address specific questions with regards to what a private helistop is, that it's not a commercial operation. With regards to the number proposed by the applicant which would be 12 operations per month. With regards to the maximum number of passengers; the helicopter which they've indicated is six. Therefore, I think that with the approval of Madame Chairwoman we'll have the power point

presentation?

Ms. Fukuda: Good evening Chair and members of the Lanai Planning Commission. My name is Karlynn Fukuda of Munekiyo Hiraga, and we're here tonight to present the proposed two private helistop pads project. Next slide please.

Again, joining me tonight is Lynn McCrory of Pulama Lanai, the land owner and project applicant. Next slide please.

The project proposes the installation of two new private helistop pads; one located in Manele, and the other in Koele. In order to proceed with the project, two permit approvals are needed as Kurt had mentioned; a State Special Use Permit and a County Conditional Permit. The Planning Commission as Kurt mentioned is the approving body for the State Special Use Permit because the project area is less than 15 acres in size, and a helistop use is a special use in agricultural and rural districts. And then the Maui County Council is the approving body for the Conditional Permit, and the commission is the reviewing body on that permit. The Conditional Permit is required because a helistop use is not a permitted or special use for agricultural zoned lands. Next slide please.

The purpose of the proposed project is to provide an alternative transportation option for guests of the Manele Resort and the Lodge of Koele once it reopens including for Mr. Ellison and his guests. As Kurt mentioned the applicant is proposing a limit of up to 12 round trips per month in total for both helistop sites. Next slide please.

Here's a map with a general location of the Manele and Koele helistop sites. Again, I apologize the outline of Lanai island is a little washed out, but generally here's a location of where the Koele site, and I have aerial photos that will get more specific to where the site actually is. Four Seasons Lodge at Koele is located here, and then the proposed Manele helistop is located approximately here, and again the Four Seasons Resort Lanai at Manele Bay is located here. Next slide please.

The two helistop sites are located on portions of the same tax map key parcel which is parcel 2-4-9-002-001. In total the project area is approximately 2.5 acres in size, and the table here shows a summary of the existing land use designations for each site. So for Manele, the State Land Use designation is Agricultural, Agricultural, and Agricultural across the three layers of entitlement. And the site acreage is approximately 0.9 acres. For Koele, the State Land Use designation is Rural, but the Community Plan designation and County zoning is Agricultural, and it's approximately 1.6 acres in size. Next slide please.

The proposed improvements at each helistop site includes the following. A 60 foot diameter helistop pad with stone apron and six-inch concrete foundation; air field lights, ground directional arrows, windsock poles and markings for pilot visual approach. There will be the removal of several existing trees at the Koele site. And the Manele site will involve relocation of the existing nursery operation and removal of some trees and a surrounding wall. There will also be site clearing, grading, grubbing and excavation at the site. Next slide please.

So here's an aerial photo of the Manele site. Again...here's the Four Seasons Resort at Manele Bay, and this is the proposed Manele helistop site. You can kind of make out the existing containerized plant nursery at that site. Next slide please.

Here's an aerial photo zoomed in to the actual site that's being proposed for Manele. Again, you can see the containerized plant nursery that's existing. And you can also see the Hulopoe Drive, the access road that would be used to access the helistop site.

This is a rendering of what the Manele site would look like after the improvements are completed. The ingress and egress flight path is indicated here, and was approved by the Federal Aviation Administration or FAA. If we can go to the next slide please.

So similarly now for Koele looking at that, again, we have zoomed out view of the aerial photo of Koele. And so we have Lanai City here, and we have the Four Seasons Resort, the Lodge at Koele, and then the proposed Koele helistop site. Next slide please.

Again, this is an aerial photo of the site as it exists today, the Koele site. We see here the existing tennis courts and the Koele stables. Next slide please.

And here is again a rendering of what the Koele helistop site would look like once completed. The access would be off the existing Keamoku Highway, accessing the same paved area and parking lot that is used for the existing tennis courts. Again the flight path was located on that slide and has been approved by the Federal Aviation Administration.

We note that the State Department of Transportation in July 2014 submitted a letter issuing a determination that there were no State permits required for the proposed private helistop pads. And in March of 2015 the U.S. Department of Transportation FAA approved this Koele helistop site and Manele helistop site. The conditions, there are conditions on that approval by the FAA, and, well, we note that the minimum flight restriction is 1,500 feet around Lanai City and Manele, and elsewhere in Lanai it's 500 feet; that all operations be conducted in visual flight rural weather conditions; that the landing area is limited to private use.

Just generally to explain how the operation would work, a guest would arrange for transport to the Manele helistop, for example, and would need to contact Pulama Lanai to let -- the pilot would need to contact Pulama Lanai to let them know that there's a flight coming in. And Pulama Lanai would have to set into motion the preparations to greet the guests at the site. There would be some set up that would need to be done as well as letting the Four Seasons know to have their shuttle meet the guests. But it's for private use only. It's not as if a commercial tour operator could, you know, land at the site just because the site actually exists.

All approach/departure operations are conducted from a 040 degrees to 220 degrees plus or minus 10 degrees. Again, this is FAA conditions that they have. And that prior to use, a representative of the FAA needs to come out and evaluate each helistop for compliance. Next slide please.

We do note that Hawaii Revised Statutes Chapter 343 for the installation of new helicopter facilities...it's considered a trigger, and HRS Section 343-2 provides the definition of helicopter facilities as the following. It means:

"Any area of land or water which is used, or intended for use for the landing or takeoff of helicopters; and any appurtenant areas which are used, or intended for use for helicopter related activities or right-of-way."

Next slide please. However we noted that Chapter 343-5 provides for exceptions from the requirements for compliance with Chapter 343. And I'll just read here...provided that, or propose the construction of new or the expansion or modification of existing helicopter facilities within the State, that by the way of their activities may affect, (a), any lands classified as conservation district by State Land Use Commission; any shoreline areas as defined in Section 205A-41; or any historic sites designated in the National Register or Hawaii Register as provided for in the Historic Preservation Act of 1966. And I won't go into the rest of the information, but I think everyone understands that if there was a site that was designated by the National Register of Historic Places or on the State Register of Historic Places, you know, if there was construction of that facility or to impact that, then a Chapter 343 EA would be required. Next slide please.

The next slide provides an analysis of the proposed project and its potential impacts to various considerations. First with regards to surrounding land uses, the Manele helistop is located approximately one mile from the Manele Resort, and about ½ mile from residential areas to the east, and bordered by vast vacant lands to the north, south and west.

The Koele helistop is located about ½ mile northwest of Lanai City, about quarter mile from the Lodge at Koele to the southeast, and bordered also by vacant, undeveloped lands to the north, east and west.

There was a flora and fauna study done for both sites, and the study found that there were no finding of threatened, endangered species or species concerns for either plants or animals at either sites.

Pulama Lanai will implement the survey recommendations to avoid the introduction of any noxious weeds or invasive species and provides for security and safety lighting for the helistop operations which also mitigates danger to seabirds. Next slide please.

Again, on the archaeology and cultural resources, there was an archaeological inventory survey performed for both sites. And the survey found no potentially significant historic resources at either the Manele or Koele site. With regards to drainage, there was a drainage study done, and there will be no change to the existing drainage patterns in the project area, and surface runoff is not anticipated to be significant. Additionally, temporary Best Management Practices (BMP) will implemented during construction, as well as permanent Best Management Practices will be implemented for the project. Next slide please.

With regards to open space and scenic resources, the project site themselves do not encompass existing traditional access or walking trails, and are not part of the scenic corridor. With regards to noise and air quality, again, the flights will normally occur during day light hours and, again, we're looking at up to 12 round trip flights for both Koele and Manele sites in total per month. So the flight path for the two helistop operations is away from the residential areas, and helicopters are built for sound reduction and powered by gas turbines producing few pollutants.

With regards to water use and wastewater, the helistop operations at either sites are not anticipated to use water or generate wastewater. It will be a pick up and drop off site. You know, no fueling, no maintenance that will occur at either of these sites. It's basically stopping to drop off somebody or stopping to pick up somebody and then they're off to either Honolulu or Maui or wherever they will be going. Public services and facilities, the helistop operations is not expected to expand any requirements for public, health, or safety services. Next slide please.

We'll now look at the criteria for the State Land Use Commission Special Use Permit and an analysis of the proposed project. So criteria no.1, the use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A of the Hawaii Revised Statutes. And this is the Land Use Commission rules. We note that the Koele helistop site is undeveloped and has been vacant for over 50 years. And the Manele helistop site is on a portion of the existing containerized plant nursery. In total, the sites as I mentioned earlier, are less than three acres in size.

Criteria no. 2, the desired use would not adversely affect the surrounding property. The flight path for the helistop operations is away from residential areas, and will occur over vacant, undeveloped lands.

Criteria no. 3, the use would not unreasonably burden public agencies to provide roads, sewers, streets, water, drainage, school improvements, and police and fire protection. Again, with the limited operations, again, drop and pick up, it's not anticipated to unreasonably burden any public infrastructure or services. Next slide please.

Condition no. 4, unusual conditions, trends, and needs have arisen since the district boundaries and rules were established. I, I note that the State Land Use Commission District Boundaries were established in the early 1960's. And, you know, at that time the focus or the economic driver for Lanai was agricultural. Whereas in today...today's conditions, tourism is the main economic driver for the, for the island. So we note that the luxury resort market is trending towards providing appropriate services and amenities to cater to guests requirements. And Lanai is limited in transportation options and helistop facilities provide guests another alternative for private transportation. Next slide please.

Finally, criteria no. 5, the land upon the proposed use is sought is unsuited for the use permitted within the district. The Manele helistop is on agricultural zoned lands that is rated E by the State for overall productivity which is the lowest level of productivity, and is less than favorable

for agricultural production. The Koele helistop is also on agricultural zoned lands that's rated D, also indicating low agricultural production. Next slide please.

I'd now like to focus on the County Conditional Permit information and permit criteria. The proposed use would not significantly -- would not be significantly detrimental to the public interest, convenience and welfare, and will be in harmony with the area which it is located. The sites are located away from the populated areas of Lanai, and surrounded primarily by vacant and undeveloped lands. Again, the applicant is proposing a limit on the usage where it would be no more than 12 round trips per month, combined for both Koele and Manele. And the proposed use is compatible with the surrounding permitted uses; hotel, commercial, residential, and open land recreation.

So in summary, there are two actions before the Planning Commission tonight for the proposed private helistops in Manele and Koele. We are respectfully requesting the Planning Commission's approval of the State Special Use Permit for a period of five years for the two helistops. We are also requesting a favorable recommendation to the County Council for approval of the Conditional Permit for a period of five years for the two helistops as well.

Thank you for your time. This concludes my presentation.

Ms. Gima: Thank you. Commissioners, before we start this discussing and asking any questions, I'm going to open up public testimony again to allow our community to provide input so that's something that we could consider while we're making our decision. Are there any objections from the Commissioners? None? Okay. So I'm going to go back to the list for those of you who chose to testify again, and then we'll open it up to anybody else who didn't have a chance to put their name on. So up first Ron McOmber.

Mr. McOmber: Good evening Commissions and public. You know, this is just another example of this community not having an input of what's going on. I was reading the Conditional Permit saying that the County put out and the County saying that they're approving this. How in the heck can they approve something on our island. It has nothing to do with them on Maui or anywhere else. This is a slap in the face. This is the same thing that's happening with our community plan. Our community plan went forward and the County decided to change it. They decided to take words out of the community plan, and change it completely. We had to fight them, and we're still fighting them, we're still sitting at the table, trying to figure out what's going on with our community plan which we spent nine months on. Why didn't this come out while we were doing the community plan? You can't tell me this just grew out of the dust. They should have told us then; we could've handled it.

Now what the concern is here...recently we had a meeting with the community on the community plan and the Council was here. Somebody in Pulama decided to send a letter out recommending to the community, and we still don't know who these letters were sent to, but I assume -- maybe that's making an ass out of you and me both -- but I assume that went to employees. And the essence of it was there was four demonstrations of what you could say to move the plan forward as it is right now. That means it's negating anything that we wanted.

All the things we've been fighting for...for nine months.

Ms. Gima: Uncle Ron, can I stop you for a second? Are you testifying on this?

Mr. McOmber: Let me finish. This is going to this.

Ms. Gima: Okay, can you get to that point?

Mr. McOmber: Well, I mean, if I can come in here and find Lynn McCrory over the table, talking to people, then let me speak my peace.

Ms. Gima: No, no, I'm totally fine with you testifying on the topic we're talking about.

Mr. McOmber: We are. That's right.

Ms. Gima: Okay.

Mr. McOmber: What I'm saying, what this is leading up to...this kind of stuff is not acceptable for Lanai. You can do two heliports down at Manele. I'm begging you, do not allow the heliports up here in the city. This is not acceptable for this community. We -- one or 12 flights a week, a month, or day or whatever is not acceptable for Lanai. This is a sacred place at Koele. We don't need this. We're asking do you want to give them heliport down at Manele, fine, let them down there put up with the noise and the disregard. Do not let this happen. The same thing happened to our community plan. I want you folks to think about this. Do not, do not approve this. You've heard very influential people that lived here their whole lives, born and raised on Lanai, saying this is not acceptable. Take what they say as fact. Thank you very much.

Ms. Gima: Thank you. Next we have Wendy Kaupoiki. No? Okay. Stanley Ruidas.

Mr. Stanley Ruidas: Stan Ruidas, Lanai resident. I support Manele's helistop only if emergency aircraft has priority. And as far as Koele, no. Imagine a mosquito flying around. What you with one mosquito? You like hit 'em, you like slap 'em, everything. Now imagine 10,000 mosquitoes. That's what the helicopter going sound like. And not only that, they going veer off the flight, the flight plan because you know they going like fly over the city, check 'em out, and nobody going fine them. So if they fine 'em, or if the FAA fines them, what's \$100,000? They no care. It's like if you're driving in Lanai, how many of you drive over 20 miles an hour? You see, same thing. Okay. And also if they fly over the city, who's to say a helicopter doesn't crash, you've only got one engine. Helicopter crashes, a house burns, 20 houses burn. Our fire department cannot even handle one. They gotta call in reinforcements from Maui. So anyway, I don't support Koele helistop. Thank you.

Ms. Gima: Thank you. Next we have Robin Kaye.

Mr. Robin Kaye: Thank you Chair. Robin Kaye, Lanai resident. We understand that Four

Seasons desire to make the guest experience on our island special, but I think we need to remember that the Four Seasons guest experience on Lanai is based on the beauty, on the peace, on the serenity, and the quiet of our community. Having a helicopter land and take off less than one-half of a mile from a major residential development, in particular Iwiole, would significantly impact those very special qualities in our community. The application says, quote, the sites are located away from populated area, end quote. But the flight path is uncomfortably close to where we all live. It would be very different if the Lanai Airport was not located less than 10 minutes away from the Lodge at Koele. So I encourage the Lanai Planning Commission to deny the Special Land Use Permit for the Koele helistop, and recommend to County Council that the Conditional Use Permit for the Koele helistop be denied. If however the Planning Commission should decide to recommend approval, I have previously distributed to the Planning Commissioners a letter to the Planning Commission from 73 Lanai residents asking that you impose as a condition on the Koele helistop that it only be allowed to operate between the hours of 7:00 a.m. and 5:00 p.m. Thank you.

Ms. Gima: Thank you. Next we have Ken Escolito.

Mr. Ken Escolito: Thank you Madame Chairperson and members of the Commission. I'm Ken Escolito. I've basically been a life long resident of Lanai; born and raised here. I'd like to go on record as being opposed to the heliports. We have an airport that's five, 10 minutes out of town. We have a new fire facility there. We have firemen there. Heliports don't have anything like that. It's basically safety. It's close to the road. It's close to Iwiole. Who knows where the flight patterns are going to be. You can't trust these guys. It's like Max said earlier, I'm a hunter. I've been out hunting many times. I've had helicopters come and chase game away from me. It's hard to get a tail number when you're shaking so mad. Looking through binoculars, it's almost impossible. And as far as being in harmony, one of the conditions, it's kind of a joke. We all know what a helicopter sounds like. There's no harmony in that. I'd just like to say that the only reason this is being proposed is basically for rich people who can't wait. I'm sorry. It's nothing to do with our community. We have no benefit. Please vote no. Thank you very much.

Ms. Gima: Thank you. Next we have Warren Osako.

Mr. Warren Osako: Warren Osako again. Basically the presentation showed the flight path, but it didn't extend all the way towards the city. And if you know about angles and degrees, the farther away it gets, the wider it is from the point. So I'm sure it will impact the people on that side of town, and it is irritating to have the sound. And I am not in favor of the helistop at Koele. But if you do approve it, I would recommend the hourly restrictions. Thank you.

Ms. Gima: Thank you. Next, Kathy Carrol.

Ms. Kathy Carrol: Yes, Kathy Carroll and Mike Carroll. Just building on what Debbie de la Cruz was saying earlier today. I do believe that tourism is the engine of the island and we, we -- anything that will bring visitors here who are going to spend money at the resort, spend money in town, support the servers, the housekeepers, everyone here who depends on tourism. I think

in our opinion anything that brings more visitors in, as long as it's in compliance with FAA restrictions, the limitation on the flight paths, no veering off the flight paths. From what I read, the sound -- they said that you would hear the helicopter sound for 45 seconds, and this is 12 times a month. And we don't even know if it's going to be 12 times a month in town, I mean, well, at Koele. They could all be going to Manele. So to me -- it seems to me that this was a well thought out plan that can only really benefit the community as a whole. So we are in support of the helistops.

Ms. Gima: Thank you. That was the end of the people who signed up. Is there anyone else wishing to give testimony? Caron?

Ms. Green: Caron Green. Is it on? Okay. I'd like to build a little bit on what you said Kathy. I'm sitting here listening, and, you know, I love Lanai for what it is, for its quiet and everything, but, I think we need to put it in perspective. And that's what I think what you were saying, Kathy, is we're talking about -- and I need clarification on one thing -- you say 12 round trips. Are you talking about coming, dropping somebody and immediately leaving? Not somebody coming in once, and then leaving. The helicopter is just a round-trip, correct? Not the passenger. Okay.

So I think most of them are going to down at Manele. Just, you've got more rooms at Manele. You have a higher price point for the rooms down at Manele, so I think in general, your clients are going to be going to Manele. I live at Manele. It doesn't bother me one iota. I'm totally supportive of supporting the hotels to be successful. And I just don't want always to be in Larry's face saying, you know, I live on Lanai now so this is my island. I want to be cooperative with Larry to help him be successful. He's given us lots of things that he didn't have to give us, and so I think we need to work with him to make him successful. And if what she said is it's 45 seconds in and 45 seconds out, a few times a month, it's not going to significantly disturb everybody's peace and the beauty of Lanai. It's a huge island. There's so many other places besides where these helicopters are going to be going. And so I'm in support of both of them. And I don't know if I had another little question here. I do think that some of the conditions that people want to put on are very fair, that, you know, the hours of days that they can do it and also specifying when it says we're half a mile from Lanai City. Yeah, we're talking the perimeter of Lanai City? Are we talking the center of Lanai City? So I think we do need to be well away from any housing.

Ms. Gima: Thank you. Melvin?

Mr. Catiel: You know aunty, you come here on Lanai, that's what Lanai is, yeah? You gotta worry that, aunty. You, I talking to you. You come down because Lanai is. We no like see this helicopter flying around making noise. We like Lanai as Lanai. That's why one day I going put one sign in my yard, tourists no forget to go home. You can just come visit, but no forget go home. You guys come here, you buy up the land, you guys drive up the property. The people no can buy the land, the locals...you know what I mean? This kinda piss me off. Why you gotta make one helistop up there? This guy get money. Tell 'em, buy your own chauffeur or something for come up with the car, taxi or whatever. You no need all this shit coming around.

Ah, shut your mouth.

Ms. Gima: Okay. Please when you come up to testify please address the Commissioners directly. Ma'am, you had your hand raised? Come on up and state your name for the record.

Ms. Barbara McIntyre: Barbara McIntyre. I've been a Lanai resident for 16 years, up at Koele, and I'm going to read a letter that as President of the Koele Homeowners Association. I'm sorry. I'm also president of our Koele Homeowners Association and I'm going to read you a letter which I wrote to Chairperson Gima in support of the helipads.

Dear Ms. Gima. This is written testimony in support of the proposal for private helistop pads on Lanai, which is on the agenda for tonight's meeting. The members of the board of directors of the Koele Homeowners Association are in unanimous support of this proposal, and we represent the support of the majority of our homeowners at Koele. We are in favor of this amenity for the Four Seasons guests, which in turn will have a positive effect on the community -- on the economy of the entire Lanai community by bringing more hotel guests to the islands. We can find no objections to the proposed helistop locations, the flight pads or the hours of operations. We are reassured that the FAA will give their approval after their final site inspection, and that the operation will be conducted under their rules. In closing, we strong recommend that the Lanai Planning Commission as well as the Maui County Council approve this proposal.

Ms. Gima: Thank you. Alberta?

Ms. Alberta de Jetley: Thank you Commissioners. My name is Alberta de Jetley. During all of the testimony that's been presented and the power point presentation, it didn't mention that during the community meetings we had previously with Pulama Lanai, these helicopters will be coming in and going out right away. They cannot wait around in the heliport, on the helipad. They can't keep their engines running. Their sole purpose is to come in, drop off the guests and leave. If they have to wait more than 15 minutes, they will have to be relocated to the Lanai Airport. They can't sit on the ground at the helipad waiting for the guests to arrive. Their sole purpose is to come in and drop off, or come in and pick up, and leave right away. So I am in favor of this project. Thank you.

Ms. Gima: John?

Mr. dela Cruz: My name --. Is it on? You sure? Okay. My name is John de la Cruz. I live on Lanai. And I'm really glad Alberta and the other lady came up after Melvin because it's really hard to follow Melvin. But, you know, go ahead and build your heliport at Manele. I'm fine with that. You know, the guest experience is fine. And you know what no body mentioned is that the Lanai Airport sometimes get fogged in, so let them land 'em in Manele. That's fine. But two words that have been thrown around tonight are anticipated and estimated. You know, it doesn't pin down anything. You let them land at Koele, it could be they'll fly any time they want, day or night. If you do let 'em land at Koele, don't let them land at night. And I really prefer if they don't land -- I mean, did I say Koele? I would really prefer if that they don't land at all at

Koele because...even though they're coming in from a certain distance, at a certain height, and a certain angle, if anything goes wrong, helicopters have a real long glide path. If anything goes wrong, they can crash any place within five miles of where they are stationary when the incident happens. And for one, my house is within five miles of Koele. So, I really would prefer that they don't fly into Koele. But if you do, not at night. And one reason for this that even though there are FAA rules governing helicopters, and governing drones, and governing lasers, you still going to have the ones who don't follow rules.

And I hope Lanai people don't do this, but on Oahu they've been pointing lasers at pilots. And on another island -- and I hope Lanai people don't do this -- there has -- I think there was one drone strike on an aircraft flying out, flying out of Hawaii, and, and maybe fortunately these planes are so big, on most parts of a fuselage on a large plane they can absorb a drone crash. These little helicopters cannot. Even if you hit the, the rotor, and especially the tail rotor, you hit the tail rotor and that thing can crash any place. But again, Manele is fine...give them the experience. If they cannot land at the Lanai Airport, let them land at Manele. But I would prefer not to have them land at Koele. Thank you very much.

Ms. Gima: Thank you. Any other testifiers at this time? Dave? Go right ahead. He jumped right up.

Mr. Pat Reilly: I can only stand so long. Pat Reilly. As you know I've sat in your position. I'm wondering if a deal can be cut here. My first question would be how long do you have to make this decision? How many days? When is that? Secondly, I'm kind of show me. Why don't you have a field trip. Why don't you have a helicopter come in. Why don't you have instruments that measure the sound. Just, just do that. You know, we can sit here all night and talk about graphs, charts. I don't know if the applicant is willing. Split the application in half. My reaction basically is you have strong support for the Manele one. I don't hear hardly any of --. But you, in my own heart -- same deal with Koele -- there is more to Koele than noise. It's a special place. I mean, I don't care. Somebody --. I thought --. What does Koele mean? Doesn't it mean mist or something like that? Mist? Well, it gets real misty up there. That means it couldn't land there.

So what I'm saying to you guys is maybe you can cut a deal here. Cut the application in half. Get the one done. Let it go on, you know and -- to me, I'd have a field trip. And I'd say, you fly in a helicopter because I want to be there, up at Koele or somewhere. I don't care if I'm at the landing pad. I want to hear the noise away from it. My suggestion.

Ms. Gima: Thank you. Dave?

Mr. Green: Dave Green, Lanai resident. I'm also president of the Manele Homeowners Association. We have discussed this with a number of our homeowners. We, interestingly, have a number of them on island for the last several weeks. We had some questions, but the residents, I think, are comfortable with the conditions that have been placed on this. I guess I'm an optimist. I figure out that if a helicopter goes up in the air, it's not going to crash. I mean, you can't make decisions based on dooms day presentation, or dooms day eventualities. You

have to be aware of that, but the chances of that are very slim.

Anyway, the Manele Homeowners Association Board as well as the -- all of the residents that we've talked to are in support. Again, we understand there is a corridor that the flights that will come in and leave by. They do not come near our homes. I live on the very western part of the -- of the Manele Project District. I leave my windows open at night. I don't use air-conditioning, and I don't think the sound is going to be a problem.

I also agree that probably the vast majority of the flights are going to be down at Manele. The price point of the hotels are going to be different, and --. But I would also support the fact that there should be some time limitations especially at Koele.

And I think, I think Pat made a good suggestion. You don't have perhaps some key data that would be good to have as it relates to Koele. Lynn won't be happy for saying that, but I think Manele we have no issues whatsoever. The driver of the hotel. The hotel is the driver of the economic life on the island. All the businesses, everybody -- everybody benefits if the hotel does well down at Manele. And if there are people that are willing to pay for a helicopter ride because they don't want to wait, more power to them, and the money will be here on Lanai, and it will benefit all of us. We understand that it would be a unique competitive advantage at least at this point in time. And if helps brings people in, it's all, more the better. Thank you very much. I appreciate the chance to testify.

Ms. Gima: Thank you. Any last testifiers? Myles? And then Aunty Winnie.

Mr. Saruwatari: Myles Saruwatari. Thank you for hearing me out. I was watching the presentation and I have some issues with some of the language used. One thing that was mentioned was adverse effects on surrounding community. What -- now, what does that mean? I look at it differently from whoever wrote that. They will look at it different than somebody who lives at Iwiolo. That is, you know, there is going to be discrepancy. Just because you live on Maui, yeah, it's not going to impact you adversely because you live in Maui. But somebody at Iwiolo, it's going to affect them adversely because they have to hear the noise. But I have no objections to the Manele site, but up here, no, because no matter what you're going to hear that helicopter. The school is right over here. The kids can hear it. And you know kids, oh, helicopter, woo-woo. That's going to happen. You know, I mean, it's not anything that's terrible, but it does take -- you know distracts kids, and kids are easily distracted. So, I'm all for Manele if you want to do it down there, but not up here because number two, you guys know what the weather is like up there. You don't want helicopters attempting to land when it's rainy, foggy, windy, and you know how it gets up there. I mean, ask the golfers. Anybody golf, you guys know what the golf course is like when it starts getting bad, and it can just happen just like that. So thank you for hearing me out.

Ms. Gima: Thank you. Winnie? Any you'll be our last testifier at this time. This commission, commissioners need to start asking questions and discussing.

Ms. Basques: Thank you again. Winnie Basques. You folks did a good job. You did all your

folks research, okay, on the paper, that power point. I can see that you folks doing all your hana hana – that's job in Hawaiian. Okay. But I do not like seeing Lanai has to be changed for the purpose of the people who come from the mainland, wherever they coming from, to say oh we going to Lanai. Well remember now when they get off the helicopter the makana winds blowing. You know how they going look like when they come out with their high class clothes. The wahine in their nice kind gowns, all lepo. Lepo in Hawaiian means dirt. You going see how they going get off. The hair all . . . (inaudible) . . . and whatever. The thing is that, we live this style. We live our style. We come here, we take care of our aina. But we don't want no other people come in and telling us what to do. Okay. Now the thing is it's going to be on your folks conscience when you going deliberate this issue, okay. The two helipads...like they say, when the fog comes down, you cannot see the table tanks, it's 500 feet. If you cannot see you ain't gonna land because I used to work airport before as security for the airlines. Now the thing is that when they do this kind stuff...how you going make us feel? Now they going think, oh, let's go to Lanai, there is that shopping center, get all these kinds stuff. Hello? There's no shopping center. You like you shopping, go back to where you came from. Thank you.

Ms. Gima: Thank you. Sorry uncle, we gotta, we gotta close it because we gotta get on to our discussion or else we'll be here all night. Commissioners, I know many of you have many questions. Bev?

Ms. Zigmond: Madame Chair? I would like to...remind all the commissioners who were here back in November or December that at that time we were placed in front of us...we were placed in front of us a letter from a Manele resident who adamantly opposes. So I'm not sure if, Dave, you missed that one or not, but it was Ms. Bonita Churney. And it was just put on our table and so it was never into the record, and I'm not going to read the entire thing. But I do -- and I'm speaking, I'm speaking -- but I do want to say that she is adamantly opposed, and I have this record here, this letter if you all want to see it at some other time. Again, it was given to us, but there was no mention of what it is.

The next thing I would like to say is that the 1998 Lanai Community Plan is still in effect. And Medigale you may not know this or maybe you do, but the community plan is what guides us in everything that we do. And page 53 of the Lanai Community Plan which is still in effect says:

"Prohibit aircraft flight patterns over Lanai City as a means of noise mitigation."

It also says:

"Identify and implement other aircraft noise mitigation measures such as the prohibition of late night aircraft operations."

So already it's saying that we shouldn't be doing this. I would have to say that I believe there's a really different perspective out there on what is a significant, detrimental impact as well as what are unusual conditions. I don't think the fact that --. I'm not even going to go there.

One of the things that I want to point out is in the binder on page 10. There was concern from

the Manele residents and then it said, okay, we can do -- just don't do between 11:00 p.m. and 5:00 a.m. And I quote this next part, as Pulama Lanai believes that these late night flights will basically non existent, the applicant would prefer to institute this if multiple night flights commence once operational and respond accordingly to the owners. Well I think that's kind of absurd to do something after the fact. It was like one time some community member said to the commissioners well just approve that and then you can put conditions on it later. So, I think that's the same mind set there, and I think it's pretty absurd.

Now I have a question. The DOT said that...if this was not operational by September 13th, that some other things would have to happen. They would have to reapply or do something. In other words, this, this...this go ahead from them is only through September 13th. So my question to the applicant is when do you anticipate commencing operations?

Ms. Gima: Before you begin, Lynn, I'm going to ask everyone in the audience and outside to please keep your guys conversations down to a minimal please. The commissioners have been very patient with listening to all of you tonight, and hearing all of your testimonies, so please do the same as we are, you know, trying to have this discussion. Thank you.

Ms. McCrory: Lynn McCrory, Pulama Lanai. DOT's letter was stating that we do not -- they do not require us to get any State permits in order for the helistops to operate. There's no State permits needed. That was the intent of their letter. I'm not sure what the 13th was.

Ms. Zigmond: I'll find that for you. And in the mean time, I need to ask another question. So we've heard that both Manele and Koele homeowners were noticed with registered letters. I've heard that some people up on the hill also received a letter. So my question is why were the residents at Iwiole, the Quads, Hawaiian Homelands, or even myself who lives pretty darn close, why weren't we given that same notice?

Ms. McCrory: The notice -- Lynn McCrory, Pulama Lanai -- the notices go out to everyone within 500 feet of that property. My guess is it goes to -- not my guess -- it goes to the owner of the property.

Ms. Zigmond: Okay, so we have a precedent here, Lynn. When you came before us for the recycling center, and you all sent the letter of notice to the owner of Hale Kapuna, and the owner of the Courts. We objected and we deferred our decision until the people who were residents there who would be affected were noticed. And I'm asking that the same thing happen here.

Ms. McCrory: You're right. We did say that, and we did say we did it, we'd do that. We did not, so I agree. I just got this. It's not State DOT, it's the FAA. So we just have to go back in and say yes we are intending to do that and they will issue another one. So it should not be an issue.

Ms. Zigmond: So my question is when do you plan to be operational?

Ms. McCrory: We have yet to have approval from this Commission, and then we have to go to County Council. And my best estimate at County Council would be a year. There's at least four meetings that will have to go through. And depending on whether they make a decision or not. So for me, I use Council approval as one year of time. Then it's construction and then that's another year. So we are at least probably two plus years away.

Ms. Zigmond: Thank you for that answer. And once again I firmly believe that the residents of Iwiole, the Courts, and Hawaiian Homelands needs to be noticed.

Ms. Gima: Olopuu. Beverly, Olopuu too.

Ms. Zigmond: Olopuu. Absolutely. And then 231 Caldwell Avenue as a matter of fact.

Ms. Gima: Lynn, I would suggest you take a seat up close because there's going to be a lot of questions coming your way. There is an extra mic if you wouldn't want to -- it would be easier.

Ms. Koanui Nefalar: My question is who will be monitoring the 12 flights per month?

Ms. McCrory: Lynn McCrory, Pulama Lanai. We will. And we'll be monitoring in such a way that an example of windsock or any of the navigational aids will not be left onsite. So when we're informed that a flight is coming in, we will then inform Four Seasons as to the time the flight is estimated to be there. We will then send someone out to actually put the navigational aids in place. And then after that, that counts as one. So we'll be monitoring both putting everything out, taking everything back and the count.

Ms. Koanui Nefalar: That goes to my –

Ms. Gima: I was going to kind of piggy back on that with a few questions. So is it FAA who's regulating that you cannot exceed 12 flights? Is there a regulation in place for that?

Ms. McCrory: No, it's ours.

Ms. Gima: So that could be changed without having to notify?

Ms. McCrory: No, no, no.

Ms. Gima: No?

Ms. McCrory: If, if we're saying that we will only do 12 round trip flights per month for both sites, we can't change that without coming back to you.

Ms. Gima: Okay.

Ms. McCrory: This is a five year permit. We're looking to see does it make a difference? Does -- do people even use it? If we find that they aren't, we're not going to renew it or we'll -- we

won't even look at making it permanent because we would have to do permanent by going through Land Use Commission. We're not sure.

Ms. Gima: So this is basically what I'm hearing like a trial run for five years.

Ms. McCrory: Yes, this the five years. And, I mean, I would say to you probably if we don't have anyone coming in two years even, we're done. Because obviously this is not something that is working and makes any sense.

Ms. Koanui Nefalar: Next question was how will -- like, what's the process of a guest wanting to helicopter in? Do they contact when they make reservations for the hotel? Do they contact Pulama? Who -- what's the whole process, the whole process?

Ms. McCrory: Let's, let's ...Larry Ellison and friends, he just makes his contacts and tells us what he needs. For the Four Seasons, the request would have to come from Four Seasons to us because they would have to be a guests at one of the Four Seasons. And they would then say to us we have guests coming in to Kahului, and they want to be picked up by the helicopter and should arrive there. They will probably make the helicopter arrangements for them. If not, the guests could make the arrangements. But, again, these are private so they aren't a matter where any helicopter company that just decides they want to come in can land on it. They cannot. It is private. It is 12 flights round trip. And by round trip, I mean, you come in, you drop the guests off, you leave. One. So if let's say the guests who's staying at Manele Hotel or Koele Hotel decides that they want to leave because the way they would have get to their flight would end up them sitting, let's say, at Maui or Honolulu for a few hours. Where they could say, I want the helicopter to take me in so I'm there an hour and half in advance or something like that. Then at that point, Four Seasons would notify us, and we would go forward with setting it up so that could occur.

Ms. Koanui Nefalar: So...if, if a guest is coming in, because of TSA and all the Federal security, how would their luggage come in on a commercial flight to the airport instead of on the helicopter?

Ms. McCrory: They would come in...their luggage would come with them on the helicopter.

Ms. Koanui Nefalar: Oh, I thought I heard earlier their luggage was not -- it was going to come through from the airport.

Ms. McCrory: No. No, that was one of the suggestions of someone. I think Debbie did that one where if you wanted to reduce time at, let's say, Koele helistop, you could drop the luggage at the airport. That was it. But it would come in with them.

Ms. Koanui Nefalar: Another question, maybe for Planning Department. Is this the way it's set up, it's together, Manele and Koele, is it, is it -- are they able to separate it? And if so, what's the process?

Mr. Yoshida: I guess they could have specific conditions for...the helistop in Manele or Koele. Say if they wanted to restrict the hours or...

Ms. Koanui Nefalar: What I mean like if...if the way it's set up now, if we were, for instance, to approve one --. Are we able to approve one and deny another? It's right now, for location, it's, the way it's set up now, it's together.

Mr. Wollenhaupt: A couple of things. No. 1 you have your State Land Use Commission Special Use Permit so this would be the body that's making the decisions on that. That actually keeps conditions put on in house, if you will. The Conditional Permit, then, of course, moves to the County Council. So what we've seen say weddings in agriculture on Maui is that the Commission often times put conditions on it. They want to be handling without having to go to Council on the State Land Use Commission Special Permit.

Now to your question, we might need to have our eminent Corporation Counsel speak to this. It would be deemed were you could say you only wish now to approve or make a recommendation of approval on the Manele site. That would be a lesser impact than the proposal for two sites. So I don't believe that there would be a problem if you were to define what you exactly you were approving if that definition was less intense than what was noticed. But Corporation Counsel would have to weigh in on that.

Ms. Thomson: I agree. Yes, I think that if you were -- if the Commission was inclined to approve one location and deny another, or potentially even defer taking action on that second, on Koele, if you needed more information or, you know, things like that, I think that you could do that. That's a little more awkward, but I think that you can make the decision that you wanted, so yeah.

Ms. Koanui Nefalar: And, I don't know if it's just a -- what my last comment is -- you know when you heard a lot about bringing in tourism, helicopters is only going to be, like, what, six, five people at the most. That's not a major impact. And another one is Ellison had Island Air, and he sold it. Well, he sold majority shares. He could have kept that. Now he -- right when the hotel opens on February 1st; March 30th they closed and leave Lanai, that's kind of ridiculous. You know, if -- I can see if the planes, you know, might not be as luxurious as maybe as these people are accustomed to. He could've change that. He spent so much money on the hotel. He could've got better planes, you know. He could've privatized it. He could have done whatever he wanted with it. Now we have one airline that services the whole island including residents. That was not a good business decision, in my eyes. I mean, I'm not a business person, but, you know, just looking at it, with hunting season coming in, graduation coming, there's like a huge impact when that airline left. So, that was my comment.

Ms. McCrory: Did you want an answer?

Ms. Koanui Nefalar: If you want and if there is any answer, but --

Ms. McCrory: Okay. Answer, yeah. Let me give you some of the pieces. Island Air, I think,

was losing \$28 million every year. That's a lot of money going out into something that really wasn't successful by any stretch of an imagination. He looked at that and just said, you know, all I'm going to do is keep losing money. What -- and that's why he sold the piece that he sold because it wasn't making money no matter what they tried to do as an airline, it didn't work. So he sold it to local people, who so far seemed to be making a go of it. Now what the difference is, I don't know because obviously we don't have any connection with that entity.

I can tell you that one of our concerns for having Ohana was being sure there were enough flights. And so we've decided and have gone ahead and are subsidizing one additional flight that will be coming into Lanai in May. I believe it starts on the 16th. And that's to be sure there are enough flights. I don't know if you've been on any, but I've been on and there's barely any seats open. I mean other than the 6:00 a.m. flight which is not a lot of fun to begin with, but that, that's the reason. It was a consistent loss from the point that he had it. It never, ever, ever made money. So if you've got \$28 million every year for three years...you know, obviously that's not the business he should be in.

Ms. Koanui Nefalar: Yeah, I think what -- I mean I not going tell Mr. Ellison what to do, but, you know, maybe a change of management company, change in personnel. I know the workers over here only made \$8.00 an hour. So you know how --

Ms. Gima: Stacie, can I just say something really quickly?

Ms. Koanui Nefalar: Yeah.

Ms. Gima: I mean, I see what you're saying about Island Air, but I mean, I don't know how relevant it is in the sense that --

Ms. Koanui Nefalar: It's about travel and about --

Ms. Gima: Okay. I mean, it sounds like Island Air serves the community. These flights aren't even nowhere servicing --

Ms. Koanui Nefalar: Well, it was one year with no hotel, so yeah. My concern was we lost control of an extra transportation force, you know, with if you're bringing in your tourists. That was my concern.

Ms. Gima: Lynn, I had a few questions. I, I'm completely confused with some of this wording: occasional, basically, anticipated. You know there's no definite, you know, definition here. You we're going to have occasional night flights. What's occasional? You know? Where the flight frequency is anticipated to vary between Koele and Manele. And then...in the, in the application that we have no where -- and correct me if I'm wrong Commissioners -- I saw no where in here that the 12 flights are going to be combined, Koele and Manele. However, in the presentation that was very different, so there are some confusion with how things are being, one, presented and worded.

Ms. McCrory: Okay. We came up with that phrasing for the 12 flights, round trip, combined to make sure it was as clear as we could get it, and we went through that multiple times. So what you saw, what you heard, that's, that's the verbiage. Now I'm trying to remember what else you asked me and I started with the last one.

Ms. Gima: Occasional night flights.

Ms. McCrory: Occasional. One of the reason that -- one of things that I did was to go back through all of the airlines coming in Honolulu and Kahului, any say when do they arrive. What time? You know, is it possible that it could be later. There are two flights that come into Honolulu, nothing into Kahului. And one comes in from L.A. and one comes in from San Francisco, and it arrives at 10 o'clock or 10 minutes after 10. That's it. So the word occasional comes from that. Do I anticipate night flights? Honestly, no I don't. It doesn't really make a whole lot of sense that we're going to get people coming in on those late flights that then want to take a helicopter over. Because most people come in that late they just get a hotel room. And if they're going to travel, they travel the next day.

Ms. Gima: So I have a question for Corp Counsel and the Planning Department, and I think Bev stated in the beginning that, you know, our 1998 Community Plan is still in effect which prohibits night flights completely. So, if that applicant is wanting to do any type of night flights do they have to do a Community Plan Amendment?

Ms. Thomson: . . . (inaudible) . . . but neither one of these types of permits, a Conditional Permit or Special Use Permit, require consistency with the Community Plan. As far as night flights and time limits, you can set those in the permit. So if the Commission wants to approve this, approve the Special Permit with conditions, those considerations could be conditions such as no fly over the city and, you know, a distance from the perimeter, etcetera.

Ms. Gima: I understand that we can put conditions. I just wanted some clarification if, just like the three Lanai Avenue Homes, they had to do a Community Plan Amendment. And so you're, if I'm -- I want to make sure I'm clarifying this on the record that I'm hearing correctly -- you're saying that these permits don't have to jive at all with the Community Plan.

Ms. Thomson: The Community Plan is something that you would consider when you're looking at a Special Permit. One of, one of the criteria for a Special Permit is that the desired use would not adversely affect the surrounding property, would not unreasonably burden public agencies. So you're looking through this, as far as having strict consistency with a Community Plan, if these permits don't require that. Clayton, did you have anything to add to it?

Ms. Gima: And, and -- sorry Clayton, hold on a second -- strict consistency, what does that mean, strict consistency?

Ms. Thomson: For example when you have a Special Use -- when you have a -- sorry, Special Management Area Permit, there are certain types of permits that require you to be -- they require the project to be consistent with the Community Plan. The reason that the three Lanai

houses had to be, had to have Community Plan Amendment is that a Change in Zoning requires that. So it's the difference in the ways the laws are applied.

Ms. Zigmond: But I still think that the Community Plan guides us with everything that we do or why do the heck do we have it?

Ms. Gima: Commissioners -- I mean . . . (inaudible) . . . I'm still trying to process this, so if any of you have any other questions.

Ms. Zigmond: One other quick question for the applicant. So in the binder I think it was there was a photocopied page of a catalog with lights on. Have you gotten any further on which lighting you're going to use?

Ms. Gima: Bev, is that the seabird lighting?

Ms. McCrory: Everything would have to be in conformance, so that there isn't an issue with seabird lighting. And that would be, you know, you would be putting -- if you had a night flight, you would take your lights out to the site with you...and they just can't shine upwards. So all we could do is shine on to the pathway, on to the diameter circle is what we would be doing.

Also, just, just one more point in response to what Bev said. These flights won't be flying over the city. FAA regulations requires a 1,500 foot altitude minimum over the city, and then 500 where it's not. And by city, they mean Lanai City and they mean Manele. They're shown on FAA maps. They're very clearly indicated this cannot be flying over the city.

Mr. Oshiro: I get your landing and take off, they going from west to east. That's the way it's shown...on Koele, excuse me, up at Koele, west to east and that's with the trade winds, right?

Ms. McCrory: Yes.

Mr. Oshiro: Like most people that live on Lanai know that we often get fogged in. That's no brainer there because just last week we had fog that rolled in. Are they gonna try to land? Inclimate weather too, are they gonna try to land during that time?

Ms. McCrory: No. And that's one of the reason for someone who will be the person, point person, on Pulama Lanai for that. They have to make the call whether or not the flight should come in. I mean, someone has to make that call, and it has to be someone here doing that.

Mr. Oshiro: Just a thought. I don't know if -- you weren't here when they did the filming. They did a movie over here, they did a filming, and they were here for about a week or so. And they used that stable, above the stable, they used that as their landing pad, and I guess they were, . . . (inaudible) . . . out of Koele. And during that time they flew back and forth, you know. And during the evening, they flew back and forth, and that was really, really irritating. I mean, not to have any noise. Right now you listen all you hear is the car driving. But then to have a helicopter flying back and forth, I mean, even if they come two or three times in a month, it's

something that we, as residents, don't hear because the flight patterns is away from the city, it's down at the airport. So, you know --. And then two, if the winds turn Kona, right, north south, are they still gonna land east, land east west, take off land east west or they not coming in at all? Because they gonna have to go over the city then right? No?

Ms. McCrory: They aren't allowed over the city. I mean, they're not allowed.

Mr. Oshiro: They not flying during, during Kona wind?

Ms. McCrory: That may be exactly what the situation is.

Mr. Oshiro: Same thing happened down at Manele?

Ms. McCrory: It could happen at Manele also, yes.

Mr. Oshiro: Because Kona winds comes north south. So you, you either come in with the, with the way the winds blowing, right? Just questions or just comments at you, yeah.

Ms. McCrory: It would have to...it would have to be safe. More than anything you have to have a safety factor that there isn't going to be a helicopter crashing on you. So yes, you have to consider all of those.

Ms. Gima: And then a piggy back really quickly if you don't mind off of the landing and take off. What is the turn around time from when a helicopter lands to then taking off?

Ms. McCrory: It is as fast as discharging passengers. And if there's any to go back on that particular flight to an airport, loading them. That's it. They are not to be sitting on that stop.

Ms. Gima: Because I think Alberta testified and I mean, I don't know if that's true or not about it being a 15 minute limit. I didn't see that in the application. Or she mentioned about that the engine can't stay on when –

Ms. McCrory: It cannot stay on. It cannot.

Ms. Gima: Okay.

Ms. McCrory: So the intent is to drop them off, or if they're just leaving, pick them up. That simple.

Mr. Oshiro: Again, during take off and landing, especially on take off because you probably going up to the east. Are you going to be -- I'm only talking about Koele -- are you going -- are they gonna block the road, Keamoku Highway?

Ms. McCrory: They did not feel that needed to be blocked with the traffic studies that we recently had done for Sporting Clays. They did not feel. The construction road must be

blocked. That's part of FAA. They didn't feel that the Keamoku Road needed to be. It can be something we do.

Mr. Oshiro: Okay. And then the guests coming in from Manele using that nursery area. They all going be going out the same way they came down the Manele Highway right? That's how you bringing in the guests back to the hotel, right?

Ms. McCrory: No, the guests would be coming down Hulopoe which is basically the construction road. Because they're going to finish going down and then into Manele.

Mr. Oshiro: But is the construction road -- remember I brought this up a long time ago, about the construction road being hazardous.

Ms. McCrory: Yes.

Mr. Oshiro: So you guys doing something to repair that?

Ms. McCrory: It has been -- it has been completely paved.

Mr. Oshiro: I'd like to see that road, you know, before, pretty much before I even vote on this because like --

Ms. Gima: . . . (inaudible) . . .

Mr. Oshiro: No. Remember, Conrad died, yeah, okay. But what I'm saying is when we were allowed to go up and down -- I used to walk up and down that road -- there was no run off. Now there is? Okay. I just want to say I'd like to see it because nobody is allowed to go down that road. I would like, you know, I would like, before I even vote, I would like to see if that road was really repaired because like I said if happens again, Pulama would be in for a big suit yeah?

Ms. McCrory: I can tell you that it was repaired. It was completely paved except for one area which was in front of where the concrete crushing area is and then that was re-paved. The truck runaway ramp, just to give you a cost, it cost \$980,000 was built. So that was put in. It was designed. It was laid out. It's there. That was a requirement from the room renovation permit, so, yes, it's in place, it's functional.

Ms. Gima: It is. I seen it when I had to reroute from when there was a fire. I had to go up on the private road. Yeah.

Mr. Oshiro: Thank you Lynn.

Ms. Gima: Clayton?

Mr. Yoshida: I guess with respect to Commissioner Gima's earlier question regarding the Community Plan and the prior application. It was required because for the Change of Zoning,

under criteria no. 2, the proposed request is consistent with the applicable Community Plan Land Use map of the County. So currently it's Business Commercial, the Community Plan for the three houses property. So in order to have single family residential development –

Ms. Gima: We understand that.

Mr. Yoshida: Now for the -- at the current applications are for a Land Use Special Permit and a Conditional Permit. There's not that criteria regarding a Community Plan like there is for the Change in Zoning.

Ms. Gima: Go ahead Lynn.

Ms. McCrory: I think we've heard that there's great concern in regards to Koele, and I think there's a number of pieces that we should look at and maybe even relocate if we decide to go ahead. But I would ask that you go forward with approving Manele and defer Koele, and we will then take back all the comments. I know I've written a number down, Karlynn has a written a number down, and let us take a look, and then we'll either withdraw the application for Koele or we will present alternatives including site visits.

Ms. Zigmund: Madame Chair, if you are going to be asking us for discussion on this, I'm adamantly opposed to either one. Having said that...with certain conditions I would consider voting for Manele, but absolutely, positively no way for Koele. Not even if all the Iwiole and Hawaiian Homelands and me and everybody else in the area gets noticed which they should have been. I'm adamantly opposed to that, period.

Ms. Gima: I haven't heard from this side of the commissioners. Please ask while Lynn's still here. Ask the questions.

Mr. Ferguson: Okay, my, my question on for the Koele site was you have one section that showing the flight plan, the flight route, yeah, the approach, but it's not expanded enough to see the city. And then the map that you do show the city is one old map that's not even showing Hawaiian Homes houses. So it's not even, it's not even in the picture. You no see -- right now it looks like just vacant land, but there's actually houses there.

Ms. McCrory: I can tell you that Hawaiian Homelands was one of the agencies that was sent the entire application. They responded and asked us to send an additional map, which we did, which then showed the flight path not even close to theirs. And then they submitted a -- I think that was the only thing. Once we submitted that, we did not hear back from them.

Mr. Ferguson: Okay. And just to, like how what Brad was saying when they did the filming a couple years back, you know, the...they told the community that the helicopters won't be buzzing the city, but I live at Hawaiian Homes at very bottom, at the very corner by the gulch so I am the turning point. So they, they buzz the field, and right when they reach the gulch they hung a right and when straight up to the stables. And right where they hung the right, it woke me up. I walk out on my deck and I see this helicopter. They're far enough away. You know,

they kept their buffer, but the noise was still enough to wake me up. And that's what I was, you know, trying to figure out. The noise is loud. The wind comes down. Even after it passed me, as it was landing, I could still hear it down at the bottom of the city.

Ms. McCrory: That's another reason to defer at Koele. We need to either take a look and see where else we're going to do it, if we're going to do it. I just don't think at this point it makes any sense to try to do...try to even move forward on that.

Ms. Gima: Okay. I'm -- I want to take this piece by piece because that's where it's going. I think we need to look at Manele, we need to come up with conditions. So I'm right now going to make the motion to deny the -- both this --is it the State Land Use Commission Special Use Permit for Koele. And then make a recommendation for the Conditional Permit to County Council for them to deny the permit for Koele.

Ms. Zigmond: Second.

Ms. Gima: So I made the motion, Bev second, is there any discussion, any questions by the commissioners before we vote?

Mr. Ferguson: I want to ask Counsel I should just continue recuse myself.

Ms. Thomson: Thank you, yeah, if Lanai Builders would be the company that would be constructing then you should recuse yourself.

Mr. Ferguson: I'm a carpenter, so I don't know how much I going be working on the helipad, but, you know, but they might pull the permit, but, you know, as a general, but I don't know if I'll get carpentry work out of one helipad.

Ms. Thomson: Right that is a good question. In that case what you would need to decide is whether you feel that you do not have a direct financial interest in this particular application so that you can vote. You could decide that you do and then recuse yourself, or you can request deferral and then get a Board of Ethics opinion. So those are your choices, but from what you're describing, it doesn't sound as direct as a building project where you'd be actually employed on the project.

Ms. Gima: Are you choosing to recuse yourself?

Mr. Ferguson: I think I can, I can vote on this.

Ms. Gima: Okay. Okay. Any other discussion before we vote? Okay, all in favor of the motion -- and again this is specifically for denying for Koele -- raise your hand. One, two, three, four, five, six; that's unanimous.

It was moved by Commissioner Kelli Gima, seconded by Commissioner Beverly Zigmond, then unanimously

VOTED: to deny the State Land Use Commission Special Permit, and to recommend to County Council denial of the Conditional Permit for the proposed private helistop pad at Koele.

(Assenting: M. Badillo, S. Ferguson, K. Gima, S. Koanui Nefalar, B. Oshiro, B. Zigmond)

(Excused: M. Baltero, S. Marlowe)

(Absent: J. Barfield)

Ms. Gima: So now -- and again, thank you to the community members that have come out, and those who have written letters and got names on the petition. I mean, I think this --. We heard you in regards to the issues with Koele. Now we need to look at Manele. I think I've heard quite a bit from the community and also from reading some certain letters that it was more of the issue with Koele, not as much with Manele, but I've also heard and read that, you know, wanting to have some conditions in place.

Ms. Zigmond: Madame Chair? Some things I think about are -- just in case I win a lottery and I get to buy a terrace at Manele -- I wouldn't want the lights or the sound between, you know, 7:00 p.m. and 7:00 a.m. And I would like emergency vehicles to have first and always precedent there so that if an emergency happens for anybody -- guests, visitors, locals, anybody -- that that would be available.

Ms. Gima: Yeah, I think that -- I mean, Lynn you heard that quite a few times tonight. I think people realize if there's an emergency down at Manele, the time to get the ambulance down there, get back up to the city and then possibly to the airport to medivac, pretty critical amount of time. Was this discussed at any time?

Ms. McCrory: Yes, we took -- Lynn McCrory -- we took the opportunity to talk to Ted, who's the medic here for that, and his answer was we really don't want your helicopter taking anyone anywhere. The helicopter should be medically equipped and with personnel that can save your life and not do damage to you. They know that they can land anywhere on Lanai. So, yeah, there's a helispot that would be at Manele, and they can obviously land there, but they can also land on the golf course if that's closer. Or they can land in the parking lot if that's closer. If they were -- someone was up into a remote area, but they found an area their helicopter could land, they can land there. So --

Ms. Gima: It wouldn't need specific permission from you guys to land on the helispot?

Ms. McCrory: They have our permission.

Ms. Gima: Okay.

Ms. McCrory: Any where on the island, to land, for a medical emergency.

Ms. Gima: Commissioners, any other questions for the applicant? Now, again, we're just again,

looking specifically at Manele. Any discussion specifically about any conditions? So Bev, did that answer your question? It doesn't sound like there needs to be a condition because Pulama has given the right of entry to, for any where. Is there any other conditions? You recommended no flights between 7:00 p.m. and 7:00 a.m.

Ms. Zigmond: And I'm thinking again of our local population who might be camping on the beach or something like that to still try to protect what we know and love about Lanai.

Mr. Oshiro: The one that, you know, I brought, I mentioned this was Kona winds, yeah. I don't know. You guys pretty much gotta find out if you can because, you know, you going be flying over the residential to...to land on south winds, or coming in from, taking off because you going over residential. Unless you guys not -- you don't care which way the wind blows.

Ms. McCrory: It has to be safe for the helicopter to land, so, you know, if it's not, they shouldn't be landing. Or they land it over at Lanai Airport where they can come in at any direction.

Ms. Thomson: One thing to consider is just to clarify that the request is for 12 round trips per month. So I'm just making sure that that's what you're considering.

Ms. Gima: And the slide that was presented tonight it shows that you guys already have specific conditions from the FAA...as long as you have that, their approval, correct?

Ms. McCrory: Yes.

Ms. Gima: The minimum flight restriction of the 1,500 feet...in this case, it would be around Manele, and 500 elsewhere; all operations conducted in Visual Flight Rules weather conditions; the landing area is limited to private use; all approach/departure operations are conducted from 040 degrees/220 degrees whatever else those numbers mean; and then prior to use, a representative of FAA evaluate. So you have -- I just wanted to make clear to the commissioners that those conditions are already in place with the FAA. So if there's any separate conditions that we would like impose I think now is the time to have that discussion. Kurt, it looks like you were going to say something.

Mr. Wollenhaupt: Just so that the commissioners know condition no. 7 of the Conditional Permit does state that the applicant shall comply with the FAA requirements for the helistops. There's going to have to be some word smithing here. Probably Corporation Counsel may weigh in, but it would be something such as the Maui County Planning Department would say recommend approval at the Manele location as described in the staff report prepared for the Lanai Planning Commission as of this date subject to the following conditions. So we'll just have to ensure that this, anything that goes on up what you're approving states Manele.

Ms. Gima: I just thought of something. Because we voted and denied Koele, the Special Land Use Permit and made our recommendation for the Conditional Permit, Council can come around and totally ignore our recommendation is and grant that permit. But just so I'm clear they need two of those permits?

Mr. Wollenhaupt: (*nods*)

Ms. Gima: Okay.

Ms. Zigmond: Okay, we're getting very hungry and very tired. I move that we...recommend...approval of the Conditional Permit to County Council and I recommend that we...approve the -- sorry I just lost it too -- the other one. Here, wait, wait.

Ms. Gima: Special Land Use.

Ms. Zigmond: The Special Land Use -- thank you -- Permit for Manele, only. Both of them for Manele only. With the condition that there's no flying between 7:00 p.m. and 7:00 a.m.

Mr. Oshiro: I second that.

Ms. Thomson: Just for clarification. Do you want to also include all of the conditions recommended by the Planning Department?

Ms. Zigmond: Yes.

Ms. Thomson: Okay.

Ms. Gima: Lynn? Yeah, let's have a discussion about this before we vote. Lynn?

Ms. McCrory: I don't think you had any issues coming from the Manele residents. The one letter you have, the person is not a Manele resident. So, she doesn't live there or she hasn't lived there. I know, we were surprised too when we looked and said where in the world . . . (inaudible) . . . And I was hoping David Green was still here because he would corroborate that, corroborate that for me. I would ask that you make it later than 7:00 p.m. I'm going to ask for 10:00 or 11:00, and say 11:00 to 7:00 a.m. and we would be fine with that.

Ms. Zigmond: I'm thinking again about our local residents. I, I can't go 11, 10 o'clock at night. I just can't do that.

Ms. Gima: Lynn, can you give us the reason for want -- the need for the 10 p.m.? Is it because there would be -- like if someone is flying in to Oahu and arrives there at 7:00 and wants to get immediately over?

Ms. McCrory: Yes. It's more of that because there are flights coming in. I used the 11 for the per chance that there's someone on the 10:00 p.m. flight when they come in has that opportunity. It's more to service the guests. Again, I don't believe that most people are going to come over at night. I really do not. I think that's going to be pretty unusual, but they will come over during the day. So I say 11 p.m. just to cover the chance of a guest. If what we find, and I'm more than willing to do this, that we have complaints coming from the Park Council, we would be more than willing to take a look at that and say, we need to make a change. And then

we would make the change. Not differently than saying there can only be -- like we're saying now there can only be 12 flights.

Ms. Gima: I definitely hear the concern about when you're camping. I think a 10 o'clock -- for me, I think 10 o'clock is doable as usually that's -- what is the term for that -- that's usually like noise time where you can't have fireworks or loud noises, so I, I do think that 10 is doable. I appreciate you bringing up the Hulopoe Beach Park Council. I am a member of the Hulopoe Beach Park Council. It would be nice that when this moves forward that it is brought before the Hulopoe Beach Park Council just as a -- to advise and if there can be something set up where people camping or with the rangers of how to make complaints if it becomes --. Because now, the 12 flights aren't going to be between Koele and Manele. It would just be with, at Manele, and sure that could be spread up completely and it may not cause any issues. But I think if there is some form of, of complaint procedure I think that would be helpful.

Ms. McCrory: I can tell you it's called the hotline. That has worked remarkably well as we've done all of the construction. We're not going to change that number, and that person gets to carry that phone no matter what. And I would be fine with 10 p.m. also.

Ms. Gima: And maybe that would be a good thing for -- I'm switching my hat here, not fully, but -- every month when we meet with the Hulopoe Beach Park Council we get a park ranger's report. They give us numbers of people coming into the beach, and that maybe something that would be appropriate to add to their report, how many flights went in and out that month, were there any complaints.

Ms. McCrory: And we can do that. That's not an issue.

Ms. Gima: So I just shared my thoughts. Commissioners? Bev, did you propose it again? Did you propose with the 7:00 p.m. to 7:00 a.m.?

Ms. Zigmond: . . . (inaudible) . . .

Ms. Gima: Okay. Okay, I can do that before we have to vote on this motion. I mean, I would move to amend it to 7:00 a.m. to 10:00 p.m. as a condition, and that Pulama Lanai will put in place with the park rangers a complain procedure and that it is getting reported monthly to the Hulopoe Beach Park Council. So that's my amendment.

Ms. Thomson: Someone needs to second that motion, if you wish. Yes, it's an amendment and then whether or not that passes or fails, you go back to the main motion, back to Beverly's motion.

Ms. Gima: Anybody second my amended motion?

Mr. Ferguson: . . . (inaudible) . . .

Ms. Gima: Okay, Fergie seconds. Okay, so all in favor of the amended motion, and the

amendment again is the...the condition for times, it's going to be till 10 p.m. instead of 7 p.m., raise your hand. One, two, three. Well, it fails. And all opposed? Sorry. All opposed raise your hand. Okay.

It was moved by Commissioner Kelli Gima, seconded by Commissioner Stephen Ferguson, then

VOTED: to amend the condition in the main motion to allow flying between the hours of 7:00 a.m. and 10:00 p.m. – MOTION FAILED.

*(Assenting: M. Badillo, S. Ferguson, K. Gima)
(Dissenting: S. Koanui Nefalar, B. Oshiro, B. Zigmond)
(Excused: M. Baltero, S. Marlowe)
(Absent: J. Barfield)*

Ms. Gima: So we still have the motion on the floor, Beverly's motion, to approve for Manele, and recommend approval to County Council with the condition that no flights be operating through 7:00 p.m. to 7:00 a.m. She made the motion, Brad second. Any discussion before we vote? Because I'm kind of like, I don't know if this is going to pass.

Ms. Koanui Nefalar: The reason I didn't vote with the 10 was, you know, I feel that fireworks is, you know, twice a year thing. 10 p.m. It's expected. Not expected, but, you know, we kind of anticipate that that may happen. The 7:00 p.m. I think I'm looking at safety for the passengers coming in. Lynn saying that there may not be or the chances of it coming in is very rare, so I mean and I think 7:00 p.m. is a reasonable time. During the summer it's still lit. You know, you can still see it coming in so I feel that 7:00 p.m. is safer.

Mr. Oshiro: What was the...Pulama's proposal?

Ms. Gima: Well first of all in their...I think in their application there was no set limits and that's why, that's why we were putting in that condition. Lynn asked for 11:00 p.m.

Ms. McCrory: And then accepted 10:00 p.m.

Ms. Gima: They don't even have time limits right now, and I think that we've made it very clear that we wanted to put that condition in place. So right now the issue is finding a time. It sounds like a --. I don't think anybody's opposing to the 7:00 a.m. component. It's the, the night time component.

Mr. Yoshida: I guess for clarification sake, I just wanted to make sure, in the motion, does that, for the Manele helistop, does that include the conditions as recommended by the Department?

Ms. Gima: . . . (inaudible) . . .

Mr. Yoshida: Okay.

Mr. Oshiro: But the only reason -- well actually the 10 o'clock, if you put it at 10 and flights comes in at 10 on Oahu, and there's none coming from Maui, they still won't make, so why even propose a 10 o'clock? You know what I mean?

Ms. Gima: I think we're just throwing out a number.

Mr. Oshiro: Yeah.

Ms. Gima: And I was going based off of the kind of the noise time that we even follow in the city.

Mr. Oshiro: Right. But the thing is like she said the flight that comes in on Oahu comes in at 10. She --. That's what Lynn said, okay. So what I'm saying, they still not going make it here, you know, at the 10 o'clock curfew that they got, that, that you impose the 10 o'clock curfew. They not going be here on time, so why even bother to give them the 10 o'clock? Just stop at the 7.

Mr. Ferguson: Well, I feel if we give them the 10 o'clock they give them one option where Ohana not flying after, what, 7:00 p.m. If they, if they get to Oahu 7:30, 8 o'clock --

Mr. Oshiro: The problem is --

Mr. Ferguson: -- they still get one opportunity to get to the island, till 10, you know, which --

Mr. Oshiro: I understand what you saying. But the people that going take the helicopter not going fly on Ohana, you know. If they going come in, they going rent one private jet and come in, you know, that's what I'm trying to say.

Mr. Ferguson: Yeah.

Mr. Oshiro: It's not that --. It's just --. The 10 o'clock, they not, the people that coming in at 10, not going make that flight, not going make it to Lanai 10 o'clock.

Ms. Gima: But we're not only looking specifically at the flights that come in at 10 o'clock on Oahu. It could be if they flew a private jet into Maui, a private jet in Oahu, I mean, I don't know if that's necessarily the reason. Well, yeah, but, I mean Uncle Brad is talking about how this 10:00 p.m. thing is just based on the flight coming into Oahu at 10. Right? Well, that's what Lynn was saying. Okay, go ahead.

Mr. Wollenhaupt: Hi. It's Kurt again from the Planning Department. I understand where the debate is going. But since I do go back to California pretty often to see friends, just checking on United Airlines and I know that if you're going to use the 7 o'clock cut off, there is a flight that I've taken to Honolulu, and it gets in at 7:10 p.m. So there is a range of flights that kind of comes in at the four o'clock hour. Then there's a range that come like in the seven o'clock hour. And there are indeed those flights that come in at nine or ten o'clock. It would be problematic

as stated that if you're coming in at 10 o'clock to Honolulu or Kahului, you just won't be working at 10 or 11. But there might be for the members consideration a number of flights that do get in at that 6:30, 7:00 hour, so perhaps -- the 8 o'clock, if you move to 8 o'clock, there might be, that might accommodate. Just giving you some information.

Ms. McCrory: This is Lynn McCrory. Also to let you know, they are coming in on Ohana. That's one of the reasons for putting one more additional flight into the day is that we pick people up on the 3:15 flight. There was one vacant seat. And every flight I've been on, they're coming in, and the hotel is running at 60% occupancy. So it's not coming in on private planes. They're coming in on Ohana. So this is trying to make sure that when they hit Honolulu, they have an opportunity to get here.

Ms. Gima: I don't think we should go back and forth on the time any more. I would suggest with Bev's motion as stands that I would make a motion to amend to just add that Pulama still provide reports to the Hulopoe Beach Park Council and receive complaints through the park rangers, and not changing the time from the 7:00 a.m. to 7:00 p.m., but adding that on to your motion Bev. So I make a motion to add that on to the original motion that Bev has made.

Ms. Koanui Nefalar: . . . (inaudible) . . .

Ms. Gima: Okay, so it's been moved by me, seconded by Stacie. All in favor of this amended motion raise your hand. One, two, three, four, five, six, so that's unanimous.

It was moved by Commissioner Kelli Gima, seconded by Commissioner Stacie Koanui Nefalar, then unanimously

VOTED: to amend the original motion to add the conditions that Pulama Lanai provide reports to the Hulopoe Beach Park Council and receive complaints through the park rangers.

(Assenting: M. Badillo, S. Ferguson, K. Gima, S. Koanui Nefalar, B. Oshiro, B. Zigmund)

(Excused: M. Baltero, S. Marlowe)

(Absent: J. Barfield)

Ms. Gima: So now we have...a slightly amended motion, and I guess I'll just read it out loud again. This is for the approval of the Special Land Use Permit for Manele only with the conditions of no night flights between 7:00 p.m. and 7:00 a.m., and that Pulama Lanai is responsible to provide park ranger, in the park ranger report to the Hulopoe Beach Park Council as well as the number of complaints made, if any. And then again, and then also recommending approval to the County Council for the Conditional Permit. So that's what it is as stands right now. And again that was originally made motioned by Bev. So we're going to take a vote on this as it stands. All in favor of this motion raise their hand. One, two, three, four, five. Any opposed? Okay. So the motion has been amended, so the motion as stands

right now is to approve the Special Land Use Permit for Manele and to recommend approval for the Conditional Permit to County Council with the conditions that no night flights operate between 7:00 p.m. to 7:00 a.m., and that Pulama Lanai is obligated to provide in their monthly park ranger report to the Hulopoe Beach Park Council how many flights have come in and out and if there were any complaints made by the beachgoers to the company whether it's through the hotline or to the park rangers. So that is the motion. And, and -- I'm sorry, you're right -- and the staff report/recommendations for conditions.

Ms. McCrory: Report issues to the helicopters, not just any issues, in the written report.

Ms. Gima: Yeah, yeah, report issues with the helicopters, yes.

Ms. McCrory: Thank you.

Ms. Gima: So again, let's take a vote. All in favor -- and I'm not repeating this again. I can't remember it. All in favor of this motion raise their hand. It's unanimous.

It was moved by Commissioner Beverly Zigmond, seconded by Commissioner Bradford Oshiro, then unanimously

VOTED: to approve the State Land Use Commission Special Permit, and recommend approval of the Conditional Permit to County Council as recommended/submitted in the Department's staff and recommendation reports, and with the added conditions as discussed by the Commission, for the proposed private helistop at Manele.

(Assenting: M. Badillo, S. Ferguson, K. Gima, S. Koanui Nefalar, B. Oshiro, B. Zigmond)

(Excused: M. Baltero, S. Marlowe)

(Absent: J. Barfield)

Ms. Gima: Okay, we're done.

Ms. McCrory: Thank you.

Ms. Gima: Thank you for the information and providing clarification to us, Lynn.

- 3. MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 15-139 referring to the Lanai, Maui, and Molokai Planning Commissions a proposed bill relating to transient vacation rentals in planned developments. (J. Alueta)**

Ms. Zigmond: Madame Chair? Can I make a suggestion?

Ms. Gima: Go right ahead.

Ms. Zigmond: Since we've been here for three and a half hours. There's no way we're going to get through all this. There's one thing that has a May 13th deadline on it, if maybe we could do that.

Ms. Gima: Which one is that Bev?

Ms. Zigmond: That would be Resolution No. 16-01 entitled referring to our commissions about composting.

Ms. Gima: Okay.

Mr. Alueta: . . . (inaudible) . . .

Ms. Gima: So Item No. 3, Resolution 15-139, we're already passed due so we need to discuss that, and then also No. 4, Resolution 16-01 that's coming up. Is there any objections to deferring Item No. 5 which is the Resolution regulating agriculture tourism activities in the agricultural district to our May meeting? Or the workshop. I see Clayton raising his hand.

Mr. Yoshida: I guess...because of the public hearing notice, if we do not have the public hearing, then we have to re-notice, and we have re-notice at least 30-days prior to the meeting which is the next meeting, May 18th, is less than 30-days. So probably we would schedule that for June, unless you know they have a public hearing, close the public hearing, and then defer.

Ms. Gima: So you're suggesting that for Item No. 5 because of the time constraints with public notice that we would defer that one to the June meeting?

Mr. Yoshida: Well, I guess it's up to the commission. I mean we -- if you want to --. People could've testify at 5 o'clock on that item, but if you want to open the public hearing, close the public hearing and defer to the next meeting, then we can bring Joe back and we can discuss it in depth.

Ms. Gima: Does that go for the orientation workshop too? No, this is just for that? Okay. But we have to discuss Item 3 and 4 because of the time constraints, correct Joe? Okay. So let's move along. I guess, you know, I'm going to make a motion that we defer Item No. 5, which is the Council Resolution No. 16 –

Ms. Thomson: Just for clarification. What Clayton is suggesting so that we don't have the problem of having to re-notice the public hearing is that you open public testimony on all three items, take public testimony, and then you can defer after that.

Ms. Gima: Alright, if there's no objections from the commissioners, I'm going to open up public

testimony. Is there anyone in the audience that would like to testify on either items, No. 3, 4, 5, which were the three various Council Resolutions? John? Okay. I don't see anyone jumping up. Alright, without any objections, I'm going to close public testimony and now make a motion to defer Item No. 5, Council Resolution 16-09 until our June 2016 meeting, or May. I'm sorry, the May, as well as deferring all the other items that are left. That's my motion.

Ms. Zigmond: Second.

Ms. Gima: All in favor raise your hands. One, two, three, four, five, six. Unanimous. Okay, so Joe, come up and we'll do the two Council Resolutions.

Mr. Joseph Alueta: No night differential for you Clayton. Good evening. My name is Joe Alueta, I'm your Administrative Planning Officer. I also work within the Zoning Administration and Enforcement Division. There are two methodologies in which you can amend Title 19. One is by myself, or the Department, or the Administration drafting an amendment to Title 19, and we bring it before you. Title 19 is the Zoning Code. That's what we administer and that's primarily all the permits that you review here today. The other methodology in which you can zone or amend Title 19, the Zoning Code, and that is by Council Resolution. By Charter, by requirement, the County Council must submit all resolutions to the three planning commissions to review it and comments. And you need to get their comments back by a certain time period. It doesn't mean that they will automatically will take up the action on the item. It just means that they can take it up so it prevents you from deferring or delaying sending your comments up. Most of the Council will wait if they know that there is comments coming from the three planning commissions.

So the first item that we have today is Resolution 15-139 referring to the Lanai, Maui, and Molokai Planning Commissions. This is regards to transient vacation rentals in Planned Developments. The Reader Digest version of this, this does not impact Lanai at all, okay. This is, if you recall, a couple of years ago, I came before you, there was a similar bill that amended, that we did the original amendment to Planned Developments and it was called the Puamana Bill because when you narrow down the scope of all the different Planned Developments that would be allowed based on the narrow criterias that is established in 19.32 that they've carefully crafted, only Puamana was impacted. During that meeting, at Council, they attempted to amend, add similar language that you see today to include Alaeloa which is another older planned development. They could not get a consensus from either the homeowners or whatever, but that didn't pass. Apparently now Council is willing, is sending now another amendment that would include Alaeloa. Do we like specific resolutions that help or benefit or hurt anyone individual or property? No, it's bad; bad policy and bad drafting. I like in Title 19 through Pandora's Box. Every time you amend it, you don't know what you're going to get, and you can have other consequences. Based on our research this amendment again only will have the ability or will grant Alaeloa the ability to do short-term rentals. They currently advertise it as short-term of rentals. We've had notices of warnings against them also for their short-term rentals. But again, from that aspect, it doesn't impact Lanai at all. It impacts one planned development on Maui.

Ms. Gima: Why is it in front of us? This is just protocol.

Mr. Alueta: It is because it is an amendment to Title 19.

Ms. Gima: Okay.

Mr. Alueta: Other, other points about this project or particular with regards to this, any time you convert housing to short-term rentals or transient vacation rentals, it impacts the housing market. We've -- regardless of people, their position on it, that's an economic fact. We're noticing that, specifically on Maui, you guys talk about your shortage of housing. It's occurring everywhere. This project does not necessarily impact affordable housing if you want. This is very -- this is a gated community, 13 acres, very low density, a planned development project, and the price range and rental rates are -- would not qualify within the affordable housing criteria of either 50% to 80%, 80% to 100%. I'm not even sure it would qualify in the 200 percentile bracket. But again we're just pointing that it does have an impact on housing in some fashion because there are --. If somebody can't rent a house or can't buy a house at a higher level, they're going to go down to the next level, and they're going to pushing that market. We recognize that. But, again, as indicated in my staff report, we don't think it has any direct impact on affordable rentals per se.

And that's pretty much, that's the Readers Digest version. Do you have any questions for me?

Ms. Thomson: Yes. For clarification. If these properties wanted to do short-term rentals, now, how would they go about it? I want to prevent -- they're not prevented from doing it if they just follow the current procedure, right?

Mr. Alueta: Some of them would be, would qualify...if they were single family. Because they are duplex structures it would be difficult for them to seek a short-term rental permit or a bed and breakfast because the restrictions in both of those title restrict it to a single-family dwelling. So that's where it comes down because some of these are duplexes. That's why the language is added. It contains some duplexes.

The other methodology in which this project or property as a whole could get short-term, transient vacation rental is to seek a Community Plan Amendment to Hotel, and the H-word is not normally a popular word on Maui or any island; and then seek a Change in Zoning to an appropriate hotel district.

Ms. Zigmond: Joe? I know you're not going to like this question, but what did Molokai do?

Mr. Alueta: They just --. Actually they voted no comment after they --. They had no comment. Yes?

Ms. Koanui Nefalar: I noticed Riki voted no. Like did he -- what was his --? I see some of these and he's the only one that said no.

Mr. Alueta: It's...I can never tell what it means.

Ms. Koanui Nefalar: It's on this paper.

Mr. Alueta: Also, they...the vote is also to --. Some of the vote doesn't necessarily mean that you're in favor of the actual bill because the vote is for a resolution to transfer to the commissions to discuss the items. So even though a council member may be fore or against the specific language of an ordinance or a proposed bill, it's the resolution that's to just transfer, transmit it to the commissions.

Ms. Gima: What are we having to do? Just provide comments?

Mr. Alueta: Correct. Your options are --

Ms. Gima: Please read us our options.

Mr. Alueta: On page 2 of the memo report, your options are recommend approval of the proposed bill to the Maui County Council; recommend approval of the proposed bill with amendments to the Maui County Council; recommend denial of the proposed bill to the Maui County Council; vote to defer action on the proposed bill in order to gather specific additional information. And Molokai just voted that they had no comment.

Ms. Koanui Nefalar: So the change is to -- the wording they're, they're putting in is except Alaeloa?

Mr. Alueta: No. If you look at the actual on exhibit...

Ms. Gima: Can we just vote to give no comments?

Mr. Alueta: Yeah. It's actually an amendment to 19.32 which is the Planned Development standards for the project. Planned Developments are a development method, and it's very rarely used. Basically it allows for a little greater density for projects if they dedicate like 20% as open space within their complex. So you can have --. And it allows for also some type of mixed zoning. In this case this is an apartment zoning, and they have a 13 acre parcel, and they were basically allowed to do some duplexes, and maybe a couple of additional units out of it, but they dedicated over 20% of their area as being open space. Not in zoning, but just maintained in open space. Puamana's the same way...and as well as all planned developments that follows this cap. Planned Developments are approved by each commission.

Right. There are no Planned Developments on Lanai anyway, so again -- and there's none that would meet this criteria.

Ms. Zigmond: Madame Chair, I make a motion that we have no comment.

Mr. Oshiro: . . . (inaudible) . . .

Ms. Gima: It's been moved by Bev, and second by Brad that we provide no comments on this resolution. All in favor raise your hand. It's unanimous; six votes. Okay, next one.

It was moved by Commissioner Beverly Zigmond, seconded by Commissioner Bradford Oshiro, then unanimously

VOTED: to provide no comments to County Council.

*(Assenting: M. Badillo, S. Ferguson, K. Gima, S. Koanui Nefalar,
B. Oshiro, B. Zigmond)*

(Excused: M. Baltero, S. Marlowe)

(Absent: J. Barfield)

- _____ 4. **MR. WILLIAM SPENCE transmitting Council Resolution No. 16-1 referring to the Lanai, Maui, and Molokai Planning Commissions a Proposed Bill amending Title 19, Maui County Code relating to composting in the County Agriculture District. (J. Alueta)**

Mr. Alueta: Thank you. Okay, the next item is...Resolution 16 -- I'm sorry -- 16-01 with regards to allowing for composting within the agricultural district. If you go to page 3...just to help you along with, with how this works; the cheat sheet. Okay, under the current standards, right, composting is allowed. It's a normal activity within a farming operation, okay. So if you wanted to compost and use onsite, and use onsite material, we consider it an allowed practice within both the County and State Agricultural District. If you compost onsite material and sell to others, right. You have thousands of acres of brush and other compostable materials that's sitting there and you mowed it all up and you composted it and you wanted to sell it to another farmer at another location, you could. That would be considered a normal agricultural practice and we consider it -- that's an allowed use within both the State and County Agriculture.

If you wanted to compost offsite material, right. So you're importing green waste from the local tree trimmers for your farm, and you have like a five acre farm or whatever, but you need a lot of compost for vegetable gardens, and you compost that material and use it on your vegetable gardens, that's also allowed. That's -- it's just like you're importing any other raw material for your production of your farm.

Ms. Zigmond: Does that site mean off island?

Mr. Alueta: Off property so off of the parcel lot.

Ms. Zigmond: But it would have to be on island, on the same island.

Mr. Alueta: No.

Ms. Zigmond: No?

Mr. Alueta: If it was off island it would be another parcel that it was coming from, right, yeah. And then the other way is like if you wanted to do -- but if you wanted to compost offsite material or off island material, and then sell it to somebody else, right, on another parcel, that would be not be allowed and you would need to get, for us, a special, a permit.

What's going on with the proposal which is...is that they, they're, County Council is proposing a definition for composting in their bill, and they're making it an allowed use. Meaning that it's not considered to be...it's not an accessory use of a farm, but it's just a permitted use in the agricultural district. So what this means is you can have an agricultural lot and bring material off site, compost it, and use it onsite or sell, okay. But, there may or may not be a farm. So -- and like I said so it would be the commercial operation on the property is not a farm, but is a composting operation. That's how the definition, that's how they have it written right now. The Department has concerns on that, and we kind of enumerated those concerns that we share with the Office of Economic Development.

One is we talked about noise. If you have a two acre ag lot and you bring a chipper shredder or, or drum...drum grinder -- thank you -- and you're doing stumps, right, it's going to make a lot of noise. Especially if you live next to an urban area or if you are in a quasi urban, two acre ag lot subdivision, it's going to make a lot noise. Especially if it's going eight to 10 hours a day.

Contaminants...the issue with like any material, you're grinding it up into like a humus like material, it can get dried out, it can get wind blown if you don't have appropriate containment.

Fire, you have -- these -- part of the composting process is heat. If you pile up the material it generates a lot of heat. If you don't -- if you pile it too high, you can get fires. You see that -- when you hear about landfill dumps, that's pretty much what's going on is that you've created a compost pile and its got packed down and it generates enough heat that it self combusts. And so we've had fires not only at landfill, you have fires at the composting facilities on Maui which is at the local dump, at the local landfill.

Invasive species movement. You're going to allow people to bring compost in from off, off property. There may or may not be the transportation of some invasive species. We had a case where in Haiku they discovered some fire ants. The guy got all of the compost, and he took it Hana landfill. Hana landfill said we can't take that, you've got to take it to Central Maui. So you basically have a little fire ants hitching a ride on a truck that went all along Hana Highway. That could spread and be disastrous had it gotten loose and other colonies established out there, so that's part of the concern.

The County supports composting. We think...and a lot of the testifiers previously had, on Maui and, I mean, on Molokai, it's the life blood of any farm, whether it's a traditional farm or an organic farm composting. Compost material is desperately needed. However from the Department's standpoint we don't feel that this bill is adoptable in its current form. We think, currently, we restrict -- we consider composting to be a permitted use as part of a farming operation or as a farm, a commercial farm operation. It's the only where you bringing off site material where we would consider you to get a Special Use Permit, okay. Even though they've

made it, and as I explained -- I know you all read my memo report -- and so that if you...look at it, even though the County makes it a permitted use in their County Agricultural District, the Planning Department does not believe it's an allowed use in the State District. So we would require a Special Permit under 205-6. So if this bill is attempting to get around the Special Permit process of the State, we don't -- it doesn't do that. Just because you make it a permitted use in the County Ag, it doesn't mean that you've somehow made it an allowed use in the State Ag. And we've pointed out that even at the State Leg they attempted several bills, or there was a bill to define composting and establish limits. So already people are thinking about composting and they're saying, hey, we need to create some standards for it.

So, that's pretty -- I mean, that summarized most of our concerns. We do recommend even though we're not in support of this particular bill, we do recommend that there should be an amendment to 19.04 which is the definition sections of the Maui County Code to define both composting, which has a more generic term, generic...definition, and more broader, as well as commercial composting. So, that would help us in our enforcement as far as that goes. Do you have any questions before I read our recommendations?

Ms. Zigmond: So you're recommending denial of this?

Mr. Alueta: We -- yes, and we also recommend -- we think that the current restrictions and the use of the special permit is the appropriate manner in which to regulate composting facilities and take them on a case by case basis. And we do -- and we also are recommending that you incorporate the two definitions that we wrote in there...our recommendations.

Mr. Oshiro: Okay on Lanai, so wherever they bring that green waste from, it's all of Lanai so it doesn't --. You know where you say it comes from some place else...if it comes from Lanai, it's Lanai compost, right?

Mr. Alueta: If it's on the same parcel, coming from the same parcel.

Mr. Oshiro: But then most of the parcels are owned by Pulama, yeah, over here, so --

Mr. Alueta: Right. I think that's -- I mean, I think that if they wanted to say here's our farm, and our farm is consisting all of these parcel, and we probably wouldn't -- we wouldn't -- we would say that's probably permitted use. It's when they want to bring in like, like I say, it's more, again, it's more --. Lanai's kind of unique, so this bill really impacts on Maui and Molokai where people would want to bring in off site materials and do it as a commercial operation and it may not be on the correct, what we feel, may not get the correct analysis and conditions to limit.

Ms. Gima: I think what I just saw is that there's bio solid, sewage sludge, that could be allowed in a compost?

Mr. Alueta: That is, that is correct.

Ms. Gima: Wow.

Mr. Alueta: And that currently is what goes -- at Eco Compost is the only facility on Maui that takes bio solids.

Ms. Gima: Stacie?

Ms. Koanui Nefalar: I don't have a comment, but I, I was in favor of Joe's recommendation, what he said was the Planning Department wanted.

Ms. Gima: Are you making a motion?

Ms. Koanui Nefalar: If there's no other comments, then --

Ms. Gima: No other comments?

Ms. Koanui Nefalar: If there's no other comments, then yeah.

Ms. Gima: You're making a motion to what? Deny?

Ms. Koanui Nefalar: No.

Ms. Gima: What is --? I'm sorry, what's the Planning Department's recommendation?

Mr. Alueta: The Department is not in support of the bill, but we do recommend that the composting and -- composting and commercial composting be defined. Molokai...if you're interested, recommended denial, and that they take into accounts the definitions that the Department presented. And also they wanted to have defined organics. Definition of organics. Maui Planning Commission also recommended against the proposal, and voted to -- and that it go back to Committee for further work and that they include the amendments of the Department discussed.

Ms. Gima: So Stacie, you have a motion?

Ms. Koanui Nefalar: I motion to deny and for the definitions for composting and organic be...what's my words?

Ms. Gima: Commercial composting?

Ms. Koanui Nefalar: Yes, be more, I guess, defined, as recommended by Planning Department.

Ms. Gima: Okay, so the motion is to deny...sorry, I'm tired -- this Resolution and taking, and to taking -- the Council take into consideration the Planning Departments definitions of composting and commercial composting. So that's the motion do I hear a second? And organic, I'm sorry. Brad seconds. Any further discussion before we vote? No? All in favor raise your hand. That's six, that's unanimous, it passes. Thank you Joe.

It was moved by Commissioner Stacie Koanui Nefalar, seconded by Commissioner Bradford Oshiro, then unanimously

VOTED: to recommend, to County Council, denial of the proposed bill, and that Council considers the Planning Department's definitions of composting, commercial composting and organic.

(Assenting: M. Badillo, S. Ferguson, K. Gima, S. Koanui Nefalar, B. Oshiro, B. Zigmond)

(Excused: M. Baltero, S. Marlowe)

(Absent: J. Barfield)

- _____ 5. **MR. WILLIAM SPENCE, Planning Director transmitting Council Resolution No. 16-9 referring to the Lanai, Maui, and Molokai Planning Commissions a Proposed Bill to Regulate Agricultural Tourism Activities in the Agricultural District. (J. Alueta)**

Mr. Alueta: Thank you. You sure you don't want to try for one more?

Ms. Gima: It, it's been a long day.

H. ORIENTATION WORKSHOP NO. 1 (Conducted by the Department of the Corporation Counsel representative)

- 1. The Sunshine Law (Chapter 92, Hawaii Revised Statutes)**
- 2. Ethics**
- 3. Contested Cases**
- 4. Property Rights**
- 5. Rational Nexus and Rough Proportionality**

I. DIRECTOR'S REPORT

- 1. Open Lana'i Applications Report as distributed by the Planning Department with the April 20, 2016 agenda**
- 2. Agenda Items for the May 18, 2016 Lana'i Planning Commission meeting**

It was moved by Commissioner Kelli Gima, seconded by Commissioner Beverly Zigmond, then unanimously

VOTED: to defer Agenda Items G5, H, and I to the next scheduled meeting.

(Assenting: M. Badillo, S. Ferguson, K. Gima, S. Koanui Nefalar, B. Oshiro, B. Zigmond)

(Excused: M. Baltero, S. Marlowe)

(Absent: J. Barfield)

J. NEXT REGULAR MEETING DATE: MAY 18, 2016

K. ADJOURNMENT

Ms. Gima: So we are deferring -- where did my agenda go? So we deferred the rest of everything to our May meeting, which is the next meeting will be on May 18th. It is now exactly 9:00 p.m. With no objections, I'm going to adjourn this meeting.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 9:00 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

PRESENT:

Medigale Badillo
Marlene Baltero (from 5:00 p.m. to 6:10 p.m.)
Stephen Ferguson
Kelli Gima, Chair
Stacie Lee Koanui Nefalar, Vice-Chair
Bradford Oshiro
Beverly Zigmond

EXCUSED:

Stuart Marlowe

ABSENT:

Jarrold Barfield

OTHERS:

Clayton Yoshida, Planning Program Administrator, Current Planning Division
Joseph Alueta, Administrative Planning Office, ZAED Division
Kurt Wollenhaupt, Staff Planner, Current Planning Division
Richelle Thomson, Deputy Corporation Counsel

COMMUNITY PLAN AMENDMENT/MAUI ISLAND PLAN AMENDMENT APPLICATION

Permit Number(s): CPA _____ - _____
MIPA _____ - _____

Please print legibly or type the following.

PROPERTY ADDRESS & INFORMATION	
Project Name: Lanai Avenue Residential Homes	Tax Map Key No.: (2) 4-9-006:050
Total Area: 0.51 acre	Valuation*: \$800,400.00
Physical Address/Location of Project: 605, 615, 623 Lanai Avenue, Lanai City, Hawaii 96763	

* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs; or, by the administrator of Dept. of Public Works, Development Services Administration.

DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

Please check the box for the type(s) of actions being sought:

Community Plan Amendment
 Maui Island Plan Amendment
 Both Community Plan & Maui Island Plan Amendment

Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s) of any proposed development, any text, Growth Boundary or Protected Area map changes in a Maui Island Plan Amendment, and statement of objectives of the proposed action. Attach additional sheets, if needed.

Describe the existing use: Vacant

Describe the proposed use (and/or text amendment): Community Plan Amendment from B, Business/Commercial to SF, Single-Family to enable the reconstruction of three (3) single-family homes and three (3) detached carports.

LAND USE DESIGNATIONS	Existing	Proposed
State Land Use District Boundary	Urban	Urban
Maui Island Plan	Not Applicable	Not Applicable
Community Plan	B, Business/Commercial	SF, Single-Family
County Zoning	B-CT, Country Town Business	R-2 , Residential
Other (i.e. SMA)		R-1,

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 AUG 4 2015
 COUNTY OF MAUI
 DEPT. OF PLANNING & ZONING

CONTACT INFORMATION

APPLICANT INFORMATION

Applicant's Name(s): Lanai Resorts, LLC, a Hawaii limited liability company doing business as Pūlama Lānaʻi Email: _____

Mailing Address: 733 Bishop Street, Suite 2000, Honolulu, Hawaii 96813

Phone Number(s): (bus) (808) 237-2001 (hm) --- (cell) --- (fax) ---

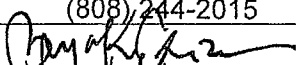
Signature(s): See Letter of Authorization, Section 4 Date: _____

CONSULTANT INFORMATION

Consultant's Name(s): Bryan Esmeralda, Munekiyo Hiraga Email: planning@munekiyohiraga.com

Mailing Address: 305 High Street, Suite 104, Wailuku, Hawaii 96793

Phone Number(s): (bus) (808) 244-2015 (hm) --- (cell) --- (fax) (808) 244-8729

Signature(s):  Date: 8/3/15

OWNER INFORMATION

Owner's Name(s): Lanai Resorts, LLC, a Hawaii limited liability company doing business as Pūlama Lānaʻi Email: _____

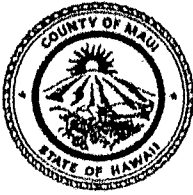
Mailing Address: 733 Bishop Street, Suite 2000, Honolulu, Hawaii 96813

Phone Number(s): (bus) (808) 237-2001 (hm) --- (cell) --- (fax) ---

Signature(s): See Letter of Authorization, Section 4 Date: _____

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COUNTY OF MAUI
DEPARTMENT OF PLANNING
2200 MAIN STREET, SUITE 619
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-8205 FAX: (808) 270-7634

CPA 2015/0005
CIZ 2015/0006
EA 2015/0006

APPLICATION TYPE: CHANGE IN ZONING APPLICATION

DATE: August 4, 2015 VALUATION: \$ 800,400.00

PROJECT NAME: Lanai Avenue Residential Homes

PROPOSED DEVELOPMENT: Change in Zoning from the B-CT, Country Town Business District to the R-2, Residential District to enable the reconstruction of three (3) single-family homes and three (3) detached carports.

TAX MAP KEY NO.: (2) 4-9-006:050 CPR/HPR NO.: --- LOT SIZE: 0.51 acre

PROPERTY ADDRESS: 605, 615, 623 Lanai Avenue, Lanai City, Hawaii 96763

OWNER: Lanai Resorts, LLC, a Hawaii limited liability company doing business as Pūlama Lāna'i PHONE:(B) (808) 237-2001 (H) ---

ADDRESS: 733 Bishop Street, Suite 2000

CITY: Honolulu STATE: Hawaii ZIP CODE: 96813

OWNER SIGNATURE: See Letter of Authorization, Section 4

APPLICANT: Lanai Resorts, LLC, a Hawaii limited liability company doing business as Pūlama Lāna'i

ADDRESS: 733 Bishop Street, Suite 2000

CITY: Honolulu STATE: Hawaii ZIP CODE: 96813

PHONE (B): (808)237-2001 (H): --- FAX: ---

APPLICANT SIGNATURE: See Letter of Authorization, Section 4

AGENT NAME: Bryan Esmeralda, Munekiyo Hiraga

ADDRESS: 305 High Street, Suite 104

CITY: Wailuku STATE: Hawaii ZIP CODE: 96793

PHONE (B): 244-2015 (H): --- FAX: 244-8729

EXISTING USE OF PROPERTY: Vacant

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: Urban

COMMUNITY PLAN DESIGNATION: B, Business/
Commercial ZONING DESIGNATION: B-CT, Country Town Business

OTHER SPECIAL DESIGNATIONS: Not Applicable