

MICHAEL P. VICTORINO  
Mayor  
MICHELE CHOUTEAU MCLEAN, AICP  
Director  
JORDAN E. HART  
Deputy Director



**RUSH!**



**DEPARTMENT OF PLANNING**  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793

May 18, 2020

Honorable Michael P. Victorino  
Mayor, County of Maui  
200 South High Street  
Wailuku, HI 96793

**APPROVED FOR TRANSMITTAL**

*Michael P. Victorino* 5/19/20  
Mayor Date

For Transmittal to:

Honorable Tamara Paltin  
County Council, County of Maui  
200 South High Street  
Wailuku, HI 96793

Dear Councilmember Paltin:

**SUBJECT: ZONING STANDARDS FOR CANOPY TOUR AND ZIPLINE  
OPERATIONS IN THE AGRICULTURE DISTRICT (PSLU-29)**

Thank you for your letter dated May 8, 2020 regarding canopy tours and zipline operations in Maui County. In the past, the county allowed canopy tour and zipline operations as accessory uses, usually when they were proposed as guided tours of an ongoing principal agricultural use.

Currently, it appears that there are a total of nine zipline operations at ten locations in Maui County, with nine on Maui and one on Lana'i..

Name of Zipline	Location/Address	TMK	State District	County Zoning	Approval
Skyline Eco-Adventures "Skyline Hawai'i" – Ka'anapali Location	Kahoma Valley 2580 Keka'a Drive Ka'anapali	245021002	Conservation Agriculture	Agriculture	05/26/2006  Ex. 1
Skyline Eco-Adventures "Skyline Hawai'i" – Haleakalā Location	Near Crater Rd, Haleakalā  18303 Haleakalā Hwy, Kula	223005004	Conservation Agriculture	Agriculture Interim	07/29/2002, 08/21/2012  Ex. 2

RECEIVED OCS OFFICE 5/20/20

<b>Name of Zipline</b>	<b>Location/Address</b>	<b>TMK</b>	<b>State Zoning</b>	<b>County Zoning</b>	<b>Approval</b>
Kapalua Zipline	Honolua  500 Office Road, Lāhainā (Check in Location)	243001001	Conservation Agriculture	Agriculture Interim	06/29/2007  Ex. 3
Maui Zipline Company	Maui Tropical Plantation  1670 Honoapiilani Hwy, Wailuku	236005007 (Makai)	Agriculture Urban	Waikapu Country Town (Ord. 4998)	08/25/2010  Ex. 4
Paradise Eco- Adventures	Maui Dragon Fruit Farm  833 Punakea Lp Lāhainā	247001044	Agriculture	Agriculture	10/15/2010  Ex. 5
NorthShore Zipline	Camp Maui  2065 Kauhikoa Rd. Ha'ikū	227012086	Agriculture	Agriculture	12/06/2018 (Approval has been appealed to BVA)  Ex. 6
Lāna'i Adventure Park	Four Seasons --- Koele  478 Lauhala Pl Lāna'i City	249018003	Agriculture	Project District -- Koele Interim	04/02/2019  Ex. 7
Pi'iholo Ranch Zipline	Pi'iholo Ranch  799 Pi'iholo Rd, Makawao	224012080	Agriculture	Agriculture	No approval found.
Flyin Hawaiian Zipline	Maui Tropical Plantation  1670 Honoapiilani Hwy, Wailuku	236005007 (Mauka)	Agriculture Urban	Waikapu Country Town (Ord. 4998)	No approval found for this operation.
Jungle Zipline Maui	50 East Waipio Rd, Ha'ikū	229005039	Agriculture SMA	Agriculture	No Approval. Violation is on appeal.

Figure 1. Table of canopy tour/zipline businesses and locations in the County of Maui (2006-2019).

Honorable Tamara Paltin  
May 18, 2020  
Page 3

Between 2006 and 2019, the Department issued seven zipline operation approval letters, and the Lānaʻi Planning Commission issued one in 2019 (Exhibits 1-7). Previous approval letters allowed canopy tours and zipline operations on properties with the County zoning designation of Agriculture as an accessory use to the principle permitted agricultural use on the lot: guided tours of agricultural operations.

The approval letter from the Department dated 02/17/2012 for Waiheʻe Valley Farm - TMK: (2) 3-2-004:001, marked as Exhibit 8, is not listed in this chart as the owner has not pursued canopy tour and zipline operations on the lot.

We hope that this letter provides the information that you were seeking. If you have any questions or need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michele McLean', with a stylized, wavy flourish at the end.

MICHELE MCLEAN, AICP  
Planning Director

Attachments

MCM:JSR:JMCT:CIR:ATW

S:\ALL\APO\Zipline\200518\_Response\_to\_PSLU\_Ziplines.docx

ALAN M. ARAKAWA  
Mayor

MICHAEL W. FOLEY  
Director

WAYNE A. BOTEILHO  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

May 26, 2006

Mr. Daniel Boren  
Skyline Eco-Adventures  
P.O. Box 880518  
Pukalani, Hawaii 96788

Dear Mr. Boren:

RE: PROPOSED HIKING AND ZIPLINE TOURS WITHIN THE AGRICULTURAL DISTRICT LOCATED OFF OF HONOAPIILANI HIGHWAY IN THE VICINITY OF KAHOMA STREAM, LAHAINA, MAUI, HAWAII; TMK'S: (2) 4-5-021:002, 006 AND 024

Thank you for your re-submittals of January 24, and February 22, 2006.

Based on of the information provided, more than half of the aggregate area will be in agricultural uses. A recent inspection by Ms. Tammy Osurman, Zoning Inspector, verified the agricultural use of the property (i.e. raising of cattle and agricultural land conservation).

Therefore, your proposed open recreational use will be permitted provided that copies of the access easements over the State and private lands to the subject parcels are submitted for our files.

Furthermore, this is confirming your discussion with us that our concerns relative to parking will be addressed by opening an office at the Kaanapali Fairway Shops for "drop-in" participants and that you will be transporting your clients to and from the staging area for your tours.

Should you have any questions regarding this letter, please contact Francis Cerizo, Staff Planner, at 270-7253.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Foley", is written over a horizontal line.

MICHAEL W. FOLEY  
Planning Director

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

EXHIBIT 1

JAMES "KIMO" APANA  
Mayor

JOHN E. MIN  
Director

CLAYTON I. YOSHIDA  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

July 29, 2002

Mr. Daniel Boren  
P. O. Box 790369  
Paia, Hawaii 96779

Dear Mr. Boren:

RE: PROPOSED HIKING TOUR WITHIN THE AGRICULTURE DISTRICT  
TMK:2-3-005:004

Thank you for your June 17, 2002 letter.

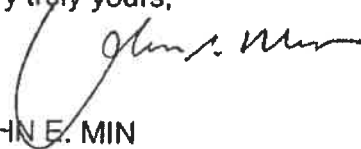
The proposed project provides hiking tours using hiking trails and Skylines, also known as "ziplines", to traverse impassable areas in the identical manner as a swinging bridge. You state that these "ziplines" will account for about ten percent (10%) of the total ground hike with the existing eucalyptus trees used as the connecting points for the "ziplines". Also, there should be minimal visual impact with the small size of the apparatus and no impact on surrounding vegetation.

You also state that the tours will begin and end at the Haleakala Ranch Outpost. Please note that adequate parking and landscaping for the parking area will be required.

Based on your representations, we find that the proposed use will be permitted as an open land recreation use.

If you have any further questions, please contact Francis Cerizo, Staff Planner, of this office at 270-7253.

Very truly yours,

  
JOHN E. MIN  
Planning Director

**EXHIBIT 2**

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

*Quality Seamless Service - Now and for the Future*

Mr. Daniel Boren

July 29, 2002

Page 2

JAA:nsg

xc: Clayton I. Yoshida, AICP, Deputy Planning Director  
Francis Cerizo, Staff Planner  
Charley Villalon, Zoning Inspector  
Jay Arakawa, Zoning Inspector  
02/ZAED TMK File  
02/ZAED General File  
s:\zoning\reply\02reply\boren.ziplines

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

August 21, 2012

Mr. Rory Frampton  
340 Napoko Place  
Kula, Hawaii 96790

Dear Mr. Frampton:

**SUBJECT: SKYLINE ECO-ADVENTURE GUIDED FARM TOUR  
301 HOSMER GROVE ROAD, KULA, HAWAII; TMK: (2) 2-3-005:004**

Thank you for your letter dated July 30, 2012. This letter included representations on how the guided tour will be operated, a sample of the information that will be shared on the existing permitted uses, and your request to confirm that the operation of a zip line as part of a guided farm tour at the Skyline Exo-Adventure, would be an approved accessory use in the agricultural district under Maui County Code MCC 19.30A.050(B)(11).

Based on the representations made in your July 30, 2012 letter, we find that your proposed guided tour would be in compliance with Chapter 205 Hawaii Revised Statutes and Chapter 19.30A of the Maui County Code, and that the proposed guided tour is a permitted accessory use with no additional land use permit requirements. However, the following conditions shall apply:

1. All other Federal, State and County rules and regulations shall be met.
2. The tour shall be guided and be a tour of the existing principal permitted uses being conducted on the land. The principal permitted uses for this property are listed under Chapter 19.30A.050(A) of the Maui County Code.
3. Unless a County Special Use Permit is obtained, buildings built for the use of the guided tour are not allowed.
4. A total of six (6) parking stalls shall be provided. Five (5) of the stalls may be graveled and one (1) stall shall be paved with asphalt, a concrete surface, or equivalent.

Should you have any questions or concerns, you may contact Paul Critchlow, Staff Planner at [paul.critchlow@mauicounty.gov](mailto:paul.critchlow@mauicounty.gov) or 270-5795.

Sincerely,

A handwritten signature in black ink, appearing to read "William Spence", is written over the typed name and title.

WILLIAM SPENCE  
Planning Director

xc: Development Services Administration  
ZAED Planners and Inspectors (PDF)  
TMK (2) 2-3-005:004 (KIVA Related Documents & Project File)  
12/General File  
WRS:AHS:FAC:PBC:ckk  
K:\WP\_DOCS\PLANNING\LTR\2011\GuidedTourZipLineKula\Response.doc

**EXHIBIT 2**

CHARMAINE TAVARES  
Mayor  
JEFFREY S. HUNT  
Director  
COLLEEN M. SUYAMA  
Deputy Director



RECEIVED

JUL 09 2007

COUNTY OF MAUI  
DEPARTMENT OF PLANNING

June 29, 2007

Mr. Ryan Churchill  
Maui Land & Pineapple Company, Inc.  
P.O. Box 187  
Kahului, Hawaii 96733

Dear Mr. Churchill:

RE: PROPOSED ACCESSORY STRUCTURES WITHIN THE  
AGRICULTURAL DISTRICT FOR PROPERTY LOCATED OFF OF  
HONOAPIILANI HIGHWAY NEXT TO KAHANANUI STREAM,  
MAILEPAI, LAHAINA, MAUI, HAWAII; TMK (2) 4-3-001:001

By letter dated January 24, 2007, the Department confirmed that a zipline was a permitted accessory use, incidental to the agricultural uses occurring on the subject property. Based on the representations made at our meeting on May 1, 2007, and the additional submittal of your map and project layout on the same day, your additional accessory structures will be permitted, without obtaining any land use permits.

Should you have any questions regarding this letter, you may contact Trisha Kapua'ala, Staff Planner, at Trisha.Kapuaala@mauicounty.gov or 270-8008.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeffrey S. Hunt".

JEFFREY S. HUNT, AICP  
Planning Director

xc: Trisha Kapua'ala, Staff Planner

JSH:AHS:TMK:gan

07/General File  
07/ZAED TMK File

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250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634  
CURRENT DIVISION (808) 270-8205, LONG RANGE DIVISION (808) 270-7214, ZONING DIVISION (808) 270-7253

EXHIBIT 3



CHARMAINE TAVARES  
Mayor

KATHLEEN ROSS AOKI  
Director

ANN T. CUA  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

August 25, 2010

Mr. Duane Ting  
Flying Hawaiian Zipline, LLC  
1962 Wells Street  
Wailuku, Hawaii 96793

Dear Mr. Ting:

**RE: GUIDED PLANTATION CANOPY TOUR LOCATED AT THE  
MAUI TROPICAL PLANTATION AT 1670 HONOAPIILANI  
HIGHWAY, WAIKAPU, WAILUKU, MAUI, HAWAII; TMK:  
(2) 3-8-005:007**

We apologize for our delayed response, and any inconvenience this may have caused.

In your letter of June 21, 2010, you made the following representations in accordance with Maui County Code (MCC), §19.86.010 "Purpose and intent" of the Wailuku-Kahului Project District 5 (Maui Tropical Plantation):

1. A plantation canopy tour will bring excitement from the visitor industry to Hawaiian Tropical Agriculture and aquaculture by offering a different perspective of agriculture fields, settings, and operations while in a tropical agricultural setting. [MCC, §19.86.010(A)]
2. This product is responding to customer demands of fun, new and unique ways to experience Hawaii's agriculture and will ensure the financial viability of the Maui Tropical Plantation and will allow it to continue operating as a first-class theme park. [MCC, §19.86.010(B)]
3. This will provide an additional 25 job opportunities to residents of Maui County while insuring the continued employment of the current Maui Tropical Plantation (MTP) employees. [MCC, §19.86.010(C)]

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634  
CURRENT DIVISION (808) 270-8205, LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

EXHIBIT 4

Mr. Duane Ting  
August 25, 2010  
Page 2

4. A guided plantation canopy tour will provide physical stimulation and will open a gateway for educational experiences and inspiration by supplying a different opportunity to view agricultural sites, products, operations, birds and fish. With educational placards and informative briefings being part of the tour, each participant will leave with a better understanding and appreciation of the history of tropical agriculture, the animals, and people of Hawaii. Participants will also actively engage in agriculture research by helping to identify and locate newly introduced and invasive crop damaging species from our unique aerial perspective. [MCC, §19.86.010(D)]

Secondly, you made the following representations in accordance with MCC, §§19.86.020(B)(7) and (B)(10) "Agricultural District" [Wailuku-Kahului Project District 5 (Maui Tropical Plantation)]:

1. With the advantage of having an above ground perspective, this canopy tour will enable us to have facilities that can better monitor and research crop damaging birds and other invasive species such as the Parrot Billed Finch and their effects towards Hawaii's agriculture. The tour will provide educational information and the opportunity for many more individuals to see an up-close and personal look at harmful behaviors and actions that lead to Maui's agriculture crops being damaged.
2. Throughout this canopy tour, we will have educational information presented by placards and guide lectures about the variety of plants, animals, and fish that can be seen in this extremely unique fashion. Our last line will give a bird's eye view of tilapiine cichlids, the third most important fish in aquaculture after carps and salmonids. In concurrence, Section 19.86.20 Subsection B-2, allows the raising of livestock including, but not limited to, poultry, bees, fish and other animal or aquatic life that are propagated for economic or personal use. Each participant will have the opportunity to contribute to the raising and development of tilapiine cichlids by participating in daily feedings.

Lastly, you made the following representations in accordance with MCC, §§19.86.030(A)(1) and (A)(2) "Commercial District" [Wailuku-Kahului Project District 5 (Maui Tropical Plantation)]:

1. This will be a tour of the plantation fields and its daily operation.

Mr. Duane Ting  
August 25, 2010  
Page 3

2. Each guided tour will have the opportunity to see firsthand how Hawaii's crops are cultivated and produced, while helping to monitor and record daily changes, damages, improvements and other actions that only an aerial view can provide.

Based on the above mentioned representations, the Department finds that your proposed project is in compliance with MCC, §19.86 and will be permitted, and no land use permits will be required.

Should you have any questions or concerns, you may contact Trisha Kapua'ala, Staff Planner, at [Trisha.Kapuaala@mauicounty.gov](mailto:Trisha.Kapuaala@mauicounty.gov) or 270-8008.

Sincerely,



FRANCIS GERIZO  
Planner VI

For AARON SHINMOTO  
Planning Program Administrator

xc: Development Services Administration  
ZAED Planners (via e-mail)  
Inspectors (via e-mail)  
TMK 2360050070000 (KIVA Land System Related Document, Project File)  
10/General File  
FAC:TMLK  
K:\WP\_DOCS\PLANNING\LTR\2010\1645\_GuidedCanpyTourMauITropPlan\Response.doc

EXHIBIT 4

CHARMAINE TAVARES  
Mayor

KATHLEEN ROSS AOKI  
Director

ANN T. CUA  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

October 15, 2010

Ms. Crystal Schmitt  
Maui Dragon Fruit Farm, LLC  
100 Waipuhia Place  
Haiku, Hawaii 96708

Dear Ms. Schmitt:

**SUBJECT: GUIDED FARM TOUR (ZIPLINE TOUR) LOCATED AT THE MAUI DRAGON FRUIT FARM, 833 PUNAKEA LOOP, LAHAINA, HAWAII, TMK: (2) 4-7-001:044**

In your letter dated September 30, 2010, you made the following representations to seek confirmation that the use of a zipline operation, as part of a guided farm tour at the Maui Dragon Fruit Farm would be an approved accessory use in the agricultural district, Maui County Code MCC 19.30A.050(B)(11).

1. The Maui Dragon Fruit Farm occupies about 27.5 acres. The main commercial crop will be dragon fruit, there will be other types of fruits, vegetables, melons, tropical flowers, plants grown on the farm, and a variety of value-added products derived from the crops.
2. A USDA grant has been acquired to build the first commercial aquaponic farm on site, raising organic fish and vegetables together.
3. One of the primary missions of the Maui Dragon Fruit Farm is to introduce dragon fruit as a new commercial agricultural crop for Maui, as an ideal replacement crop for pineapple. The belief is that commercial dragon fruit cultivation will help Maui to preserve its agricultural activities since pineapple is being phased out as one of the main crops on the island.
4. The zip line farm tour would help in promoting dragon fruit as a new commercial crop as it will offer visitors an in-depth educational tour about agricultural activities on West Maui, its history, its future, and your vision of the commercially viable and sustainable organic farming communities on the island.

The following representations were made regarding the proposed operation of the Maui Dragon Fruit Farm zipline tour.

1. The departure platforms for the zipline tour will also be used as educational stations. Each zipline section will offer different educational topics, to include educational placards, informative briefings, and hand-on farming activities will be offered to all participants as part of the tour. The plan is to build a total of six educational stations.
  - A. The first educational station will focus on dragon fruit cultivation and will be located close to the dragon fruit fields. In this area of the tour, there will be a total of 16 varieties of the dragon fruit cultivated in those fields. People will be able to learn about dragon fruits, its growth patterns, its nutritional and medicinal benefits, and its diverse varieties. People will have a chance to participate in tending the fields, plantings, harvesting, and tasting the fruit.

## EXHIBIT 5

Ms. Crystal Schmitt  
October 15, 2010  
Page 2

- B. The second education station will focus on Hawaiian flora and fauna, Hawaiian native plants, and agricultural history in that region. This area will allow visitors to participate in native tree planting projects.
  - C. The third educational station will focus on traditional organic soil farming and will be located near the pumpkin and melon fields. In this area, visitors will have an opportunity to learn about organic soil farming, from soil building, insect control, to organic fertilizing, and be able to participate in activities like weeding, planting, harvesting, and tasting.
  - D. The fourth educational station will focus on aquaponic farming and be located on the aquaponic side of the farm, where fish and vegetables are raised together. In this area visitors will have a chance to tour the USDA's prize winning aquaponic farm design.
  - E. The fifth educational station will focus on forest restoration and will be located near the Native Hawaiian plant trail. In this area visitors will learn about Hawaii forestry, including forest restoration, new habitat establishment, nurturing new pollinators, and have a chance to participate in forest tree planting activities.
  - F. The sixth educational station will focus on sustainability and be located right above the "Maui Sustainability Learning Center", a non-for-profit agricultural learning center where educational sessions will be offered regularly about aquaponics, organic farming, sustainability, permaculture, Hawaiian culture, ecology, and renewable energy, etc.
2. This tour is in response to customer demands of fun, new, and unique ways to experience Hawaii and to learn about Hawaii's agriculture, aquaculture, and forestry. The operation of this tour will provide approximately 20 job opportunities for Maui residents. The aerial view will also help to monitor and observe the fields, its changes, its characteristics, improvements, and damages that look different from the ground view.

Based on the above mentioned representations, the Department finds that your proposed project is in compliance with Chapter 205, Hawaii Revised Statutes and §19.30A, and will be a permitted accessory use with no land use permits required.

Should you have any questions or concerns, you may contact Paul Critchlow, Staff Planner, at [paul.critchlow@mauicounty.gov](mailto:paul.critchlow@mauicounty.gov) or 270-5795.

Sincerely,

  
AARON SHINMOTO  
Planning Program Administrator

For: KATHLEEN ROSS AOKI  
Planning Director

cc: Development Services Administration  
ZABO Planners (via e-mail)  
Inspectors (via e-mail)  
TMK 2470010440000 (KIVA Land System Related Document, Project File)  
10/General File  
AHS:FAC:PBC:cdk  
K:\WP\_DOCS\PLANNING\LTR\2010\GuidedFarmZipLineTour\_MauiDragonFullFarmResponse.doc

EXHIBIT 5

ALAN M. ARAKAWA  
Mayor

MICHELE CHOUTEAU MCLEAN  
Director

JOSEPH W. ALUETA  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

December 6, 2018

Ms. Kimi Yuen, Principal  
PBR Hawaii  
1001 Bishop St., Ste. 650  
Honolulu, HI 96813-3484

Dear Ms. Yuen,

**SUBJECT: ON BEHALF OF D&S VENTURES, LLC; USE DETERMINATION FOR  
PROPERTY LOCATED AT 2065 KAHIKOA ROAD, HAIKU, MAUI,  
HAWAII; TMK: (2) 2-7-012:086-0000 (PORTION)**

We are writing in response to your letter dated December 5, 2018 (attached hereto), by which you ask whether particular uses and activities are permitted as of right, or whether land use permits or approvals may be required, for the property at 2065 Kauhikoa Rd Haiku, County of Maui, Hawai'i and identified by Tax Map Key: (2) 2-7-012:086-0000 (the "**Property**"). In short, if you conduct the proposed uses and activities as represented in your letter, you will not need County or State land use approvals.

The property's relevant use designations are as follows: 1) State: Agriculture; and 2) Maui County Zoning: Agriculture. Those designations allow the proposed uses as follows: 1) State: HRS 205-4.5(a)(8) allows "Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest"; and 2) Zoning: MCC 19.30A.050.A.2 allows "Agricultural land conservation"; and MCC 19.30A.050.A.7 allows "Retention, restoration, rehabilitation, or improvement of buildings, sites or cultural landscapes of historical or archaeological significance." As for the particular use of "challenge course" (including zip-lines, rope bridges, and related facilities): those activities are a re-creation of training facilities of the type that existed at Marine bases that were active when Camp Maui was, and it is part of the A.7 principal use.

If you conduct uses or activities that differ from those represented in your request letter, those differing uses or activities might not be permitted uses, and could be violations of state and county land use regulations, subject to fines and injunctive relief.

Thank you for your inquiry. Should you have any questions or concerns, you may contact Paul Critchlow, Staff Planner, at [paul.critchlow@co.maui.hi.us](mailto:paul.critchlow@co.maui.hi.us) or (808) 270-5795.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Rapacz", is written over the typed name and title.

JOHN S. RAPACZ  
Planning Program Administrator

For: MICHELE C. McLEAN  
Planning Director

EXHIBIT 6

MICHAEL P. VICTORINO  
Mayor  
MICHELE CHOUTEAU MCLEAN, AICP  
Director  
JORDAN E. HART  
Deputy Director



**DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793**

April 2, 2019

Ms. Karlynn Fukuda  
Executive Vice President  
Munekiyo Hiraga  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Ms. Fukuda:

**SUBJECT: APPROVAL BY THE LANAI PLANNING COMMISSION OF  
A PROJECT DISTRICT PHASE 2 APPROVAL (PH2) AND  
COUNTY SPECIAL USE PERMIT (CUP) APPLICATION  
FOR THE ADVENTURE CENTER AT KOELE ON  
APPROXIMATELY 30 ACRES OF LAND, LANAI, HAWAII;  
TMK 4-9-018:003 (POR.) (CUP 2018/0001) (PH2 2018/0001)**

At its regular meeting on November 28, 2018, the Lanai Planning Commission (Commission) voted to defer action on the above applications and subsequently at its regular meeting on March 20, 2019, the Commission voted to approve County Special Use Permit (CUP 2018/0001) and Project District Phase 2 Approval (PH2 2018/0001) subject to the following conditions:

1. That the Project District Phase 2 Approval and County Special Use Permit shall be valid until **November 30, 2023**, subject to extension by the Planning Director (Director) upon a timely request for extension filed within 90 days prior to its expiration. The Director shall forward the time extension request to the Commission for review and approval and shall require a public hearing on the time extension by the Commission.
2. That the Project District Phase 2 Approval and County Special Use Permit shall not be transferred without the prior written approval of the Director.
3. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this

County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming the County of Maui as an additional named insured shall be submitted to the Department within 90 calendar days from the date of transmittal of the Decision and Order. The insurance policy shall remain in full force and effect until the permitted work has been completed and accepted by the County.

4. That full compliance with all applicable governmental requirements shall be rendered.
5. That the applicant shall submit to the Department a detailed report addressing its compliance with the conditions established with the subject Project District Phase 2 Approval and County Special Use Permit. The Compliance Report shall be submitted to the Department with the request for time extension.
6. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Project District Phase 2 Approval and County Special Use Permit. Failure to so develop the property may result in the revocation of the permit.
7. That all exterior illumination shall consist of fully shielded downward lighting throughout the project.
8. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.



9. That in the event historic resources, including human skeletal remains, are identified during routine construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD), Maui Section, shall be contacted immediately.
10. That to the satisfaction of the Department, construction of the proposed project shall be initiated by **November 30, 2019**. Initiation of construction shall be determined to be construction of offsite improvements, issuance of any applicable foundation permit and initiation of construction of the foundation, issuance of a grading permit and initiation of grading, or issuance of any applicable building permit whichever occurs first. Failure to comply within this one year period will automatically terminate this Project District Phase 2 Approval and County Special Use Permit unless a time extension is requested no later than 90 days prior to the expiration of said one year period. The Director shall review and approve a time-extension request but may forward said request to the Commission for review and approval.
11. That to the satisfaction of the Department, the construction of the project shall be completed within one year after the date of its initiation. Evidence of the date of the completion of construction shall be submitted to the Department. Failure to complete construction of this project will automatically terminate the subject Project District Phase 2 Approval and County Special Use Permit, unless a time extension request is filed with the Department. A time extension shall be requested no later than 90 days prior to the completion deadline. The Director shall review and approve the time-extension request but may forward said request to the Commission for review and approval.
12. That unrestricted access shall be provided to the Koloiki Ridge Trail and the Kaiholena Trail from the Welcome Center to the original trail heads.

The conditions of the Project District Phase 2 Development Approval shall be enforced pursuant to Project District Standards. Further, the County Special Use Permit conditions will be enforced pursuant to the provisions of Chapter 19.530, §19.530.030 of the Maui County Code, as amended, 1980; and the *Rules for Administrative Procedures and Civil Fines for Violations of Titles 12, 14, 16, 19, and 20 of the Maui County Code*.

Ms. Karlynn Fukuda

April 2, 2019

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Thank you for your cooperation. If additional clarification is required, please contact Current Planning Supervisor Ann Cua at [ann.cua@mauicounty.gov](mailto:ann.cua@mauicounty.gov) or at (808) 270-7521 or Staff Planner Kurt Wollenhaupt at [kurt.wollenhaupt@mauicounty.gov](mailto:kurt.wollenhaupt@mauicounty.gov) or at (808) 270-8205.

Sincerely,



MICHELE MCLEAN, AICP  
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)  
John S. Rapacz, Planning Program Administrator (PDF)  
Ann Cua, Current Planning Supervisor  
Kurt F. Wollenhaupt, Staff Planner (PDF)  
Lynn McCrory, Pulama Lanai (PDF)  
Karlynn Fukuda, Munekiyo Hiraga (PDF)  
Project File

MCM:KFW:lak

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EXHIBIT 7

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

February 17, 2012

Mr. Joshua Chavez  
P.O. Box 6240  
Kahului, Hawaii 96733

Dear Mr. Chavez:

**SUBJECT: GUIDED FARM TOUR WITH A ZIPLINE, LOCATED AT WAIHEE VALLEY,  
WAIHEE, HAWAII, TMK: (2) 3-2-004:001**

Thank you for your letter dated December 8, 2011, regarding the use of a zipline operation, as part of a guided tour at the Waihee Valley Farm, would be an approved accessory use in the agricultural district.

The following general representations were made regarding the property and guided tour.

1. The Waihee Valley Farm occupies about 9.3 acres of a 24.5 acre parcel (approximately, 14 acres of which are zoned agriculture and not located within the stream area). The main commercial crop is taro. There are other types of plants such as coconuts, bananas, mango, papaya, and other fresh fruits grown on the property. The areas that will be toured are already planted with the above crops.
2. This project will provide guests with a way to experience the Hawaiian culture in a fun way the whole family will enjoy together.

The following representations were also made regarding the proposed operation of the guided farm tour.

1. The guided tour will provide a stimulating way to educate guests on the Hawaiian way of living and farming taro, and this will be the closest thing to a Hawaiian village they will see on their trip. There will be various areas to stop where the guides will give informative briefings on the history, cultural ways of life, and farming of the Hawaiian culture. The canopy tour ziplines will allow guest to see things from a birds eye view and access areas that would be inaccessible otherwise. Each station will allow guest to be educated on the agricultural and cultural significance of that area of the land.
2. People will be educated on some of the major existing agricultural crops on the property and they are grouped in six existing main areas as indicated on the submitted site plan as A, B, C, D and F, respectively.
  - A. Educational Area A will focus on the taro. The guided tour begins at the upper level of ancient loi that terrace down to Waihee River. Guest will see taro patches in active production, and a dry river bed that used to flow with water before water was taken into water ditches.
  - B. Educational Area B will focus on taro patches, banana, papaya, mango, avocado, and coconut cultivation. Education will be given on how taro was a major part of the Hawaiian diet, and the significance in all areas of life.
  - C. Educational Area C will focus on ti leaf. Guest will be educated on the varieties of tropical plants such as the ti leaf's life and its use in lei making, Lauae and

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634  
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214, ZONING DIVISION (808) 270-7253

Mr. Joshua Chavez  
February 17, 2012  
Page 2 of 2

what locals use it for, and awapuhi used for shampoos, ginger, bamboo and other tropical flowers and plants. Guest will be shown the top of an auwai water ditch that feed taro patches all down the valley.

- D. Educational Area D will focus on the auwai ditches. Guest will be taken to the water dam built to divert the water to auwai ditches. These ditches run along the banks of the valley to provide water from one side of the valley to the other. Education will be given on how water is diverted to be used in farming the taro.
  - E. Educational Area E will focus on the animal life in the river and fresh water prawns. They will be alongside the auwai water ditch and see how the water is transported down the valley to support the taro cultivation.
  - F. Educational Area F will focus on the reuse of water. This is where the water from some of the taro patches runs off and back into the river. Guest will be educated on how the Hawaiians used the water for their farming and returned it back to the river for the users downstream. They will also learn how the whole taro plant is used from the leaf to how it is harvested, cut, and replanted.
3. This guided tour is expected to consist of an average of eight (8) guests per tour with each tour having two (2) tour guides with them from the time of guest arrival until departure.

Based on the above mentioned representations, we find that your proposed project is in compliance with Chapter 205, Hawaii Revised Statutes and §19.30A of the Maui County Code, and will be a permitted accessory use with no land use permits required. However, the following conditions shall apply:

- 1. All other government rules and regulations shall be followed.
- 2. The tour shall be guided and cover existing principal permitted uses on the property.
- 3. Unless a County Special Use Permit is obtained, buildings for the guided tour are not allowed.
- 4. A total of six (6) parking stalls shall be provided. Five (5) of the stalls may be graveled and one (1) stall shall be paved with asphalt, a concrete surface, or equivalent.

Should you have any questions or concerns, you may contact Paul Critchlow, Staff Planner at [paul.critchlow@mauicounty.gov](mailto:paul.critchlow@mauicounty.gov) or 270-5795.

Sincerely,



WILLIAM SPENCE  
Planning Director

xc: Development Services Administration  
ZAED Planners and Inspectors (via e-mail)  
TMK (2) 3-2-001:001 (KIVA Land System Related Document, Project File)  
12/General File  
WRS:AHS:FAC:PBC:ckk  
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