

LANA'I PLANNING COMMISSION

REGULAR MEETING NOVEMBER 28, 2018

A. CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Caron Green, Chair, at approximately 5:00 p.m., Wednesday, November 28, 2018, in the Lanai Senior Center, Lanai City, Hawaii.

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

Ms. Caron Green: For the November 28th Lanai Planning Commission meeting to commence. It's nice to see so many people here today. I think we must of have a couple of hot topics on the menu. I also see that we do have quorum so without further ado I think we will begin.

As I tell you at every meeting the public testimony is at the Chair's discretion and I realize that some of you cannot wait until your item is up on the agenda and so I will allow some testimony at the beginning. However I would very much prefer if you could all wait until your particular agenda item comes up, that you hear the presentation, the Commissioners' questions and then you can give your testimony. Because I think sometimes just hearing the information and the questionings can lead to further enlightenment shall we say.

So having said all that, I do have a list of people who have signed up to do public testimony. I won't read through the list. If maybe first I could have a show of hands of any of those people who have signed in who would like to do public testimony at this time before we begin.

Okay, then let's see. Did you raise your hand Pat? Okay, Pat Reilly. Yes please. And if I may since we have a large group here today, I would like to try to have people be as succinct as possible. I'd like to try to limit this to about three minutes per person if we could. Okay, Leilani, you're going to keep tabs? All right, do you have a bell so we'd know? Okay.

B. 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. Fairfax "Pat" Reilly: Thank you. I appreciate the accommodation here. I have a little trouble walking. First let me thank the Commissioners for their service, for doing this. As you know the Commission was created in the 90's for this very purpose so what you do as volunteers is very important to this community. Thank you to the Company and thank you for our residents for attending.

My name is Pat Reilly, 468 Ahakea Street, a resident. I support this project with conditions. And I provided a letter and tonight I got a response from Munekiyo on my letter. I --. The conditions that I placed on this have to do with supporting the economy of Lanai. These two project districts were created in the 90's when pineapple was closing. Without these project districts we would have no economy. When the two hotels were built this is going to generate employment for our island.

I'm going to be real brief on this and I numbered them exactly as in the recommendations by the Planning. I want as many information to come back to this Commission as possible. I don't want to leave it up to the discretion of the Planning Director. If there's an extension on the permit or a big change on the project it should come back to you guys and to the community. Now under the rules I'm not sure that's legal but it certainly it should be. That should be the intent. But notification also you should be notified of any changes, extensions or any communication on this project.

I'm at no. 8 now which is hours of operation. Now I'm not personally affected by where I live, but we know that hours of operations and I'm not familiar with this kind of a project. But hours of operations will affect who's up there, when they're up there and noise. And I think that hours of operation should be limited. I mean, unless they're going to do SEAL training at night which I don't think that's the intent here then it should be a day time operation.

Now my last one had to do with the Koele Project District ordinance. And I learned today just before this meeting what is the relationship between the Koele ordinance, the Special Use Permit and the Phase II? They're telling me which is okay that they have no major landscaping planned. In that case they would not need any additional water other than it's already projected in the application. You may recall that the Project District ordinance -- I'm going to finish in one minute -- required seeding and that required additional water. In this case they're saying they're not going to need it. If that's the case and you don't need to have it as a condition, then I can live with that. But if there's any major landscaping that needs additional water then I think that should be restricted. Thank you very much, I appreciate it.

Ms. Green: Thank you Pat. If you do read the full thing here, they do limit the hours of operations I think from 8:00 a.m. to 4:00 p.m. 8 in the morning; 8 to 5.

Mr. Reilly: Here's my point, does it need to be written into a condition or is just saying so in the application is sufficient? If everybody's happy with that I can live with it. But I just think do things need to be specifically in writing in the conditions? I'll let you guys decide that one. Thank you.

Ms. Green: Okay, thank you Pat. Commissioners, do you have any questions? Jerry?

Mr. Gerald Rabaino: Pat, going to your no. 12, the R1 water. From your knowledge are they using the recycle water at the sewage?

Mr. Reilly: Yes. And I was assured just before this meeting that only R1 water will be used.

Mr. Rabaino: Okay, you're concerned about the landscaping, yeah?

Mr. Reilly: But you will recall Jerry that when the golf course was going to be re-seeded they could use additional potable water. This does not apply in this case. But they had to come back to the Commission and get a Special Permit for that. But it was written in to the ordinance in 1992. Goro Hokama worked real hard on that one but it does not apply.

Mr. Rabaino: Okay, I understand what you're saying but the thing is you have this other number, no. 8, okay, operation during the permit. And then you also have -- where is it? The 9:00 to 5:00 even though the hotel is closed and you want it written in the condition or whatever is going to be amended to this project.

Mr. Reilly: If you, if you as a Commission believes that there should be written restrictions on operation I'll leave that up to you. Nine to five is whatever nine to five. I know that the golf course had different hours. If you don't think that it needs to be written into the condition then I'll leave that up to the Commission, but I'm just making that recommendation. Thank you.

Mr. Rabaino: But the nine to five refer only to the Adventure not the golf course. Is that correct?

Mr. Reilly: Yes, there is no golf course anymore.

Mr. Rabaino: No, but when it resumes. It's not resuming at all?

Mr. Reilly: I think this is the end of golf course. That's my understanding. There is no golf course.

Mr. Rabaino: Okay. Thank you.

Mr. Reilly: Thank you. I'm done.

Ms. Green: Thank you. Anybody else? All right, Lynn, did you want to talk now or you want wait? Alberta? You'll wait. Okay. Lorraine? There's no Lorraine. Okay, maybe you didn't realize this was to testify. Okay, I'll take your name off. Carolyn Gold. Okay. All right, Ron McOmber.

Mr. Ron McOmber: My name is Ron McOmber. I've lived here for an awful long time and I've been thinking about this all week. It isn't anything. What I'm concerned about is in 1987 we had an MOA with Castle and Cooke when they built their hotel and their golf course. Part of that agreement was that they would give land and they gave land to the County for affordable housing. My question is where the hell is the affordable housing? 1987 folks and

they're spending \$75 million up at Koele and we can't get affordable housing on Lanai. And I think a part of the reason that we're having this problem with vacation rentals is because there isn't enough housing on Lanai. And when you folks get to this communication about the vacation rental, please look at it closely in relation to the ones of us that live in those neighborhoods because that's who it's really hurting.

The agreement with Castle and Cooke and the County which the Castle and Cooke will reverse over to Pulama, the question still is where is our affordable housing? We have no affordable housing. There hasn't been any affordable housing. And it doesn't look like we're going to get any. We got a 100-some acres and we gave a part of it to the school and when I say, we, Lanaians for Sensible Growth is part of the MOA, gave a section of that land to the school so they could expand their school campus and they did a great job. But where the heck is the rest of it? Where is our affordable housing below the Hawaiian Homestead Land? Look at what the Hawaiians did. They came in, they bought land, they did their Hawaiian Homestead Land and look what happened. It's great. But where's the rest of us? When's the rest of the residents of Lanai going to get their affordable housing? And you guys now need to look at this as you go through your whatever you go through. But I'm sitting here looking at this application for vacation rental. It's set up so that you can't put too many of those within a circle. And this one right here, application, is within that circle.

I got two letters from people outside island applying for vacation rental. They were signed and sealed from an outfit from Maui. What is Maui doing this for? I mean it's not even a local person doing it. It's coming from a Maui operator in Lahaina. You guys start to scrutinize this a lot closer than what we're doing folks. Lanai doesn't deserve this. We're going through all this stuff right now. Look at what they did the other day. They went down below the power plant and cut up a bunch of grass. Who wants affordable housing where the old power house was? That should not be. That's dangerous stuff down there, and we can't allow that to happen. So as we go through those permits, keep that in mind please. Thank you.

Ms. Green: Thank you Ron. So your testimony is basically on the agenda item on short-term rentals and the issue with housing. Okay, anybody else have any questions for Ron? Okay thank you very much Ron.

Mr. McOmber: They're not going to ask me any questions. I don't blame them. I wouldn't ask me either.

Ms. Green: Margaret Peary, do you --? Pardon? Okay. Kathy? Rosalee. I'm sorry, Roselani. Okay. What do you think this is? Is that Jeremy? No. Who is this? Sorry Momi I couldn't read your writing. Momi, do you want to testify now? Okay, that's just a sign in. Andrea? Winnie? You want to speak now or hold your peace?

No, no Winnie you do need a microphone because it has to go on the record.

Ms. Winifred Basques: Thank you very much. Winnie Basques. Been on this island 56 years, February 28th, 1963. I am an advocate. I'm just going to let you folks know the affordable housing down by the sewer is not ethical, period. I tell you why. If somebody gets sick, who's going to pay for the hospital bill? Huh? Who's going to pay for it? Well, who is the one billing it in the first place? That is the issue here. Who's going to build a house over there when somebody gets sick and who's going to pay for the hospital bill?

Ms. Green: Winnie, we're not discussing the affordable housing project today.

Ms. Basques: Well, Ron just brought it up.

Ms. Green: I know, but in the interest of time if you could stick to the subjects at hand over here I'd appreciate it.

Ms. Basques: Okay the other one is Koele. Okay, you folks going vote for this right. I hate to say that is a ranch. There is not no spa over there. Okay I telling like it is. Why? You folks going to anything wrong the . . . (Inaudible. Spoke in Hawaiian) . . . The . . . (Inaudible. Spoke in Hawaiian) . . . is the spirit. You folks doing the ground way that was once before in 1921, when Munroe came in and he did it. All this place here was all level. No trees, nothing, no more house. Only one area and that was up at Koele. Because why? Mr. William Kawenaole, my husband's uncle, he was the foreman for the ranch up there. Okay. They are Ernest Richardson, John Richardson, all the kupuna been there, and then you folks going have this spa. Who is going to be paying for it? The spa is not good. I telling you.

Ms. Green: We are not discussing the spa.

Ms. Basques: Well I going tell you now because I couldn't sleep the whole night last night. I was thinking what is this going be all about? It concerns me being a kama'aina. I live on this island 56 years. I see everything what goes on. The thing is that when this new high maka maka come inside, you know who I talking about. I do not work for him, I do not stay in his house, and I can tell it like it is. Because why? He tells me for tell you guys what this is all about. Ke Akua. He's watching everybody what you folks are doing. When Ke Akua comes down there going be a mess. Remember now, read the Bible, Genesis the Revelation, it tells you everything. And no he do not own the island. He bought the Company instead. Bye.

Ms. Green: Thank you Winnie. Are there any questions?

Ms. Basques: You're welcome. Anybody questions?

Ms. Green: No, thank you.

Ms. Basques: Okay, thank you very much.

Ms. Green: All right Angela Delatore. Do you want to speak? You're going to wait? Howard MacNair. Do you want to wait or have it now? Okay.

Mr. Howard MacNair: I'm going to read a letter. My wife and I, Donna, purchased our villa in 2007 on a beautiful golf course that we paid a premium to own. We moved to Lanai in 2012 making it our primary residence. We're extremely appreciative of the many improvements that have been made by Mr. Ellison's ownership, since Mr. Ellison's ownership. Every opportunity we get we try to promote his efforts, and his goal of making Lanai a self-sustaining place to live. Unfortunately it seems the trust between Pulama and many residents has been compromised by the different messages and events that have been shared and taken place since 2014. Examples of this message: the Jack Nicholas championship golf course, the original plan was abandoned about a year into the development of it. The destruction of our golf course sprinkler systems and ponds created a bleak and unhealthy environment, mosquitoes and toad proliferate it. Repairs have greatly improved that situation after overwhelming outrage by the owners. Conversion of the Lodge to a resort destination spa resembling that of a, say Canyon Ranch, which was the example that we were given. Members at that time were told they may not be allowed to use, island club members were told they may not be allowed to use the dining areas or the facilities because of the exclusiveness of that facility, that resort. And guests would be coming down to dine in their robes and what have you is a much more kind of an intimate reserved environment, and we might make them feel uncomfortable.

The botanical sculpture garden would be -- we were told will be one of the largest gardens in the world that it would be adorned with large sculptures placed around the entire golf course. This would be a walking path utilizing much of our existing cart paths. What has happened to this plan? The latest proposal, now we go from Canyon Ranch format to Adventure Center that will have activities for kids from ages 4 to -- 4 and up with 15 people per group, and many as 90 people participating in different activities at any one time, from 8:00 in the morning till 5:00 in the evening. What happened to the very exclusive private Canyon Ranch format? In a recent mailer Pulama noted that the Lodge is the closest building to the activities about 2,000 feet. What about the Villas directly across the water, the pond from the Adventure Center? At one time this was considered the prime location buyers paid a premium to own their villas there because of its proximity to the Lodge. Their location puts them in a straight line of sight to the 18th and the 17th hole, far closer than 2,000 feet. What about the noise? Donna and I live on the 8th hole with the island green. We can hear athletic and sport events in town. There's a mountain and lots of trees between us and town. There's an engine driven by a pump -- an engine driven pump about a quarter mile up the hill going up towards the Munroe Trail that is inside a cement block building; we can hear that at night.

We want Pulama and Mr. Ellison to succeed in their efforts to transform Lanai to a world class self-sustaining island. We are not against the concept of an Adventure Center, but we feel there are far more appropriate areas on the island with both ocean and mountain views that would not interfere with the serene environment we have. With the many changes and

direction contradictions and uncertainties surrounding Koele's future it is impossible for us to agree and approve of this Adventure Center. If it is approved as proposed we will have no or little recourse in future development. Our golf course is truly one of a kind, we'd love to take it back. Thank you.

Ms. Green: Thank you. Commissioners, do you have any questions for Howard? All right, thank you Howard. Donna, do you care to say anything at this time? Do you want to wait and do that after the presentation? Okay. David Green, are you going to wait or speak now?

Mr. David Green: I've been asked by one of the Koele members, Victoria Larsen, a Koele residents, to read a letter on her behalf. And then I am going to give my, give my own testimony. So I'll start with Victoria's letter.

I am a resident of Lanai and property owner on Lanai for the past 22 years. I now reside at the Villas at Koele located at the Experience of Koele Golf Course. I was notified by Maui County that my property was in 500 feet of this planned project. I would like to point out the following.

The first point the applicant indicated there was a residential development around the golf course but that it was further away than the Four Seasons Resort, approximately 2,000 feet. Homes are actually must -- excuse me -- much closer than the Four Seasons Resort and will be impacted the most by this construction and operation of the proposed facility.

No. 2, there are 51 homes that will be affected by the construction and daily operation of this eco-tourist amenity. It goes to say that all of the homes will be impacted in some way. The no noise study has been provided. The ambient noise of nature is not an issue. The issue is the screaming and yelling that will occur during the zip line rides and the team building exercises. The wind off the Hale carries the sound directly to these homes located on the golf course.

No light pollution study has been provided. Will the reception center keep lights on all night? Will parking lots be screened so that the headlight don't shine directly in homes? Will the project be lite at night?

Story poles indicating the height of the tower should be in place so the visual impacts can be seen. 35 feet is effectively three-stories. Story poles should be at the towers and all the activities proposed on both golf course holes. Tower poles could be connected by bright green lines so that the residents could visualize height, location and the overall intensity of the use proposed. The poles should be up long enough to permit those of us off island to come and see.

The applicant states that the applicant -- excuse me -- the application states that the applicant is also currently reviewing other recreational uses for the remaining portions of the golf course. Is this to be included in this use permit?

No. 7, there is a mention in Attachment A of broad expanse of vacant, undeveloped lands which were formerly utilized for ranching operations and pineapple cultivation. This poses a question, why build on this location when there is so much land available elsewhere that is owned by the applicant?

Many of us who purchased villas paid to join a club and were told in writing the following: club management may sell the club or its facilities at its sole and absolute discretion. In such even the new owner shall acquire all of the rights and privilege of the club. The new owner shall not be permitted to terminate existing use rights of members in the Koele Golf Course and the Manele Golf Course. Any sale of the club or its facilities shall be subject to the continuing rights of the members to use the Koele Golf Course and the Manele Golf Course in such rules. The right to substitute different facilities for the club's facilities other than the Koele Golf Course and the Manele Golf Course. So not only has the applicant failed to honor this agreement they have deemed it appropriate to alter the Koele Golf Course without any consideration of the residents who live there.

And just one other point and it's I support the applicant's intention to provide recreational activities for locals and guests in the community. I am concerned that the current location will adversely affect our ability to enjoy our homes in a peaceful environment and negatively affect property values. I urge the Commissioners to request the applicant to address the issues brought forth in this letter.

Ms. Green: Thank you.

Mr. Green: My name is Dave Green. I live down at Manele. I have been a member of the Commission in the past. Thank you all for your service.

First of all I've testified in favor of proposals placed before this Commission by Pulama Lanai on numerous occasions in the past without reservations. However I have reservations on the Adventure Center that I would like to get clarifications on or answers to tonight.

I have concerns about the noise emanating from the Activity Center such as cheering during team building activities and laughing and screaming from the four zip lines.

I read in the application that the applicant believes that the Koele Lodge is the closest existing development to the Activity Center. I believe that at least nine to 12 Koele Villas are much closer than the Lodge and very close to the landing station of the zip lines.

The applicant believes that the prevailing winds will carry the noise away to the southwest. However there is a valley perpendicular to the 17th fairway and the wind comes from northeast directly towards these villas.

I lived in one of those villas the first year when we moved to Lanai and you could clearly hear golfers on the 17th and 18th holes talking and celebrating a birdie or an eagle. And the noise from the zip lines will undoubtedly be greater.

While there were rarely no more than four to eight golfers on the fairways or greens of 17 and 18 at one time when it was a golf course, the application states that there could be as many as 90 people on 17 and 18 at one time in sessions that could last from two to six hours. If we could hear four to eight golfers from our villas, think of how loud 90 people are going to be. The Commissioners should ask how the applicant has determined that the noise will not be an issue for Koele residents.

Finally while some people from the Wellness Center will utilize the Adventure Center, it seems to me that it is focused more on groups, who will probably not even be staying at the Lodge. So why shoehorn the Center in between the Lodge and the Villas at Koele when there are other better suited areas including space and climate than the current proposed locations.

While I like most Lanai residents hope that the reincarnation of the Lodge into a Wellness Center will be wildly successful, I am not opposed to the Adventure Center concept, I just think it should be built in a more suitable location. Thank you very much.

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

1. **LANAI RESORTS, LLC, doing business as PŪLAMA LĀNA'I requesting a Project District Phase 2 Development Approval and County Special Use Permit for construction and operation of an Adventure Center including zip line facilities, recreational climbing courses, and a welcome center, at the former Experience at Koele Golf Course located on a portion (approximately 30 acres) of the 325.2-acre parcel of land identified by Tax Map Key (2) 4-9-018:003 (POR.), Koele, Lāna'i, Hawai'i (PH2 2018/0001) (CUP 2018/0001) (A. Cua for K. Wollenhaupt) (Commissioners: Please bring your copy of the application booklet which was previously mailed to you.)**
Report Recommendation

Ms. Green: Thank you David. Wait a second. Commissioners, do you have any questions for David? No? Okay thank you very much. All right I think this is the end of the people who have signed up to testify. Anybody else at this point in time? Okay, so then I think we'd like to go on with the public hearing and our first item on the agenda is the Lanai Resort LLC doing business as Pulama Lanai, requesting a Project District Phase II Development Approval, and County Special Use Permit for construction and operation of an Adventure Center including a zip line facilities, recreational climbing courses, and welcome center at the former Experience at Koele Golf Course located on a portion, approximately 30 acres of the 325.2 acre parcel of land. And I'm not going to go through the tax code, Koele, Lanai, Hawaii. So at this time, who's presenting?

Ms. Ann Cua: It's me, Madame Chair, members of the Commission. My name is Ann Cua. I'm a senior planner with the Planning Department. I've been with the Department for about 36 years. Kurt Wollenhaupt is the planner on this project. However, he is on vacation, so I am substituting for him today.

Before we -- before I introduce the applicant to take you through a power point and explain the project, I wanted to mention just a couple of things. At one of your meetings the Planning Department came and did an orientation for you of the land use permit process and various other matters. And one of the things we talked about was the Project District processes. So being that one of the applications before you today is the Project District Application, I just wanted to go over the process at little bit for you.

So the Project District process was created to allow flexibility in development, and that is what the ordinance talks about. It is a three phase process. The first phase being creation of an ordinance. And this, this was done a number of years ago, and the ordinance has to come to the Planning Commission for public hearing and then it has to be actually adopted by the Maui County Council. Once the ordinance is established it sets the permitted uses, the development standards for the Project District. So in the case of a project district, any project district on any island, that becomes the zoning code. So unlike another property, maybe some of the properties of people that live here, it's zoned R1 Residential, or R3 Residential. For a project district your zoning is Project District II Koele, and all the permitted uses and development standards are in that Project District. So that has been completed.

The second phase of a Project District is the submittal of a site plan. And that was done obviously for any development at Koele. At this point in time the applicant is coming in to amend that site plan, to do a different site plan. And that requires a Phase II, a Project District application that has to come before this Commission in the affected Community Plan Region. And so that is why we're here tonight for the Project District application. We're also here for a County Special Use Permit application. When you look at the ordinance, and I mentioned about the permitted uses, so if you want to do a use that is out-rightly permitted you can just do it. But if you want to do a use that is not permitted in the ordinance, then you have to get a Special Use Permit. And in this particular case the Adventure Center is not listed as an outright permitted use. And so the determination was made that a County Special Use Permit is required. A County Special Use Permit requires a public hearing with the Planning Commission. So that is the second reason why we're here tonight.

Since the Department prepared the --

Ms. Green: Could I just ask you a quick question Ann?

Ms. Cua: Sure.

Mr. Green: So are we the final say on these applications?

Ms. Cua: That is correct. Yeah, so unlike the Project District Phase I, that is the ordinance. In that particular case you make a recommendation to the County Council and the County Council is the final authority to enact the ordinance. For the Project District Phase II application which is approval of any site plan or modified site plan, you are the sole authority to make that decision. As with the County Special Use Permit, you are also the authority to make that decision. And so I'll leave it at that for now. Any more questions on process before I go on? Actually from the Commission. Yeah, sorry. It's okay.

Mr. Rabaino: You didn't mention in your explanation about time expansion...time extension.

Ms. Cua: Okay so when we get to the part of the recommendations, the recommendations talk about if you know if a project wants to come in for a time extension. And we can talk about that at that time. I don't want to get into conditions now because we're not there yet. But when we get there we're going to talk about that.

Mr. Rabaino: Okay, so that would fall in that category?

Ms. Cua: That comes at the recommendation. We have 11 recommendations, recommended conditions that we are proposing to you for this project and one of them deals with the duration of the permit. And at the end of the duration of the permit, the time extension process. And we can talk about that later.

Ms. Green: Thank you.

Ms. Cua: Okay. So the one other thing I want to talk about at this time before I turn it over to the applicant is when the Department report was prepared there was only one letter of testimony submitted, and that was from a Lester Wong. And the letter was in general support of the project and he had just some drainage concerns. So that is an exhibit in your report. It's the last exhibit.

Since then though however we have received a number of other letters and I just want to briefly just point that out. So we received one letter of opposition. And all these letters have been passed out and there'll also available at the table. So there was one letter of opposition. And all these letters that came in or a majority of these letters have been responded to by the applicant. So there's a letter of opposition from Matthew Pietsch, and a response letter is also attached to that. Also we received a letter from -- a letter of concern -- so the letter doesn't say they're in favor or are opposed to it. They just indicate they have concerns from Walter and Carolyn Treiber or Triber. And then we also -- you heard from Pat Reilly. We received a letter from him as well. The letter says he supports the project, but he has concerns and some proposed conditions and he talked about that. And there is a response letter that we received from the applicant to that letter as well. And then we received a letter, another letter of concern from Norah and Norman Stone just with concerns. And then today we received five -- excuse me, four letters of support. First from Mike and Kathy Carroll; that's

one. And then Patrice Moynihan, then Michael Oexner and Allistair McAlpine. So those are all the letters that we had received after the preparation of this report. So it's not in our report, but it is on your desk. And then today I believe you heard from two individuals, Victoria Larsen and David Green, who submitted letters of testimony which I understand was also distributed.

So at this point in time I would like to turn it over to the applicant, so that you can hear about the project. And then after that is done we can take some questions and answers, and then the Department will come back up and address any questions you may have.

Ms. Green: Thank you Ann.

Ms. Karlynn Fukuda: I'm not sure if I stand here if it I'm in the way of the presentation. It's better back here, for me to stand back here? Well, I'm sorry for those of here that I might be blocking, but we're in kind of close quarters.

So good evening Chair and members of the Lanai Planning Commission. My name is Karlynn Fukuda of Munekiyo Hiraga. And we before you today regarding the Project District Phase II and County Special Use Permit applications for the proposed Adventure Center at Koele.

Joining me today are Lynn McCrory and Linda Leilikus from Pulama Lanai the project's applicant. And Erik Marter from Synergo LLC the designer and proposed operator of the Adventure Center. We also note that RM Towill Corporation is our civil engineering consultant of the project.

As you heard earlier we are before you tonight to request approval of the Project District Phase II and County Special Use Permit applications for the proposed Koele Adventure Center which would be located on approximately 30 acre portion of the former Experience at Koele Golf Course.

Here's an overview of our presentation tonight. We'll be reviewing the existing land use designations and the proposed project improvements, as well as summarize the Project District Phase II and County Special Use Permit applications.

Here we have a regional location map to kind of give you a general sense of where the project is proposed relative to the island of Lanai. And then we have a property location map. The site is accessed off an existing driveway located off of Keamoku Road. The proposed Adventure Center would be located as I mentioned earlier on approximately 30 acres of land of the former Experience at Koele Golf Course. We note that the application states that the area that would be utilized was the former holes no. 7 and 8, but we understand that it was actually renumbered later to be holes no. 17 and 18.

Here we have some photos of the project area. This one is looking back towards where this would be the landing area for the zip line that's proposed. And the photo on the right here is

the approximate location of where the challenge course adventure tower would be located on the former golf course.

Briefly these are the existing state or land use designations for the site. We note that the State Land Use District is Agricultural and Urban by the State Land Use Commission. The community plan designation is Koele Project District II. The County zoning is Project District II and sub-district is Golf Course. The FEMA flood zone is undesignated and it is not located within the Special Management Area.

This map is of the State Land Use Designations just to give you an idea. I mentioned just previously that there's some Ag. A portion that's Ag and a portion that's Urban. So we see here there is this little portion here that is designated Agricultural by the State Land Use Commission. And the remaining portion of the area is in Urban.

We note that Pulama Lanai is proposing the Adventure Center to repurpose the former golf course site for outdoor recreational uses. The Experience at Koele Golf Course has been closed since 2015. And continuing changes in visitors' preferences and expectations have shown a decline in the golf industry in Hawaii. The proposed action provides for additional outdoor recreational activities for island guests and the community. And the Adventure Center is also integrated with the Koele Wellness Resort which was previously approved by the Planning Commission.

We'd now like to focus on the proposed improvements. The Adventure Center itself will feature a variety of recreational equipment including zip lines, climbing challenge course, and other elements. The former golf course clubhouse will be utilized as the welcome center where people will be utilizing -- where people utilizing the Adventure Center would check in and receive safety briefings. Restrooms are also located in that welcome center and a retail shop is also planned. We note that there are over 80 parking stalls available at the former golf course clubhouse site. Guests would also be able to be shuttled to the Adventure Center or to the welcome center. And guests at the Koele Wellness program could also walk to the site. Just note here that other related improvements besides the equipment installations widening of existing cart paths in certain areas.

This is an aerial photograph of the -- with the layout of the proposed Adventure Center. To give you context, here is the former golf course clubhouse where it would become the welcome center, and the pond here. The zip lines would start here. It's hard to tell with this flat photograph, but the elevation is actually high here and then you're coming down into this heavily wooded area. We have the adventure tower and the shorter kids' adventure course, adventure tower. And then there are various equipment installations that you see here.

So this slide has a rendering of some of the Adventure Center pieces that are proposed: spider web, the junkyard, the giant swing, diversity trail.

Next we have a rendering here in the center of the adventure tower. There would also be a similar shorter version proposed, as I mentioned earlier, that would be utilized by children. Based on the requirements of the Project District ordinance for the golf course area, no structure can be higher than 35 feet. So the adventure tower would not be higher than 35 feet.

We did want to talk a little bit about who we anticipate would be participants at the Adventure Center and there were four groups that we anticipate would be utilizing the Adventure Center. First, would be guests of the Koele Wellness Resort that we talked about. Second, the public, members of the Lanai community or off island guests, day trippers. Third, guests from the Four Seasons Resorts Lanai, Manele and Hotel Lanai. And last but certainly not least, students and maybe sports teams within the community at Lanai High and Elementary School.

Briefly, you know, we talked about the guests from the Wellness Resort and how they could walk to the Adventure Center because of the close proximity. For off island guests if they're coming via the ferry or by airplane they would need to take a shuttle or a taxi to the, to the Adventure Center site. Guests of the Four Seasons and Hotel Lanai similarly would likely be shuttled to the Adventure Center. The members of the Lanai community as well as you know students, or students and teachers would likely drive their own cars to the Adventure Center site. But as I mentioned there are over 80 parking spaces available at the former clubhouse.

At this time I would like to turn the presentation over to Erik Marter from Synergo to talk a little bit about the educational programs.

Mr. Erik Marter: My name is Erik Marter. I'm partners with my wife, Jennifer Marter, of a company called Synergo. We started a long time doing team building programs, personal growth programs, youth programs for youth, teachers, schools, companies, corporations. Since then we've grown our business into developing fun experiential activities to help people understand team, understand group, understand communication a lot better. Most of our activities are fun. Most of them are challenging. Most of them are fun and challenging. We hope to get people in our world together to have talk story, to learn about each other, learn from each other. I think just looking around this room and realizing the amount of experience that we have in this world on this planet is just amazing. When we can get groups together and teams together and have conversations about that great stuffs comes from it, learning from each other.

Ms. (____): What is the . . . (Inaudible. Did not speak into a microphone) . . .

Mr. Marter: Around team building, communication, learning how to work together, communicate together, work together as a team, work together as small groups, learning how to overcome some of your own perceived challenges, your own perceived fears that keep you from being as great as you could possibly be. As we work with students we're working on a lot of -- our hope is to work with a lot of students in the community.

Ms. (____): . . . (Inaudible) . . .

Ms. Green: Excuse me, but we aren't taking questions from the audience at this time. Can he do his presentation and then we can have questions afterwards?

Mr. Marter: Thank you. Our, our role in this is to operate the Adventure Center. We did and agreed to do it if we could also help grow the community that the Adventure Center is a part of. Working with students in your schools, working with your other non-profits, working with some of your local churches and their youth groups, it's very important to us as an organization.

We believe strongly in group working together as a team. We have programs that develop teams whether they're for high school athletic teams, professional athletic teams, or intact work teams. We do a really good job at that and have a lot of fun with it. We believe a lot in mentoring between youth and elders, working together, and we could use the challenge course to bond those relationships, make them stronger and more powerful together. We believe getting people outside doing experiential activities. Interacting with each other is the beginning of any good relationship. Learning from each other, doing something together is a lot better than sitting in a room trying to talk about stuff together. The activities that we've designed promote those conversations, promote discussions, promote understanding ourselves and each other in a group a lot better.

And recess, I like that word. I remember recess as a kid, a time to play. This is more of a structure time to play, a time to get together and connect with each other as people, have fun together, enjoy some challenges and some cool new activities outside together. Thank you.

Ms. Fukuda: Thank you Erik. Briefly to talk just about how, a little bit how the challenge course will operate, there will be groups of up 15 people who will go through those various stations, the different challenge course elements that I showed earlier. And they'll be going through those with a trained facilitator. As Erik briefly mentioned the challenge course is like an outdoor classroom. The course work would vary, but it would at least be a multiple hour session at a time. And based on this Pulama Lanai and Synergo anticipate that the amount of users would be equal to or less than the former Koele Golf Course.

Mr. (____): Can you repeat that? . . . (Inaudible) . . .

Ms. Fukuda: So that they -- Pulama Lanai and -- equal to or less than the number of users on the golf course. I mean, as compared to the users on the golf course. Sorry.

So, as previously noted the Adventure Center improvements will cover an area of about 30 acres. Right now we are proposing that the site will be open, seven days a week, generally from 8:00 a.m. to 5:00 p.m. And I would like to note that when the Adventure Center was in the process of being planned, there was consideration for the potential of sound traveling and

how it may travel during the evening hours. And that's why the day time only hours are being proposed for the Adventure Center operation. We'd also like to note that the Adventure Center is anticipated to employ about six to eight people at the beginning.

I'd now like to go through the Project District Phase II criteria as noted within the Maui County Code. The standards for reviewing Project District Development, (a), the purpose and intent of Project District Phase II -- Project District II, sorry, at Koele Lanai is to provide for a flexible and creative approach to development which considers physical, environmental, social and economic factors in an a comprehensive manner. Item (b), the intent of the Project District at Koele is to establish low density primarily residential and recreational development with hotel facilities in an upland rural setting. Item (c), the Project District is to be complimentary and supportive of the services offered in Lanai City and will provide housing and recreational opportunities to island residents. Uses include single-family residential, multi-family residential, hotel, park and public. And this is from the Project District ordinance that Ms. Cua had mentioned earlier.

With regards to the zoning, we talked about how the site is zoned, Project District II for golf course use. The quote that we have here relative to the development standards that Ann referred to earlier that have been developed within the Koele Project District limits the height for structures to 35 feet within lands designated for golf course use. So Pulama Lanai is abiding by that height restriction so no structure would be higher than 35 feet.

So the next few slides are going to talk about the summary of the Koele Project District zoning, and the standards of development that the project will meet. Here we note that access is being provided to the project site by Keamoku Road. It's a County roadway and it contains two travel lanes, one in each direction. Traffic levels are fairly low. And as I noted earlier guests to the Adventure Center may walk. They will likely be shuttled if they're coming from off island or they may drive their own vehicles. With the closure of the rent-a-car operation recently I think the rent-a-car options are fairly low, so shuttle or taxi would seem to be the options.

With regards to water, there are not water system improvements proposed. As I mentioned previously, the number of visitors to the Adventure Center is expected to be equal to less than the number of golf course users. And water use at the Adventure Center is actually anticipated to be lower because low flow fixtures have been installed at the welcome center, the former golf course clubhouse site.

I'm sorry, and again, relative to access as I mentioned there is over 80 stalls located at the former golf course clubhouse site where it could be utilized for parking.

Relative to waste water, so similar to water, there's no new system improvements, waste water facility proposed. Adventure Center users will utilize the restrooms at the welcome center. We anticipate the waste water use to decrease similar to the water use because we have installed the low flow water fixtures at the Adventure Center. We also note that it has

been made comments earlier R1 water is being utilized for the landscaping at the golf course and that's a requirement by the Project District ordinance.

There are no drainage improvements that are being proposed for the project. And existing drainage components will remain in place.

We'd now like to look at the Special Use Permit regulations. Quoting from Section 19.510.070, Special Use Permit, for the Maui County Code:

"Special Use Permits need to comply with the criteria established for the permit, and the policies and objectives of the General Plan, Community Plan of the County Hawaii Revised Statutes and the revised Charter of the County."

We note that the project site is located within the Lanai Community Plan region. And the proposed project is consistent with the objectives and policies of the Lanai Community Plan to support sport tourism and eco-tourism activities. The project site is designated Koele Project District II by the Lanai Community Plan, and the project is in compliance with the community plan land use designation allowing for recreational activities.

The proposed development is a low density recreational facility which is consistent with the purpose and intent of the Project District. No significant impacts to schools, parks, playgrounds, or water systems, sewage or other public infrastructure is anticipated as a result of the project implementation.

The project area was previously utilized for a golf course open to the public. The proposed action will result in an operation that will be continued -- that will continue to be open to the public in a recreational type use.

Just as you know Ann Cua noted earlier, the proposed Adventure Center is not an outright permitted use within the Project District ordinance for Koele. However, there is a provision within the golf course standard of development; accessory uses and structures, Item K, allows for other accessory uses for which a Special Use Permit has been obtained in accordance with Chapter 205 of the Hawaii Revised Statutes. So this is why the County Special Use Permit is before the Planning Commission today.

So we note that the proposed action is consistent with the State Land Use District, Chapter 205, the Hawaii Revised Statutes, relating to Land Use Commission on permitted uses within Agricultural and Urban districts; with the Hawaii State Plan, Chapter 226, HRS, Goals, Objectives and Policies; the Lanai Community Plan; as well as Maui County Zoning.

So just summarizing very quickly the criteria for the County Special Use Permit, the project meets the intent of the General Plan, the Lanai Community Plan, and Project District Zoning. There are no adverse impacts to infrastructure, public or private facilities anticipated. No adverse impacts to social, cultural, economic, environmental, and ecological character and

quality of the area. The public will be protected from deleterious effects. Public service demands will be fulfilled. And the project, as I mentioned earlier, will be in conformance with the State Agricultural and Urban Districts.

Very quickly we have a table here of the various County and State Agencies that commented on the project. I believe you have copies of all of the comment letters that were received as well as our responses in your packet.

In terms of community outreach, Pulama Lanai has held three community informational meetings specific to the Adventure Center project. The dates are shown here as well as the amount of attendees at each of the meetings. The most recent meeting being held in July of this year.

Very briefly these were the questions that came up at the last community meeting in July. Will there be any golf at Koele? And yes, the Cavandish course will remain open. How deep is the water around the adventure tower? Approximately two-feet. Will the Adventure Center be open to the public, and if so will there be local discounts for students? Yes, the activity will be open to wellness resort guests and the public. The decision on fees has not been decided. Will the staff be local and how many? Yes, with two Synergo staff to train and oversee. What permits are needed? Grading, NPDS permit, Project District Phase II and Phase --. Sorry, that should be Phase III approvals and County Special Use Permits. Will access to the Munroe Trail will be open from this area? And it will be open when construction is completed on the Wellness -- there should be resort at the bottom of that.

In conclusion the criteria of the Project District Phase II and County Special Use Permit applications have been met. We are respectfully requesting the Lanai Planning Commission's approval of the applications for the County Special Use Permit and Project District Phase II approval.

This concludes our presentation and we are available to answer questions you may have. Thank you.

Ms. Green: Thank you very much. Okay, Commissioners, do we have any questions? Yes, of course, Jerry. Jerry, just a second. If I could, for some of the people who are fairly new coming to these meetings let me give you a few procedural things. The Commissioners will now have an opportunity to ask questions. Then we will have further public testimony. So other people who want to speak, ask questions, or whatever can ask at that time, okay. And I think, hopefully, we can get through this fairly quickly so we can take a little break. But we'll take a break after we get done with this section. So Jerry you have a question?

Mr. Rabaino: Yeah, what was her name?

Ms. Fukuda: Karlynn.

Mr. Rabaino: Karlynn, I'm reading a --. I'm reading someone's report over here. I find no. 18, but where is 17?

Ms. Fukuda: Hole no. 17?

Mr. Rabaino: Yeah. Where's --? Because you get eight, nine, and 10. I understand where that is.

Ms. Fukuda: So to clarify I think it was formerly hole 8 and 9, and at some point most recently before the golf course closed our understanding is that the holes were renumbered. So 8 and 9 became 17 and 18.

Mr. Rabaino: Going back to your zip line. Is there going to be a drop off point at the top of the zip line?

Ms. Fukuda: I'm going to defer to Erik Marter from Synergo.

Mr. Marter: Yes, people will either walk to the top or get shuttled to the top of the zip line.

Mr. Rabaino: Okay, the key phrase shuttle to the top. Is there going to be a paved or graveled road going to the top to drop off the people? Where is the entrance of the zip line? Is it by the cemetery or below the cemetery?

Mr. Marter: It's nowhere near the cemetery. And people, we will be using the existing cart paths to drive people up.

Mr. Rabaino: Of the existing golf course?

Mr. Marter: Of the golf course, yes.

Mr. Rabaino: Okay.

Ms. Green: Okay, are there any other questions? Mililani, okay. Welcome John.

Ms. Mililani Martin: I have a question for Carolyn?

Ms. Fukuda: Karlynn.

Ms. Martin: Karlynn, I'm sorry.

Ms. Fukuda: That's okay.

Ms. Martin: I know you mentioned that the Munroe Trail will be accessible for locals, right, or for us to do that. Is also Koloiki Ridge going to be where they also have hiking paths out there? Will that be accessible to us too?

Ms. Fukuda: So I'm hearing from Pulama Lanai that the answer is yes.

Ms. Martin: Okay, so --

Ms. Fukuda: And I assume that that will all happen after construction is complete.

Ms. Martin: But it's not going to be like a paid thing. I mean it's still going to be open for our hunters and gathers here.

Ms. Fukuda: Yes. The answer from Pulama Lanai is yes, it will still be open to the public.

Ms. Martin: Okay, thank you.

Mr. John Delacruz: I've got a question that I think maybe Erik will be able to answer. There are couple of people who talked about groups of 15, maybe groups all the way going up to 90 during what tours, something team building or something. And the think the concern was about noise. What kind of noise do you anticipate these groups making?

Mr. Marter: So there's several kind of noise that you might hear. If you're familiar with zip lines there's a sound that somebody makes when they're going down a zip line that the zip line makes. That's the bell on the trolley connecting with the metal on the cable. Here we're not doing that. Most of the zip line trolley that you hear, maybe on Maui, Oahu, Big Island, those are \$100, \$200, \$300 trolleys that sit on the cable. It's metal against metal. The trolleys we're using here are about \$17,000 trolleys and we have the sheaves are all coated in plastic Teflon so that they make no noise at all; they're very quiet. Very quiet. You don't hear the zip line at all on there.

There are two types of activities that we're kind of looking at. One is may be considered as paid to play where anybody here can go and pay, and we get up there and we play around on the adventure park, we go ride the zip lines. Also, not very loud. It's just people doing their thing, usually in small group, two or three, a family you go up there together. At the Wellness Center we'll have small groups of two or three or four headed up there at a time to do different activities, to look at things around fear, personal responsibilities and stuff like that.

When we bring groups together we do a lot of work with high school students, so those we break them into smaller groups of 15. And then they're working in a facilitated group for a few hours at a time. And 80% of that time they're in discussion, briefing an activity, debriefing an activity, discussing what we're getting into around problem solving, how do we communicate better together whatnot. So they're sitting around in a circle having a discussion. Then they'll do an activity maybe cross a log together or stand up on a log and change order and get in

order of their birthday or something like that. Just a challenge that the facilitator gives them. They're quiet. Very quiet. And when they're done, they'll sit down and have a discussion about it. So those group we're neighboring the entire fifth grade class of the school at one time and work with them all at one time. So that's a little bit bigger number, but that might be for two or three or four hours. I'm not envisioning large groups from the Wellness Center at all, or from Manele or from off island.

Mr. Delacruz: Still you might have groups up to 15 with one facilitator and aggregate of groups totally up to 90. So the direct question is if you've watched the UH team play, before they play they do this thing called what haku? Haka. Do you anticipate anyone doing the haka?

Mr. Marter: No I don't anticipate anybody doing the haka or anything like that.

Mr. Delacruz: Thank you.

Mr. Marter: You're welcome. Thanks for asking. That's a great question.

Ms. Green: Anybody else? I have a few questions. I guess Erik still for you. I see you're getting a lot of emphasis on students and schools and things, but we only have one school on the island. Do you really anticipate people from other islands here coming over to participate in this or --? You know you gave me a list of who the participants would be, but I guess I didn't think that that would be primary focus.

Mr. Marter: A lot of it is my primary focus. The vision of our company is empowering people to empower themselves. We start young and we go old. The oldest person that I've taken zip line is a lady named Dorothy on her 101st birthday. The majority of the work in my company is done with youth, high school kids, sport teams, churches, non-profits, doing team building and getting to work together. Our focus here is we're going to help the Wellness Center, and we're going to take people from the Wellness Center and help them move their lives forward. We're going to do the same with guests from Manele, and hopefully locals. But we will have a strong presence as much as they let us in the school system and with other local groups.

Ms. Green: Okay, when you mentioned the Wellness Center, when I went through the list of activities, I know the adventure tower and I think several other of them could be done as an individual. I don't think --. Well, I could be wrong, but I would expect most of your guests from the spa will be individuals coming here. So how many of the activities are suited for an individual?

Mr. Marter: The zip lines are. The adventure tower park is very good. And then on the challenge course elements, I would say three-quarters of that are great for an individual, looking at stuff that they do. A great example is a catwalk log. We string a big log between two things up high and you crawl up a tree and you look out at the log and you walk across it. You're hooked to a harness in a rope at a fall protection system that's designed to hold 5,000 pounds. But there's a part of your brain that says you can't do this. It's too hard, too scary,

or too high. So that conversation that happens in your brain is the powerful thing that we'd work on here. Whether it's somebody at the Wellness Center or an eighth grader looking to move into high school and make a change of how they do things. A very, very powerful thing for us to learn how to have that conversation in our head and not necessarily control our fears, but learn how to dance with our fears and put them into perspective.

Ms. Green: Okay, that helps it because when I was reading through your literature almost every one of them applied to a group. It said it was about group activity, group activity, group activity. Only a couple of them mentioned that it was not a group activity so that clarifies that.

Has there ever been a noise study? Because I mean several people here have been talking about living there and they can hear so much stuff. Did you guys do any kind of noise study? Okay, there was something else that I saw in reading through the literature and that the statement about property values. You said that it wouldn't affect property values. Did you do any kind of study that would determine that, what the property values were when it was a golf course? Because we already heard from people here talking about that they're worried that their property values were going to suffer because of the change. Has there --? I mean there was statement that was made to that effect, but is there any facts to back it up?

Ms. Lynn McCrory: Lynn McCrory, Pulama Lanai. We did not do a property study or an appraisal I guess would be the other way to do it. Part of the -- part of what we're looking at is a total concept. One being the Wellness Resort which is huge. The secondary part of that is Adventure Center. And then the third part of that becomes the sculpture garden which would be on the rest of the golf course. And that whole piece is probably the biggest part for increasing property values. Because what you're going to have there is an entity that doesn't exist anywhere else in Hawaii. You do not have a Wellness Center anywhere else. You have spas, you have places to go, but you don't have that. And part of that Wellness Center is the ability to use the Adventure Center. They are linked. No matter how we look at it, it's linked. And then the sculpture garden provides, will provide the piece of it. It's kind of the passion. It's kind of what you feel in your heart and what you see. And that also will be world class. I mean if you look at where we started and you go back to the point where Mr. Murdock decided to build the resorts, I will tell you that never in all of the years did the resort or golf course make money. Not once. That's a lot of years. That's over 20 years of keeping that going. Any other place in the world if a developer was in that situation he would have filed for bankruptcy. He would have closed them down. David Murdock didn't do that. He kept putting money in, and money in, and money in. And finally he gave up and then sold it to Larry Ellison. And one of the premises of Mr. Ellison is simply you don't do the same thing over again if it wasn't succeeding. So when he looked at Manele he sat there and said well what else could I do with that? And he said I'm going to make it the best resort in the State. It has the highest room rate and everything else. We did that. It's gorgeous. If you haven't seen it, take a look. And you know what it might just break even this year. That's what you're looking for. You're looking for that success. And Koele is the same premise. This whole package, the Wellness Resort, the Adventure Center, the sculpture garden, it's their second chance.

Ms. Green: Okay, you're not, you're not quite addressing my question.

Ms. McCrory: I did.

Ms. Green: It's a good sales pitch though.

Ms. McCrory: No what I'm trying to say is it's all of the pieces. And you're going to end up with a spectacular -- Koele is going to be absolutely gorgeous. It will hopefully do the same thing as Manele is. Hopefully we will get it to break even. We know none of the lots have sold in years. We know none of the villas have sold except whatever Larry Ellison has bought because people were selling. This will give you something very different, so much better. We don't see it going down in price. We see it as going up.

Ms. Green: Okay, thank you. Just a second audience. I think we have to wait for the questions when you can do public testimony, okay. Yes?

Ms. Shelly Preza: Okay, thank you all for being here. I think it's really great that you guys are talking about you know doing educational outreach and I know this is a question that was presented in the slide show about you guys not having decided about fees yet. But just to ask if you guys are discussing about making sure that the Adventure Center is affordable for you know our Lanai school groups and just Lanai residents in general. Have you guys have had discussions about that and are keeping it in mind?

Mr. Marter: Yes, that's very important. If it's too expensive you can't do it. It doesn't make sense for a school group to come out. There's only so much money in the system whatever it is. And if the school group doesn't have enough money to come out and do team building or personal growth programs that they're not going to happen. So our job is to help school find money. And we run a really neat program called Phoenix. It is a three-day intensive personal growth program. We set up a whole -- it's such an expensive program to run -- we set up a whole separate board just to fundraise for it. That's the kind of stuff we do as a company to help keep these things going because we want people doing these activities to become stronger citizens and a stronger community.

Ms. Preza: Thank you. Wait, sorry, just to clarify. So you would help school groups find money to fund their --?

Mr. Marter: Yeah, this is a multi-priority approach. We will help schools find money or, and we will help keep the costs down by working our staff and our ownership to make sure that we can run programs in an effective place that people can afford it.

Ms. Preza: Thank you. Thank you very much.

Mr. Marter: I love coming here because I can walk down and get into the pool and it doesn't cost anything. I don't get to do that anywhere else when I swim laps. I costs in other places. We'll make it work. Sherry?

Ms. Sherry Menze: Yes, have you been in contact with the school at all or with the principal to pitch your idea or to get a feeling that maybe they want to do this?

Mr. Marter: So I've not. I have found that a little premature to jump in that level yet until we deal with some of this stuff. I have had some discussions. I ran into a coach down on the beach, coach . . . (inaudible) . . . and told him -- or paddling -- told what we're getting into and they were pretty thrilled about the opportunity to be able to bring a team out and do some stuff. At one of the first public meetings I talked to one or two of the teachers and similar concerns that Shelly had of we love this, this is great, we could use this in our school, we would love to do it, but how are we going to be able to afford it? And that's where I think our ability to say, look, we want to take ownership and get them to a place of this is important for the community. Everybody is that I have run into with this project is very committed to grow in this community and helping this community. Too many important things that we're all doing. It doesn't make sense not to, and this is such a powerful, strong community. I love it here, and I love the people here. We are fully committed in growing that group. If the school's not interested, then they're not interested. I have not worked with any school that isn't though. We work with 100's of schools, and everybody wants in some aspects of help with developing the culture of the school, developing teams of the school, developing better communication whether it's with the teachers or in the youth, older or younger.

Ms. Menze: Thank you very much.

Mr. Marter: You're welcome Sherry.

Ms. Menze: I just know that they don't have any money, at all. Even for books.

Ms. Green: I just have to, since you've been talking about the youth and I just said here, my impression was you were going to be going for corporate groups, coming in team building corporate groups. That was what I thought this was going to be the primary emphasis on.

Mr. Marter: So yes we will be working with corporate groups. Corporate groups we will charge a lot of money for because they have it. And, we're going to help them make more money so we're going to charge us a lot of money for it. My hope is then to take some of that and use that to subsidize some of the school programs.

Our company donates over \$50,000 a year, and another \$50,000 to services, to schools, to youth programs like this. We're not going to stop.

Ms. Green: Thank you. Commissioners do you have any other questions before I open it up again to public testimony? Yes, Jerry.

Mr. Rabaino: Question for you. When there's a holiday -- and I'm looking at the map over here at the Adventure Center site -- okay you said the, the Wellness Center is going to be starting point, correct? And how many recreational vehicles will be transporting to each site?

Mr. Marter: So we'll be meeting at our adventure welcome center, which is the old golf club of the --. Not the Wellness Center which is down at Koele. And we will -- we've got a few small vehicles that can move a few people around to get them up to the zip lines. We're going to encourage people when they can to walk. Challenge course programs, they'll probably walk everywhere. Folks that are needing a little bit more help driving, we'll put them in a vehicle and take them up in a small -- we haven't figured out which vehicles we're using yet.

Mr. Rabaino: Okay, so literally if you are from the adventure tower, are they going in sequence according to this or they just be going to wherever their activity that group wants to go. Let's say they want to go to the leap of faith, and another group wants to go clearly across to the spider web, is that going --? How many vehicles? Is there going to be golf course using, UTV, ATV or just golf course have, what, four seaters, three seaters?

Mr. Marter: So let me go to your first question first. Groups don't choose where they go. When a group comes, they're either signed up to go to the zip line or they'd be signed up to do the adventure park or part of the challenge course program. If you're a part of the challenge course program that facilitator will take them to right element at the right time. If they're dealing with something around procrastination or communication they might use the spider web. But if they're dealing with working together, problem solving and thinking ahead they might go to a different activity, and they'll be walking to all those activities. For folks at the Wellness Center coming up at Koele, they will come up as individuals and that will be a little bit more scripted based on what they need and what sense they figure out that they're looking for as part of their wellness experience.

Mr. Rabaino: Okay, my next question to you, at the Wellness Center you said 85 parking stalls with two ADA. You sure that's ample enough because you would have people or you're going to have the --. Okay, I going break down category, it's more easy. You going have people coming up on your schedule, okay. The hotel going have their people transport up there, drop them off, and they do their thing. Okay, Expedition comes in and they have some people schedule with you. Are you going be accommodating Expedition? Okay, which in line, Lanai residents, hotel people, Lanai High School, and the day visitors. Which is your first priority?

Mr. Marter: It depends on the day of week, and our schedule. So we have set some time aside just for the wellness folks to use it, and it will be private just for them. We have set some times aside for other groups such as school groups and intact groups whether it's a church group, school group, the food and beverage department down at Manele, any group like that. We'll have time set aside for that. In the presentation we also had a word called recess in there. That will more open time that people can sign up and come out. And this is a time where people might come from off island, go ride the zip lines, or locals might want to

go ride the zip lines or play at the adventure park together. So it won't be, it won't be -- some schedule is going to be set in a way that we won't have too many people out there.

Mr. Rabaino: Okay, holidays, okay, Federal, State holidays. Let's say the hotel is full and we have Lanai residents coming from mainland that used to live here, we have reunion and what not and they sign up with you. Would you be able to handle the crowd besides taking care of the hotel people, residents, and the day trippers? Would you be able to handle the kama'aina people that are trying to schedule with you?

Mr. Marter: I believe through our scheduling system, we'll be able to handle that, yes.

Ms. Green: All right Jerry can we finish?

Mr. Rabaino: Okay, we just move on.

Ms. Green: Thank you.

Ms. Preza: Sorry, just one quick question. I know that -- I'm reading in this booklet -- that the estimated time for construction will be about 11 months. So if you were approved for the permit would the earliest that we would expect the Adventure Center to open would be in 2020? Sorry, I just ask this just for Commissioners because part of the recommendation from the Planning Department is to only keep this permit valid until 2023. So just to situate in your minds like the times span that the Adventure Center would actually be open.

Ms. McCrory: Lynn McCrory, Pulama Lanai. We -- if you will approve it tonight we are estimating that we should be open towards the end of the second quarter, at beginning of the third. This year, next year, 19, 2019. Can't be 2018. 2019. So, very quickly.

Ms. Green: Okay, thank you. All right how are you all doing? Do you want to go -- we have now public testimony again. Do you want to take a break now or after? Yes, I know there are a number of you who have questions that you want to ask. The procedure is that you ask the questions to the Commissioners. We will try to get the answers for you. I'm sorry but that's the way it goes. So, okay, are we okay to keep going with some testimony? All right let's go.

Ms. (____): . . . (Inaudible). . .

Ms. Green: Well, you'll have to testify. Your question will be a testimony. If you have a question, if you want to ask it.

Ms. (____): . . . (Inaudible). . .

Ms. Green: I'm sorry, I know, it's seems a little -- yeah, but that's the way it works, okay. Thank you.

Ms. (____): . . . (Inaudible). . .

Ms. Green: No, we will ask them, but the procedure is the question comes here first. I'm sorry that's procedural. All right, Lynn you were on the list to do testimony. Do you want to do testimony at this time?

Ms. McCrory: Lynn McCrory, Pulama Lanai. I just want to emphasize one more time about how this is all one package. All of this works together. You will have a second chance for Koele. Right now it doesn't work. It has never made money. The golf course never made money. There's not an intention to put the golf course back on. It's not happening. This is the belief structure that says this is the way to end up with a resort, a world class resort that is different than everything else in the state, different than a lot of things on the mainland. And that is what the intent is. And beautiful part about all of this is it's Ellison's money. I mean, he's putting the money in to do all of this. I was talking with one of the Four Seasons people last night and the comment from him was you know we have a 156 resorts around the world, we don't have any owner anywhere else like this. We wish we did. So I ask that you look at this and that you approve the Adventure Center to make everything work at Koele.

Ms. Green: Okay thank you Lynn. Well, okay --. The question --. It will be --. I'm sorry it doesn't make sense to you but that's the way we're going to do it. So if you want to do a testimony here, your question can be your testimony okay. So Alberta you're on the list. Is it about this or is it about the --? Okay, thank you.

Ms. Alberta de Jetley: Thank you Commissioners for allowing all of us to present testimony to you. I wrote mines so that I could stay on track as to what I wanted to say. And what it is we have all witnessed many changes to our community since the demise of the pineapple industry in 1992. Although David Murdock's transition of taking Lanai from an agricultural based economy was well meant, it was not successful in improving the overall economy of our island. And he spent millions of dollars each year trying to keep it afloat.

Since Larry Ellison acquired the majority of the property on Lanai, the changes that are occurring have been major. Our economy is improving. We have more jobs available than people. And although a smaller percentage of visitors are staying at the Four Seasons Resorts it is also doing better than at any other time in its history. Go down to see the arrival of the 10 a.m. Expeditions Ferry. We have more day visitors coming to Lanai now than at any other time in our past. We need to think outside of the box and look for more ways to attract the day visitors to Lanai.

The Lanai Cat Sanctuary is an example of what can happen when people work together to create something different and special. Cat lovers from all over the world now follow the Lanai Cat Sanctuary on social media. And they make it a highlight of their visit to Lanai. Today, it is the most visited attraction on the island, and last year it had approximately 12,000 visitors.

The Adventure Center which is presently being planned in the Koele Project District is a major thinking outside of the box plan. It can also be very successful enjoying day visitors to our island who will be able to experience some true exciting and fun activities at it. The sculpture garden which is also being planned can become a major attraction for art lovers, not just in Maui County, but throughout Hawaii. If you remember the special beauty of what was the Experience at Koele Golf Course, think of what it could become in the future. Not all of us are golfers. The sculpture garden is being planned on part of what was the golf course. It will be a passive attraction where people of all ages can stroll through it at their own pace and enjoy the special beauty of Koele.

I strongly believe that our island's biggest treasure is its wide open spaces. But, wide open spaces don't create the jobs we need to continually improve our overall quality of life on this island. Look around at our town at all of the improvements that have been made here. Look at the new jobs that have been created that give our young people a chance to live in our own community. Please support the Adventure Center at Koele. It will be good for our existing businesses and it will provide employment for our residents and it will also provide all of us with a truly beautiful and unique place to live. Thank you.

Ms. Green: Thank you Alberta. Anybody have any questions for Alberta? Okay. Margaret? Margaret Peary? Yes. Well, what happened to the one that was up front here?

Ms. Margaret Peary: Margaret Peary, resident. Since I didn't get to ask questions when Erik was talking one of the things I wanted to ask was if this proposed facility is similar to the one at Crater Adventure Center on Oahu. And if it is, will the fees be similar? What I saw online it looked like packages for individuals, \$199 a piece, and then other prices depending on what the people wanted to do. So those were my questions. Because if those are the fees that you come up with here, I don't think that our Lanai families will be able to afford those kind of fees. I think the employment opportunities are negligible as far as the economy goes. Six to eight jobs, not really. I won't be impacted at all. Not one bit. So I'm not speaking from a selfish point of view. I do believe property values have already been impacted. Once you took away the golf course -- not you, but the company -- golf course homes are always more desirable and people pay more money to live on a golf course. That's been done away with. Again, that doesn't impact me at all.

My main, really my main concern is preserving the aina. I'm so sad to see how much of our land not just here on Lanai but all over our beautiful State of Hawaii, how much of it is being given over to developers. That land at Koele is sacred. It's beautiful. And I feel very strongly about it. Winnie already mentioned and she used Hawaiian terms and things that I'm somewhat familiar with but not totally. And that's an outsider looking in, I'm sorry that our room isn't packed, packed with people of Hawaiian ancestry. Okay. Because Koele is our most special place on this island.

And I'm deeply -- and for the record -- I spoke when OHA came here a year ago, last summer, and I brought this project up to them. And I am --. And this has nothing to do with you folks.

But for the record, I'm just saying, I'm just appalled that OHA didn't even respond. There's no response from OHA. So I'm saying I'm not opposed to the Adventure Center, in general. I think adventure centers are good, but not at Koele. It needs to go somewhere else. Thank you.

Ms. Green: Thank you Margaret. I will ask Erik to answer your question, but I perceive that they aren't at a point on telling you how much things are going to cost. But I will let Lynn or Erik address that. I did want to ask you a question, though, did you go to an activity? I've never been to an activity center. So did you go to the one on Oahu or you just saw the price?

Ms. Peary: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. Green: You need to go in the mic.

Ms. Peary: So as I looked at their website and I looked at their location I saw no problem with that location. I lived on Oahu, I'm familiar where that is located. It's an old gravel pit that's been grown up, and it's kind of an ugly site. So this didn't really hurt it any as opposed to Koele which a beautiful site.

Ms. Green: Thank you. Okay, Erik, just very quickly I mean have you guys even thought about prices? We need to be on the mic.

Mr. Marter: I am familiar with Coral Crater. I built it and designed it all. The owner over there is a really nice guy and does a good job of marketing. The package prices that you're looking at are package prices for quite a few things. He has six zip lines on his property, and to ride all six zip lines is \$139, and that's not the kama'aina rate that he does. So that's -- we're putting up one zip line that will probably run twice with people so it will be less than that. But we haven't quite figured out where and how much yet. And I sure appreciate your ideas about keeping land sacred, it's important. I like this land. I think it would work well for what we're doing. I travel around and see . . . (inaudible) . . . all over the place, and I feel this one is pretty good.

Ms. Green: Okay, thank you. Kathy. Is it Brindle? Okay Kathy.

Ms. Kathy Brindle: I'm Kathy Brindle. I have a question first of all I'm worried about access. I don't know much about all this. I do want to thank the Council by the way. They're, they're better people than me; they volunteer. But my question is the access to the Munroe Trail will that be through the clubhouse area? We'll be able to get through there. Right now it's block off and that's a problem. Oh, I guess I ask you, you ask them. Sorry.

Ms. Green: So they were getting ready to answer for you. When you're asking that too -- Lynn I know I've hiked up to the Munroe Trail I've gone cross number, what used to be 17 and up by the water treatment and up there. So will local people be able to...to walk through the activity center and go up to the trail?

Ms. Preza: Sorry before you answer, I just want to tack on also Kai'holena Ridge I know it's not like a really big trail but just to tack it on to that question.

Ms. McCrory: Okay. As long as construction is going on you can't go up there through that way because it's dangerous. If you want to still hike the trail you can go down Cemetery Road and get it from that access. So there's another way to actually hike right now. But after construction is completed over there you'll be able to go up the normal way you go just ask Caron described it. And everything, everything will stay open.

Ms. Brindle: That was my main concern because there is the old horse trail that goes up and then there's a hunting trail off of that. So right now it's kind of a burden to have to go around to the Munroe Trail and back up. It's trouble.

The other thing I want to mention is I find it an odd juxtaposition to put the Adventure Center and the Wellness Center together. One seems quiet and serene, and one seems -- they can say a zip line is going to be quiet. It is not. People scream on those things. That's the way it's going to be. On Maui they say they can hear it two miles down the slope. So I'm at Iwiolo, we're right down through Cavandish. That's where the noise is going to come down definitely. So it's going to impact a heck of a lot people at Iwiolo. So I would be for it in some other place, but I think that this is going to impact us more than we think. It's going to be loud no matter what. That's it.

Ms. Green: Thank you Kathy. Commissioners, do you have any questions for Kathy? Okay, Roselani.

Ms. Roselani Kahaleanu: Aloha. Hello. I would like to remind everyone here that the ancient name of this island is Lanai Ka Ula. Ula means sacred. And if any of you have been up recently to Koele you'll see the great desecration that is taking place up there with Pohaku being imported coming in on trailers on Young Brothers, strapped individually on the trailers, big boulders from who knows where. No one wants to reveal where they are coming from. And the reason why I'm been inquiring as to where all of these invasive species including great big trees that have been coming in. But the Pohaku I've been asking around where did they come from and nobody wants to say. So it makes me more curious you know like why not? Why won't they reveal the origins of these Pohaku that are all continue to be brought in on this island, and on this island Lanai Ka Ula. So...and also it seems to me from hearing your presentation that you are relying on the, on the school to make money because you're expecting more to serve the kids, bigger groups of our students than, than the golfers that were using the course.

What else? What's going on up there right now is just hewa. It's just hewa and so I would not be surprised if it doesn't work. There's nothing of Hawaii in any of your plans and that's bothersome also. I mean people have to remember where they are, what country they're in and it's not America, okay. This is Hawaii and it seems that you folks have plans to, to erase

everything about Lanai and Hawaii, and turn it into something that we are not which is America. And I don't appreciate that and I just want to remind everybody the name of this island Lanai Ka Ula before you make further plans. Mahalo.

Ms. Green: Thank you Roselani.

Ms. Kahaleanu: My name is Roselani Kahaleanu.

Ms. Green: Okay. And does anybody have a question for Roselani?

Ms. Preza: Aloha. Thank you for your comments. I just...I just wanted to also like if you just want more information. It sounds like you're wanting more information about the project and I don't think everyone got these big booklets that we got, but I believe it's available online. If you go to the County's website and then to the agenda then there's a link to this entire booklet with all of the plans and everything that we got here tonight. But if you're interested in --.

Ms. Green: . . . (inaudible) . . .

Ms. Preza: Also at the library as I've just been told. But if you're interested more of the cultural background of the area itself there is about 100 pages of archaeological assessment that was provided to us that was done archaeologist Tom Dye and Kepa Maly who is the executive director of the Cultural Center here. It's a really good resource. It talks a lot about the area and just about Lanai in general if you're interest and for anyone else who is interested or concerned about this. Yeah, I just wanted to provide that information.

Ms. Green: Thank you. Andrea.

Dr. Andrea Ippen: Hi, my name is Dr. Andrea Ippen. My PhD is in Education. I also have a Master's of Science in Experiential Education which the entire focus of a challenge course is experiential education rooted. During my entire Master's program we had a challenge course. Actually we had the premiere challenge course at universities in the country and training on a challenge course was not required but you couldn't escape hearing about it, being part of it, being there. I absolutely and completely support the concept of having a challenge course here. Not only will it help with educational aims whether it's with the school, with corporate groups coming in and spending their money on other things in the community as well. But the comment I just heard and I won't turn around because I'm talking to the committee -- sorry I'm trying to follow the rules -- that relying on the school to make money for the challenge course I -- that's not what I heard tonight. I heard that we'll be relying on the challenge course will be relying on other people, outsiders coming in spending large amounts of money who can afford it to help subsidize so that our students get the educational aspects and benefits of a challenge course without the school having to go in debt in order to make that happen. So in fact it's a benefit to the school as opposed to a drag on the school. I think pretty much all of us know that the school has no money, not even for printer paper at this stage. So if --

sorry guys -- if you came to make money off our school, you can just go home now. They just don't have it.

But my testimony is primarily to support the concept of a challenge course in general because challenge courses have so much benefit to them. I'm an English teacher by trade and I think the ability to conjugate a verb is incredibly important to education. But I very much believe that having the ability to learn to empower yourself, face your fears, face that challenge, overcome it, realize what potential you have as a human being which is something a challenge course can provide is much more important than understanding how to match tense of you know verb and noun. So I'm not -- don't get me wrong I'm not dissing English, I love grammar, but I do believe that a challenge course actually has much educational potential than a lot of people realize.

Sorry I'm losing track here. There's so many things I do want to say but I also want to keep it under my three minute mark. So basically I support it. If anybody does have questions I'm happy to answer them from an educational perspective. This is what my -- I spent eight years earning two graduate degrees specifically surrounding this type of activity and I don't know maybe I could get a job -- just kidding. Sorry, I get nervous. And then the only concern that I could actually see being a legitimate concern as far as the location is the noise complaints. I don't live at end of the golf course but I could see that being an issue so maybe that is something to consider and address. But the concept of the challenge course as a whole I absolutely support and I think that the benefits are so multi-fold to turn it down the permit would be a huge mistake and a huge loss to this entire island.

Ms. Green: Thank you Andrea. Anybody have any questions for Andrea? I'll give you a chance in a second. Howard I'll come back to you in a minute okay. Andrea? I mean Angela.

Ms. Angela Delatore: Thank you to the Commission for letting us all voice our concerns or approvals whichever they may be. Most of what I have in my particular letter here we already covered so rather than kind of go over the same topics I will do the highlights. I myself and my husband purchased a residence at Koele about 11 years ago. We've been visiting the island for over 20 years and the love of this island is, is great. We want to acknowledge Pulama for all of the lovely changes that they have made to the island and all the improvements to Lanai City and the resort. We're looking forward with great anticipation to the re-opening of the Lodge as it's been dearly missed by everyone in our community. But we do have concerns about the noise to be generate from the Adventure Park.

My husband and I did our own personal test just a few days ago where he stood on the patio of building 12 and --. I'm sorry I stood on the patio of building 12 and he walked to the perimeter where the fence is currently at and there's going to be some of the activities right at that end of hole #18. We were able to talk at a normal speaking voice and carry on a conversation. So to say that the residences here at the Villas are not going to be impacted by the Adventure Center is absolutely false. So I please ask that the Commission at minimum ask for some type of a noise study. And I'm also curious to know if any of you have actually

been out there and done a site walk to see just how close these properties are. If you look at this aerial photo that was provided today in the presentation you can see the former clubhouse and you see a little body of water, immediately the photo cuts off there that is where our condo is located. So while we all understand that change is eminent we've lost our golf course, property values are going to be affected, what I ask of you is to please consider a different position for this Adventure Park. I support the Adventure Park. I see there's many positives to the community, to the Wellness Center, to all of the guests and locals, but I think there are many other opportunities and other positions that it could be placed that would not affect our neighborhood of 20 plus years. That is an established neighborhood. And I also, you have my package here, copy of my letter, and there are 10 other letters attached from other owners in the buildings surrounding this area, many of them who were not able to be here because of holiday's schedules but have asked me to present their letters as well. They're all reiterating the noise concern so I won't bother to read them all unless you would like me to, but they are there for you to all take a look at.

One last comment was about these initial meetings that have been held to give the community information about the Adventure Park. And I have to say that these meetings it was not clear as to where the engagements were going to be placed. A lot of people had the impression that they were going on the top nine and towards the direction of the former driving range which would be away from our condos. So thank you very much for listening. Delatore.

Ms. Green: Donna you're up next so you have one more? You have another you said, and Howard you have a question. Who wants to go first? I'm sorry, okay. All right while you're looking John Delatore is going to make a comment.

Mr. John Delatore: Just the statements that were made about the noise level being quiet of the activities that go on there is a gross misrepresentation. I have actually Googled and You Tube other adventure parks. I've been to an adventure park. They are anything but quiet. So that's a complete misnomer.

The other -- one other thing is the saying that there would be the number of participants would be no more than what a golf course participation was in a course of day. Well, the difference is is that you're talking about 30 acres as opposed to about a six mile run throughout the entire day of people. So to put you know 90 or however many people would be there, yelling and screaming is going to be severe impact on all the residents within very easy earshot of that so I just wanted to throw that out.

Ms. Green: Thank you. Okay.

Mr. MacNair: I have a letter I'll read from John Browning.

Ms. Green: Okay.

Mr. MacNair: And he's a resident up at Koele.

I am writing today to voice my concern to the new location of the Adventure Center. I'm most concerned to the noise and the disruption of the peacefulness up near my Koele home. Has there been a noise study done for this area to allow us to know what to expect if anything? When the rail was going to be built on Oahu they did a noise study and set up speakers allowing people to understand what kind of noises will be made by the rail. Could this be something that can be done so we know what to expect? I feel the removal of the golf course is already a big issue with me for I bought on the island to live on a golf course. Now we live on an abandoned course with no foreseen future. This Adventure Center I'm sure is going to be a positive for the island, but I think this noise would not go so well for people staying at the hotel having spa treatments in private bungalows. Are you going to tell people not to make noise at the Adventure Center area? The original plan I think of being up at the top by the driving range was a much better location and keep the sculpture garden down below. I'm still confused on the decision to close Koele course. I have called numerous golf course owners in Hawaii and mainland, California, Florida and Arizona and not one owner honestly told me that they profit from their course. I would ask Manele is making money. I think not. So this whole thing could have remained the way it was if the golf course was left alone. In ending I would be satisfied with a thorough noise study of the area and surrounding area's impact, and a report to all Koele residents for approval. I at this time am on guard for another negative decision made for Koele homeowners is in the making. Thank you, John Browing.

Ms. Green: Okay, thank you. And did you have a question Howard?

Mr. MacNair: Andrea, you live up at Koele. So you live at the very end right?

Dr. Ippen: At the southern end.

Mr. MacNair: Yes, and so you'll be furthest away from the noise, but aren't you concerned about the noise up in our area?

Dr. Ippen: I would be if I lived on your end I would be absolutely.

Mr. MacNair: Okay.

Dr. Ippen: As I mentioned in my testimony I think the noise might be a concern. If I did live on the northern end of the course in the Villas I think I would be personally concerned. But I am concerned about maintaining just even though I don't live on that end of the golf course I am concerned in maintaining the overall ambiance of our neighborhood, and Koele, southern to northern end is a neighborhood. And I think that at times a challenge course is quiet. There's planning, there's discussion in groups. There's also unfortunately are times when there's squealing involved and you know cheering because people, a group was able to successfully complete. There is screaming on zip lines occasionally. So that is something that I would find concerning and my hope is that if a noise study could be done to show that maybe just putting some trees up as a screen to block the noise or moving it to you know

further up where the original plan -- my understanding of where the original plan was going to be. I think that might satisfy the people at the northern end of the course that their lifestyle and our community up there as well as our community as a whole on this island is maintaining its original characteristic and the characteristic that people expect when they come to Lanai, when they move to Lanai. But please do allow the permit for the course to go through, just maybe in a different location or with different contingencies.

Ms. Green: Okay. Armen did you have a question that you wanted to ask or testimony?

Mr. Armen Majkus: Yes, if possible, thank you, and I hope everybody can understand me. I have strong French accent. I just want to come back to the 20 years where Murdock was losing money and it didn't work so well. Well, that's the mindset of the developer. The developer will build a hotel, build the golf course; he will lose money in both. But then he'll sell land around it and that's how he makes money and that's how he made money. And, and everybody build houses along the golf course. Everybody fell in love and that's what worked. Now the hotel still lose money. I'm not saying --. I'm a big support of the concept. I think it's great. I mean it's fantastic and I'll be the first one to do it. I'll be your guinea pig. But the first time I've seen a zip line was in Las Vegas, in the heart of Las Vegas, where there's so much energy. And all of sudden I hear people screaming and everybody looks up and here you go. There are people on the zip line. I want to do that. It looks fun. Now they're starting to put in New Orleans and areas where there are a lot of energy. It's very loud, very loud. All the pictures I've seen it is not next to you know houses. It's always in remote places. I'm a little concerned about that. And again I'm for it, but the golf course at Koele very well it's quiet besides the lawn mower but it's going to be really noisy. And it's not only to the people that live at the golf course, or previous golf course, it's going to be for everybody. Thank you. That's it.

Ms. Cua: Your name?

Mr. Majkus: Armen Majkus. Armen.

Ms. Green: Okay. My list is complete. Do we have others? Momi you want to say something? Okay. It's not on Momi.

Ms. Momi Suzuki: My name is Momi Suzuki. I live here. I was born on Lanai, Territory of Hawaii. I have great respect for our aina. I have lived and my mom was born in Keamoku and lived at Koele at the ranch time there. And when you talk of the aina at Koele it's serene. It's peaceful and I believe all these homeowners should not be bombarded with an adventure course there. The noise will be horrible. It will be. You speak at night everyone can hear you. I live on Lanai Avenue. I've been bombarded with trucks going back and forth and I wish the company would have another road from wherever they are to Koele for the Wellness Center, for the construction. I had a whole month of Lanai renovations and it's very loud, but it's beautiful. I've seen those palm trees go up, the landscaping, so why can't the adventure business go somewhere else? I would love to tell you where I would really appreciate that

they would go and they could have all the acreage they could want. They could even have a safari added on to their park. And we have lots of land that they would be very welcomed on. It's on Mr. Ellison's. He has the money. He has a wonderful vision of landscaping. I've seen those large 100-foot palms trees get planted at Lanai Hotel. He could do wonders. Why can't he go down to where the harbor is in the area say...north of where the cat sanctuary is? And I'm not against business or new businesses being on Lanai. But I dearly love Koele and I cannot see a wellness center being so close to an adventure park. Are you kidding? Holistically you want to be -- you want to be holistic, you want to walk in the garden, you want to see foliage, and we have that there. Many people on the island and I myself love to walk there early in the morning and in the evening. It's beautiful. Let's keep what we have. Let's keep -- it's serene, it's peaceful, it's quiet and I can go on and on. But let's -- we're stripped of our land, and in Genesis like our dear sister said, it's true, let's keep it. Hawaii is for tourists and no matter how you mention Hawaii people will come. People will come to Lanai. We have the cat sanctuary; it's great. I just lost my cat, you know. You know, so let's keep Lanai Lanai, please. And the adventure land go see another area on the island and they'll be great. Aloha.

Ms. Green: Okay, do we have anybody else who would like to do? Myles you want to do testimony?

Mr. Myles Saruwatari: Thank you. Myles Saruwatari. I want to emphasize one thing. People on Lanai, the old timers, they have a saying, Koele is the heart of Lanai. That being said the presentation there was a very interesting statement; it will not seriously adversely affect the public. I don't know how -- who came up with that. How they came up with that? Okay, number one, Koele area is not very densely populated, okay, so it's very quiet. When you have a quiet area and people make noise it is amplified due to the quietness. I mean you see it here in town even. During the day time, yeah, people make noise, blah, blah, blah. But, you know, there's traffic, there's people walking around town, you know. But at night you can hear somebody's up -- a dog five blocks away barking because of the quiet, and Koele is going to end up like that because no matter what. I mean yeah I've got nothing against you know Pulama making money or doing whatever but the thing is if they're going to do it at the expense of the people who live here --. You know it's not necessarily monetary but it's quality of life and that's why people come here because it's quiet, it's nice.

There was a show on TV years ago. This haole used to go around, tourist, you know. At the end of the first show she said I like it here because where else -- I travel world over you know doing tourist things. The only place she ever went where people -- she said I'm going down the street that people I don't know they're waving at me. She said I like that. So you know and the thing about this adventure park you know no matter how you look at it, okay, as a money making enterprise, as -- it's not thinking outside the box. Ever since America Ninja came out that has been the rage in this country, so it's not thinking outside of the box. I'm sorry, it is not. It's going within the box, follow what everybody else is doing to make money.

So with that being said -- I mean like I said I have no qualms about Pulama doing what they have to do to make money, but they have to consider Lanai because Lanai is so different than any other place that you can go. I mean even Hana is different. You know Hana is isolated like Lanai, but even Hana is different. You know you can go to Windward Oahu, North Shore, all that, it's all, it's like Lanai, you know, isolated country people, but it's different. And you know they say that you know this is the opportunity for the kids. Well, yes and no. Yeah, it teaches them certain things, but the one thing that Lanai needs more than being educated in team work and all this, they need hope. And this is not giving them hope. The school at the graduation awards ceremony, the boys -- I went one year -- the boys took home nothing. Zero. The girls took everything. And I went to Merle Taguchi, I said how come? Said the boys they don't have any hope.

Ms. Green: Thank you Myles. Appreciate it. Does anybody have any questions for Myles? No, okay. I'm looking at the clock here. We have some more people who want to do testimonies. Do you want to --? Saed? No, no, you've already been. Okay, I will take two more and then I think before we make any decisions here I think everybody needs a break. I know I do. Okay. So Stanley can it be short?

Mr. Stanley Ruidas: Yup. You guys having fun yet? Okay. I support this project. I rather have the Superman style zip line. It wasn't a zip line. It was like a monorail you're flying in the trees. That was the original one I think. I rather that idea.

I worked at Koele for five years as a cart mechanic and at Manele, and I can tell you those hills are treacherous especially for the guests going up and down. And if they don't redo that path it's going be asking for an accident to happen and that would be one of my concerns.

As far as the noise I don't live close to there but I live right below Cavandish. But you know nine to five to me is acceptable. But when we was golfing up there we never made that much noise unless we lost or something or we were drunk. But if you look at Mr. Reilly's letter just take a look at that because he always write good ones. Make conditions on this or whatever you guys decide, and stick to the conditions. Water, labor and whatever conditions you can put on whatever is acceptable to you guys and that's it. That's all I got.

Ms. Green: Thank you Stanley. Anybody want to ask Stanley any questions? No. Okay. Saed. Oh, Stanley you didn't mention your full name.

Mr. Ruidas: Leilani? Stan Ruidas.

Ms. Green: Is it a quick question? We're into quick questions now. Okay.

Mr. Rabaino: So Stan, for the zip line, where you think it should go? Original site?

Mr. Ruidas: Well the original site was the same place but except it was on the top. It was backwards, yeah. I mean there's a lot of hills you can just fly off of. You no have to be in the

front, you can go in the back. And if they're going to shuttle people make the road come from the back and not going up that big hill.

Mr. Rabaino: So how many feet you think you should move it back?

Mr. Ruidas: Move it on the opposite side.

Mr. Rabaino: What side?

Mr. Ruidas: Manalei side. You got Manalei, you got the cemetery side.

Mr. Rabaino: . . . (Inaudible. Did not speak into a microphone.) . . .

Mr. Ruidas: Well not the cemetery.

Mr. Rabaino: You want to move it to Koloiki ridge?

Mr. Ruidas: There's the pasture right behind the cemetery.

Mr. Rabaino: Not Koloiki Ridge?

Mr. Ruidas: No, no. Koloiki stay --

Mr. Rabaino: Stay farther, yeah.

Mr. Ruidas: Oh yeah the other one Mili was asking the, the access to Koloiki Ridge is right on the path there.

Mr. Rabaino: Yeah, right around there would be perfect. They can make a lot of noise they like. They can kill each other.

Mr. Ruidas: Yeah, so I mean they probably designed the thing already, but yeah move it.

Ms. Green: Okay for those who don't understand what they're talking about is the line now goes from up where the practice range was down to the green on number 17. They're talking about putting it the other direction so that it won't interfere, so that it won't interfere with the -. Yeah, right.

Mr. Ruidas: If you --

Ms. Green: Yeah, going the other way.

Mr. Ruidas: If you called it the signature hole then everybody might understand.

Ms. Green: Okay. All right thank you very much. Okay, Saed and then we're going to take a little break.

Mr. Saed (____): Aloha. Good evening. My name Saed. I come here on behalf of the Four Seasons. So I just wanted to read the testimony from the resort, Four Seasons Lanai. So we would like to extend our support for the proposed Adventure Center project currently under proposal. The Experience at Koele golf course, the proposed site for the Adventure Center has been closed since 2015. We have observed continued changes in visitor preferences and expectations in regards to golf and note that it's declining in popularity. The Adventure Center offers a unique and different outdoor recreational approach that will be open to a larger demographic, not only for visitors to the island but also to the Lanai community. In addition to offering adult activities the dedicated kids' adventure center for children between four to 10 years of age will allow us to promote additional family and child friendly options . . . (inaudible) . . . as we see a rise in family and multi-generational travel especially for domestic resort locations. Many studies show that travelers are seeking enriching and meaningful experiences when they choose vacation destinations. Overcoming fears, learning something new and challenging oneself on many traveler's bucket list. The Adventure Center will provide us with an opportunity to market Lanai to these visitors complimenting a roster of activities on land, ocean and air that has been steadily growing over the past few years. The center can also be promoted to the resort's business guests who choose Lanai for meetings and in sense allowing us to target a larger audience. In conclusion we believe the addition of the Adventure Center will be a beneficial asset to the tourism offerings of Lanai as well as a greater facility for kids and families in our community to lend support to the project. Aloha.

Ms. Green: Does anybody have a question for Saed? Okay we're now going to take a five minute break. Okay, I sorry, I'm closing public testimony. All right.

(The Lanai Planning Commission recessed at 7:20 p.m., and reconvened at 7:29 p.m.)

Ms. Green: Okay could I have everybody's attention please? Could we all take our seats? Okay. John can this wait? Okay. All right, Commissioners I guess if there are any further questions we can ask now. Then I'm going to turn it over to Ann for the County's presentation and then we can go from there. Does anybody have any further questions for the Company or Erik or anything? Okay Jerry.

Mr. Rabaino: Where is he? What's your name? Erik, okay. This is what I'm thinking and my partner over there, move it --. Okay you guys didn't do any grubbing yet. Hello? You didn't do grubbing yet. Lynn, did you do grubbing up there? Okay my question to you since you're standing up are you guys willing to move it more back? The zip line and then everything else follow. It's only what less than a mile. Okay John try explain to them.

Mr. Delacruz: Well did Stanley leave? Can you come up front Stanley please? The way the

layout is now the zip line would run like parallel with the golf course where it is now the 16 holes? Yeah, but...but on the up part --

Mr. Ruidas: . . . (Inaudible. Did not speak into a microphone.) . . .

Mr. Delacruz: On the up part of the golf course you know the one that they have that hole you got to drop the ball about 100 yards? You know you go this way and it goes down about 100 yards. Okay, if you go to the top of that hill where the toilets are you go a little bit more you drop into a valley and there's a road that used to go up which the Company block by dropping trees. That's right over the hill right? There's that hill that if the zip line went up and down that road the sound would be channeled away from Koele is that right?

Mr. Ruidas: . . . (Inaudible. Did not speak into a microphone.) . . .

Mr. Delacruz: Yeah but what I'm thinking is it's so close that you can use the existing roads for access.

Mr. Ruidas: . . . (Inaudible. Did not speak into a microphone.) . . .

Mr. Delacruz: So you know let me get back to before I came here I thought this was going to be a five minute slam dunk, okay. The plans are good. They comply with 35 foot level. And then yesterday I get one letter says there's going to be too much noise. And then today we get all this there's going to be too much noise, and even people who don't live in the golf course. So, so much empathy about the noise we have to consider it right. We all support the resort, but the noise would be a big bother to say the least. Yeah so --

Mr. Ruidas: So, yes, the noise would be channeled away in the valley, but also you have the trade winds coming, still coming back. But it wouldn't be that bad because of the trees being higher than the valley. The access -- that was what I was getting at -- the access to get to the top is very dangerous the way it is right now. So if you're taking like where well 6 is and you can go around that way or you can just put another road up there.

Ms. Green: Can I interjection something here fellas, and that is the zip line is only one of a number of sources for noise. So I think the bigger question is has the company considered other site locations for this center. From what I'm hearing from most of the testimony here is everybody is in favor of an activity center. What I'm also hearing is that maybe not at that location. So would --. Has, I guess it's a two-fold question, has the company looked at alternative sites and would they consider other sites?

Ms. McCrory: Lynn McCrory, Pulama Lanai. We actually looked at a number of sites and the piece with this one is that we believe it will be very quiet, we truly do. I know I hear you. I'm not doubting you, I'm just giving you my statement so bear with me please. We can look at other sites as an option. The one that you're looking at that Stan was mentioning it goes to

conservation land. You can't put this on conservation land so going that way won't happen. Can't do it.

Mr. Rabaino: So Lynn what if you just move a little away from that conservation boundary and start the zip line from that? Maybe away --. What is the --? Is there a penalty being close to a conservation area?

Ms. McCrory: You can be close, you can't be on it.

Mr. Rabaino: Okay so move it way back from the boundary of the Conservation where you'd be the safe zone. Is that possible? Because don't get me wrong now, I support this, but it's just the noise and the location.

Ms. McCrory: I think we can look at it. I don't have an answer for you because some of it is dependent on land. We're close to conservation already. We can move back as an example, we can move back some of the lower things, your trail blazer and grape vine on the challenge course. We can move that back.

Mr. Rabaino: Okay Caron? Caron? What her name? Karlynn? Okay can you go by the map and point your finger. Point to the zipline and show us where the conservation boundary is the one Lynn was talking about?

Ms. Fukuda: Yeah, I think it's off the map. It's not on the --

Mr. Rabaino: It's off the map?

Ms. Fukuda: Yeah. It's not on the aerial photo.

Mr. Rabaino: Okay, but just out of the blues, is there a possible for two site movements to be considered for the zip line?

Ms. McCrory: Well let me throw this one out. Would you consider or putting it where we've got it right now and if what occurs is noise that everyone think is going to occur we move it?

Mr. Rabaino: Before you take that avenue are you willing to do noise test from where the homeowners are to what you have now?

Ms. McCrory: Sure, we can do that.

Mr. Rabaino: And then see how much you know --?

Ms. McCrory: We can do something like that. I would call it a scream test would be probably be the answer. There are, there are other zip lines like this one we're trying to build so you

could get the noise from them and you could then test it backwards because your standard are decibel levels that you have . . . (inaudible) . . .

Mr. Rabaino: And secondly if we do have a meeting in December can you have another map that shows the two, the current one and what you proposing if you're willing to move it? And show where the conservation boundary is that you were referring to? Because I support this, but I would make a motion to defer until we get more information.

Ms. Richelle Thomson: Thank you very much. I wanted just kind of bring the Commission back to some of the controls that you can place. So you've heard from the community, certain parts of the community that noise potentially is an issue. I think it's a little bit undefined. There hasn't been a noise study done. You don't know what the real impacts are going to be until it's built. Some of the controls that you have that you can place on it, hours of operations, right? So you can -- you know you've heard what the hours are. You could actually specify those in the conditions.

The -- one of the other things is that this initial permit and the Department is recommending a five-year permit cycle. You could also say a noise study needs to be done within the first year of operations you know. You could --. There's certain conditions that you could put on it and it's up to this Commission you know at the end of the day whether to grant permit extensions you know or whether to allow the use to continue. And if you're hearing that the actual use is really problematic then it's likely you would say you know move it.

One of the things that I think also to keep in mind that you know as I'm hearing the community and the speakers and your questions too is that this is pretty close to the resort so if this is a negative impact on the resort, I would assume that that's going to be number one loudest voice saying this isn't okay here.

So I just wanted to kind of toss that out there. There are conditions that you can place. One of them is time, one of them is the overall time limit. You can condition it to do a noise study, you know, within the first year or a certain reasonable period of time. And the applicant may -- you know one of the comments from a testifier is that the permit extension needs to come back to the Commission. So there's things that you can do to ensure that the community is protected.

Mr. Rabaino: Okay, Michele you said five years? You can shorten that to one year if it doesn't work out for the noise thing?

Ms. Thomson: I wouldn't recommend an overall permit time of one year because that impacts the feasibility of the project from the get go so the five years is actually a pretty short time frame you know as far as I'm concerned for a Special Use Permit. What I'm suggesting is that because noise is a concern you can say you want a noise study within the first year and you know a report provided to this Commission.

Ms. Preza: Thank you Richelle. I think maybe my concern with that is that if we approve it and then they do the noise study they've already started construction at that site. And so maybe also for the sake of time because I know it's getting late, kind of what Jerry was saying about deferring until we can get some other information and maybe we can some of the testimony that we've heard tonight can kind of marinate. Is it, is it possible for us to request that some sort of -- or like request that a noise study be done or that alternative site considerations? I think that's what people are talking about are alternative sites. And instead of getting into the nitty gritty of this value or that value like maybe potential other sites could be presented to us or is that kind of what the Commission is --? Just to --. Yeah, John.

Mr. Delacruz: If that valley is not feasible because of conservation, but I think it should be looked at. But also as an alternate site is a place where there's a lot of noise now already and that's the shooting clays and...what, less than a mile. So I would ask for a noise abatement study and to consider that valley if it's not conversation area and the shooting clays area please.

Mr. Rabaino: Okay, I support that. You want to make a motion?

Ms. Green: Well just a second.

Mr. Rabaino: Oh, still under discussion.

Ms. Green: Yes. Did you want to address that Lynn?

Ms. McCrory: I want to address one more thing that you don't have noise right now from and that's the pumps at the lakes and the waterfalls at those lakes. They're not functioning.

Ms. Linda Leilikus: (Inaudible. Did not speak into a microphone.) . . .

Mr. MacNair: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. Leilikus: Sorry this is Linda Leilikus with Pulama. So currently are you talking the two lakes that are right in front of the old golf pro shop?

Mr. MacNair: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. Leilikus: Yeah, I wasn't talking about that. I was talking about the two lakes right in front of welcome center, right, because we're talking about this whole adventure center area. Plus lake number -- the long lake at the adventure center and lake no. 4. So currently those lakes are all shut down. The two lakes in front of the welcome center, they, they are retaining water, right. It's muddy water, but the pumps are not working. So when the pumps work there's supposed to be waterfalls. It's supposed to create some ambient noise. And the same with

the other two lakes at the Adventure Center. So I think that's all that Lynn was trying to say. Yeah.

Mr. MacNair: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. McCrory: Yeah, no I think everyone knows that pumps and waterfalls create white noise. So you would have those functioning at the same time because all that gets, all that gets fixed with the Adventure Center. And that would diminish further noise.

Mr. MacNair: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. McCrory: Yeah, which you wouldn't hear is the essence where you get down to.

Mr. Marter: For a little perspective the adventure tower there is about 1,000 -- just under 1,100 feet, the first house . . . (inaudible) . . . but there's a bunch of trees between the two. For perspective from here to the Cultural Center is the same distance. So I don't know if we could stand here and yell at you in your office or just scream up that way and if you can actually hear it. It's a big piece of noise or if just hear somebody screaming, I don't know. But this is kind of -- I love looking at things in actuality, not just it's noisy or it's loud or it could be loud or it could be noisy but let's look at the distance. It's a bit of walk from here to there I know that.

Ms. Green: Ann, would you like to say anything at this point in time?

Ms. Cua: I mean I think Richelle laid out some of your options. I think there was mention of a possible deferral to, to see you know what could possibly be done. The Department does have a recommendation if you would like us to present that, but the recommendation is for approval where it is. And that recommendation is based on an analysis of the law as it pertains to Project District and the County Special Use Permit. There has been a lot of testimony here tonight so it's, it's really up to the Commission as to what you would like to do in moving forward.

Ms. Green: Okay Commissioners do you think our alternatives right now are deferral, approve with no conditions, approve with conditions or denial. Do we have a discussion about how we'd like to proceed or did you want to say something Richelle?

Ms. Thomson: If the Commission is headed down the road of deferring the item one of things that you'll want to do is be sure to tell the applicant what information you are missing tonight that it doesn't allow you to make a decision. So be as clear as you can about the information that you would like them to come back with.

Mr. Rabaino: John, you going write 'em? I prefer deferral until more information and relocation.

Ms. Martin: . . . (inaudible) . . . right now. But I'm for the Adventure Center. I think it's a great idea. I do. I've been to one. I loved it. Yeah, it helped me move along, psychology, perfect. But Koele is really a special place, yeah. It really is. And speaking from my cultural background it's a place not be messed with. And I hate to say that out loud and I know culturally it's hard to understand this, yeah. I think --. And I know people are talking about noise. There was a concert. It wasn't a concert. Mickey Hart was here. The drummer from Grateful Dead, and he was here with a conference that was here. He was like part of their entertainment. They stayed down at the Manele Bay and they had an event that evening and he did a drumming session with a machine that he created. And I live down in Hawaiian Homes which is back down that way. I mean if the adventure park was over there, cool. I love the noise. It's like being in Disneyland, but with a lot of talking and a lot of good stuff. But you could hear, you could hear the drumming. It was awesome. I thought it was Hawaiians actually because they were drumming. But you could hear the noise of him drumming and the people making noise and stuff, kind of singing along. So I know that the noise is going to travel. I know it is. Yeah, it's . . . (inaudible) . . . place up there and I just had to say that. And I'm sorry and I have to say that as a Hawaiian. I had to bring that up too because it affects me too. Okay thank you.

Ms. Green: No need to apologize. You are absolutely entitled to your opinion and to make your own statements. So well Commissioners, I think it's time.

Mr. Delacruz: So I will start and then Richelle can guide us. To, to do something to address the concerns, my concern at this point is the noise from the zip line. I've already asked the questions about the Haka so I'm not concerned about that. But so I'll start by making a motion to defer this approval and ask for information or actions such as please complete a noise abatement study not only of this location but of that ridge which I'm going call Kai'holena, the valley, and the sporting clay's location. Is that enough?

Ms. Green: I might just make a comment here. If we're asking them to look for other locations maybe we ought to make it more open ended about can you provide us with other options that maybe would be more acceptable to the greater community.

Mr. Delacruz: To consider location options to include but not limited to Kai'holena and sporting clays with the noise abatement.

Mr. Rabaino: Wait now. But also Chair adding I think the Commissioners should go have a physical site inspection. I think it's only proper that we go up there so we can share our mana'o. We got to go up there and say our mana'o, then we know that we going make the right decision.

Ms. Preza: Sorry John when you're talking about Kai'holena, are you talking about the gulch that it's in right now because that's what Kai'holena is?

Mr. Rabaino: No, Koloiki Ridge. Closer to Koloiki Ridge. Is Koloiki Ridge in the conservation area?

Ms. Preza: Okay I think we're all getting confused with the names and the location so maybe we should just not try to toss all the names around because I think we're all confused. And I also want to apologize because I know your team has put together a lot of work obviously with this 600 page book providing us with information and so we really appreciate all of this. But I do think in consideration with the community and from what I'm hearing from my fellow Commissioners is that if it will be possible to address potential other sites or noise, and a noise study. If that's possible would you folks do one?

Ms. Thomson: Richelle with an R. So yes, I do think that you've given some pretty decent instructions to the applicant. One of the things that I think is maybe getting lost is it the zip line that's causing the majority of the concern or is it the entire, the entire park? So you know I heard both actually so from the Commissioner I've heard a little more concern about the zipline. So what I wanted to do was just bring that topic up so that if you need to clarify that for the applicant, you know, go ahead and do that.

Ms. Green: Would anybody like to address that? I think Mililani you were speaking about the noise at an adventure park not just the zip line. Was that correct?

Ms. Martin: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. Green: In general. Okay.

Ms. Martin: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. Green: And she's concerned about the actual location and its significance to the island. Okay. So are we clear then what we're doing here? We are asking -- we are going to defer this motion and ask Pulama Lanai to come back with suggestions for potential other sites. Also to do noise study on the current site, yes? Okay all recommended sites, okay. And so I think that is the deferral. There's also been a statement here of doing a site inspection. I think that's a great idea. How does that normally work? Do we schedule that and not at meeting time or maybe for the next meeting or how does that work?

Ms. Thomson: I think we can work that out as Planning works with the applicant. So something to keep in mind is that the project that's has been presented to you is a 30 acre piece of a much larger parcel. So what they're going to -- if they change that radically and gets beyond that 30 acres then we're talking about a completely different project and they're going to have to go through the process again of public, you know, public hearing and all of that.

What I'm hearing though is that you need more information within this 30 acre site what are the other alternatives. So if that's the instruction I think it's pretty clear that they come back with it. As far as scheduling a site inspection, why don't we, why don't we hold that thought and have the Department work with the applicant on addressing on this initial concern and then we can probably schedule a site inspection. It's actually a meeting you know and the public would be involved unless it's a, you know, dangerous or hard for other people to get to. But I'd recommend that we just kind of you know table that for just a minute until we give the applicant time to respond and then we can schedule the site inspection either probably before they would come back to present the entire project, or maybe at the same time.

Mr. Rabaino: So in other words we're not going to have nothing for December? Moving back to January.

Ms. Green: We have, and we have some things tonight which we may be deferring so anyhow. Howard, I think, public testimony is over. Can't take your question.

Mr. MacNair: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. Preza: Yeah, I think the problem or the thing that she was just trying to say is that because this is the second permit that they're going for it's only within this particular parcel of land. And so considering other sites outside of the 30-acres would just be an entirely different process that we're not talking about tonight.

Ms. Green: Thank you for clarifying that. Okay so do we, do we need a motion or have we more or less --? Okay do you want to do it?

Ms. Preza: John just did it right?

Mr. Rabaino: John make the motion. I'll second it.

Mr. Delacruz: I'll do it slow so I can understand what I'm saying. I make a motion for the permit approval to be deferred until the time where the applicant can offer or complete alternate sites to include but not limited to sporting clays. And include noise abatement studies for all recommended alternate sites.

Ms. Green: Noise assessment.

Mr. Delacruz: Noise assessments.

Mr. Rabaino: And the site inspection. Leave that out?

Ms. Green: Yeah. Okay do we have a second to the motion?

Mr. Rabaino: Second.

Ms. Green: Thank you Jerry. Okay so it's been moved by John and seconded by Jerry. Commissioners, all if favor raise your right hand? Does anybody oppose? No, it passes unanimously. Okay.

It was moved by Mr. John Delacruz, seconded by Mr. Gerald Rabaino, then

VOTED: To defer until the applicant can offer or complete alternate sites to include but not limited to sporting clays, and include noise assessment studies for all recommended alternate sites.

(Assenting: R. Catiel, J. Delacruz, M. Martin, S. Menze, S. Preza, G. Rabaino, S. Samonte)

(Excused: C. Trevino)

Ms. Cua: Chair?

Ms. Green: Yes?

Ms. Cua: The Department has a question.

Ms. Green: Sure.

Ms. Cua: I guess point of clarification. When you say for them to look for alternate locations does it include within the 30 acre site as well as outside the site? Because if they find -- if they present alternate locations --. I think they can possibly present alternate locations, possibly in the 30 acre site and possibly outside. But if it is outside the 30 acre site this permit application would not be valid.

Ms. Green: We realize that.

Ms. Cua: Okay.

Ms. Green: Okay, so -- I mean if they want to come up with a different proposal inside too but --.

Ms. Cua: Okay, so it's just open to whatever they want to look at. And then depending on what they come back with it may or not affect the permit that is -- the permit application that has been filed.

Ms. Green: Okay, thank you very much.

Ms. Preza: Maybe just for clarification too if we could add to in -- not just into our motion -- not just different locations, but also configurations if they're looking within the 30 acres. Yeah, okay.

Ms. Thomson: I think what I'm hearing is different configurations of the activities that compromise the adventure center so maybe moving the zip line either out or eliminating certainly of the more noisier aspects. You want options. Okay.

D. COMMUNICATIONS

- 1. ALICIA ALCANTARA BRANDT requesting a Short-Term Rental Home Permit in order to operate 444 Lanai, a three-bedroom short-term rental located in the R-1 Residential District at 444 Lanai Avenue, TMK: (2) 4-9-010:014, Lanai City, Island of Lanai. (STLA T2018/0003) (J. Burkett) (The Lanai Planning Commission conducted a public hearing and acted to approve the permit request on October 17, 2018.) [Exhibit](#)**

The Commission reviewed the application because there are at least two permitted short-term rental home operations located within 500 feet of the subject property.

Related to the approval of a Short Term Rental Home Permit for 444 Lanai Avenue, Lanai City, STLA T2018/0003, on October 17, 2018, by the Lanai Planning Commission.

The Lanai Planning Commission is being notified of an apparent error made by the applicant in the certified mail notices required pursuant to Sections 19.65.050.B and 19.65.050.D.4, which relate to notification of the owners or lessees of record within the 500 foot radius of a proposed short term rental home. The Planning Department recommends that the Lanai Planning Commission rescind its approval of said permit.

The Lanai Planning Commission may consider rescission of the STRH permit approval for STLA T2018/0003, related to 444 Lanai Avenue, Lanai City.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County and the Commission.

Ms. Green: Okay, we have two more other items and I want to talk to the Commissioners about this. We last month --. Oh, thank you everyone for coming and yes, for your, for your input.

Commissioners, this is going to be my recommendation and I'd like to know what you think. Last month you know we accepted or we approved the short-term rental permit for Alicia. And since then there has been an issue which I think you're aware of so I would like to maybe see if we can quickly take care of this issue. And then what I would like to do is table until next month the larger discussion about our limits on short-term rentals and bed and breakfast. Would that be okay with the Commissioners?

Mr. Rabaino: Yes, I'll second it.

Ms. Green: Okay.

Mr. Rabaino: You made a motion, I'll second it.

Ms. Green: There's no motion here. Okay. We are going to discuss Alicia's but we are not going to discuss the short-term rental limits, okay. Is everybody onboard with that? All right.

Okay, so this is No. D, Alicia Alcantara Brandt requesting a short-term rental permit in order to operate 444 Lanai, a three-bedroom short-term rental located in the R1 Residential District. The Commission conducted a hearing and acted to approve this permit on the 17th of -- was that October? Yeah. Okay, that's right, this is November. The Commission reviewed the application because there was at least two permitted short-term rental operations located within 500 feet of the subject property related to the approval of a short-term rental home permit for 444 Lanai Avenue, Lanai City on October 17th, 2018 by the Lanai Planning Commission. The Lanai Planning Commission is being notified of an apparent error made by the applicant in the certified mail notices required pursuant to sections -- I'm not going to read it -- which relate to notification of owners or leases of record within a 500 foot radius of the proposed short-term rental home. The Planning Commission recommends that the Lanai Planning Commission rescinds its approval of said permit. The Lanai Planning Commission may consider rescission of the short-term rental permit related to 444 Lanai Avenue, Lanai City.

With reference to this agenda item one or more executive meetings are anticipated pursuant Section 92-5 (a)(4), the Hawaii Revised Statutes to consult with legal counsel on questions and issues relating to the powers, duties, privileges, immunities and liabilities of the County and the Commission. Okay.

Mr. Rabaino: Okay let's rescind it.

Ms. Green: Maybe you want to give the cliff notes on this Clayton.

Mr. Clayton Yoshida: Thank you Madame Chair. Clayton Yoshida with the Planning Department. At our last month's meeting this short-term rental permit was brought before the Commission because -- the public hearing -- because there were at least two permitted short-term rental home operations within 500 feet of the subject property. The Commission took

action to approve. The permit request a few days later one of the Commissioners brought forth their concerns that not everyone within the 500 foot radius of the subject property was notified of the public hearing. This matter was brought to the attention of the applicant's consultant, and I guess it was discovered that not everyone within the 500 foot radius of the property owners within the 500 foot radius were notified of the public hearing.

They did -- the Department did publish the notice of public hearing in The Maui News as required. The applicant did place the sign notifying passer-by that the applicant had applied for a short-term rental home permit. I believe there was mention of this matter in the Lanai Times that this would be one of the items that the Commission would consider at their October meeting besides the Hydroponic Kitchen County Special Use Permit.

So I guess that's kind of where we stand. The Department is recommending that the action of the Commission be rescinded and I guess the notification requirements be met, but the decision is for the Commission to make because the Commission took action on the permit. We have Debbie Mitchell the consultant for the applicant here. She can you know provide comments regarding notification. And they also did provide a map relative to the petition that they got of people, of neighbors in support of the application relative to the location, their location to the subject property. But Debbie can make any comments for the applicant.

Ms. Preza: Sorry, we're discussing now right? Okay it is kind of --. Thank you. So this is my confusion is we spent a lot of time last time going over all of these issues and obviously we all agree that there was issue with people within the 500 foot radius not being notified and then people outside being notified. And I think we were all in agreement that something happened, not on Alicia's end, but maybe on the Planning Department's end or something happened where the addresses got messed. And I remember asking, I don't recall his name and I tried to go back to the minutes but the audio wasn't loading. I don't remember his name, but --. Jared, yeah. We were asking him about you know what you guys are recommending to you know go through the proper notification procedures and if I recall -- and you guys can correct me if I'm wrong -- but I thought he said you can't really force the applicant to do anything because she already did the --. Like he was saying something about how they had all the certified mail receipts and so I was under the impression that we couldn't really do anything about that because he had said that. I don't know if any of you have any thoughts on that, but that was my impression and so I didn't --. Yeah, I don't know if you speak to that or --

Mr. Yoshida: Well, I guess it's the responsibility of the applicant to send out the notice to the landowners and recorded leases within the 500 foot radius, and would sign an affidavit to that effect. But maybe Debbie could explain how the notification was done.

Ms. Green: Okay, perhaps Debbie if you want --

Ms. Debbie Mitchell: Yes, hi, my name is Debbie Mitchell and I am the consultant that was helping Alicia. And the standard procedure, I've done 82 of these permits so I'm very familiar

with how they go and understand the ordinance very well and take it very seriously. It's our - my company's habit to once the application is submitted, it takes a little while for Planning to process it and then they return the notification for mailing to the neighbors. And at that time my company runs a new set of mailing labels using the County's RPT software that generates those labels. And so because in the intervening time maybe someone has changed addresses so we try to make it as pertinent as it can be. So at the time that this was done it's very apparent that the wrong address was entered in to create the labels and that was not caught until we came to the meeting and it became very apparent that something had gone dreadfully wrong.

So that is the, that is where I think the disconnect came is it just the wrong label was generated? I don't think it's the County's fault. I think it was the operator's fault which is ultimately my fault. But I do want to add that Alicia out of all of the 82 that I have done has been the most involved owner that I've been associated with. She went out and canvased the neighborhood. She got -- I think you guys got copies of the eight pages of support for her, her application. And so I understand that procedure is very important and I do not take this lightly. I understand how critical it is to follow this, but it was an honest mistake and we will do what we need to to correct it. And we just hope that with the map that we showed you that you can see at least through multiple -- and properties being owned by a single entity that fairly 60% of the neighbors did receive notice particularly the ones right around her 500 -- her next door neighbors. And at the October 17th meeting there was a huge turnout in support of her. So absolutely --.

And just in addition part of the condition of her permit was that she install a parking, a concrete parking pad, to come into compliance and she has done that. So she has done everything that was required of her, so we just ask if --. She has prepared a long statement for you guys kind of just going over what I said. But certainly we will follow your recommendation, but we just hope that you might see that at least that attempt was made to reach everybody possible. And that going through this may not change the outcome of support or protest.

And if there are any other questions I can answer for you on my procedures I'd be very happy to do that. And Alicia unfortunately we only found out on Monday that this was going to be an open session so we had been told it was going to be in executive session so I wasn't going to be able to attend. So we only knew about that on Monday and unfortunately Alicia could not get her schedule rearranged so she sends her apologies for that. But anyways I'm here to answer whatever questions I can. Thank you.

Ms. Green: Roxanne, you have a question?

Ms. Roxanne Catiel: Yeah. So my main concern is just fix the wrong cause according to the --. I mean what is the sense of the County putting laws, rules and regulations if you know those people within the 500 radius didn't get notified. I mean, yeah, I mean you know wrong label with names sent out to the wrong people, but still yet according to black and white this County law wasn't, wasn't met.

Ms. Mitchell: I do understand that absolutely.

Ms. Green: Do you have something to say John?

Mr. Delacruz: Well, you can go first Sherry, Shelly.

Ms. Menze: So you know I had a real problem with the long-term rental. I'm sorry I know it's late but I really had a hard time with the short-term rentals and getting my mind wrapped around them. Because my instant reaction like most people or maybe not most people but is that, oh, god, not in my neighborhood. I don't want anybody you know overnight in my neighborhood. And then I started to think that was my gut reaction of course. So I've been really thinking about this since the last meeting quite a bit and what was really enlightening I think is I don't know if we all got the minutes from two years ago from the meeting two years ago, and I can see that this has been an ongoing thing for Maui and maybe it's newer for us. We're just playing catch up here but --

Ms. Green: Are you addressing Alicia's situation or are you --?

Ms. Menze: Yeah, I'm going there. I'm getting there really quick.

Ms. Green: Okay.

Ms. Menze: And so what I'm addressing about Alicia's interest is that on page 9 of the minutes and page 17 it was reiterated from last two years ago that they didn't care that 500 radius. They plainly said by the Chairman we should only need to address our neighbors and the neighbors across the street. It was reiterated twice, and with the sign saying that the sign should be made smaller. Now two years later we're in the impact of this that Maui's already had of the short-term rentals. So I'm having a hard time thinking well the people who are really against this at the last meeting are the people who were at the meeting and in charge of the meeting two years ago, how it could flip flop so quickly. So my address is I'm really sorry that it was not according to the rules and that it happened to be your fault, and the rule is the 500 radius. But my point is how quickly change our minds and the problem -- that's the problem with rules and law is that when you go and you do a rule and then your gut reaction is to do it this way, like us, thinking about term limits and how many numbers we're going to --. And I know we weren't going to talk about this, but this leads right to the point is that a lot of different communities, Hana and the north shore, Paia area have really worked on this and I think that a lot of this new rule of the five year is really going to take care of a lot of these affects that we're having. And with the --

Ms. Green: Sherry, can you bring it down to this?

Ms. Menze: With Alicia -- with Alicia it's really difficult because she does need to comply with the rules but the Commission two years ago said throw that rule out for us. We want it where

you only have to get the neighbors. It's on the, it's in the -- it's right in those minutes from two year ago. So this makes it a really difficult decision for us to be a consistent Lanaian, to have this be consistent with our Commission where two years ago. So I'm leaning towards, toward Alicia because of the consistency with the minutes of two years ago that we faced last month and now we're facing again. So we really have to be careful about being consistent, but you got to go by the rules too, so there we are.

Ms. Preza: Yeah, I think the difficult thing is that even though that's how the Commission felt the Council ultimately didn't approve of that so yeah. And that's something that we're going to have to discuss with the -- yeah. And I think that's going to be a bigger discussion with the short-term rental homes. But John you had --

Mr. Delacruz: We did put a lot of consideration and discussion into this matter, on the 444 Lanai Avenue. And Planning Department comes and say because she did not satisfy the requirement of blah, blah, blah, they recommend rescind, however it's up to you. I recommend --. Let me say this. What we can do is we can say we approved it, it stays approved. However, because it's probably saying not everyone was notified, to appeal they have to go to court. They have to pay money to go to court. We should consider those people too even though they didn't show up. I recommend, I move that the approval for the 444 Lanai Avenue short-term rental home be approved with the condition that if by the January meeting those who were not legally notified if they do not provide testimony or reason that we should have denied the application the approval will stand. Can we do that Richelle?

Ms. Thomson: That's a very interesting concept. One of the things I want to make sure that we don't leave this particular item before we open and close public testimony because that's the official way in our record that we recognize whether or not anybody who might be implicated by this decision wants to offer public testimony. So before -- I'm going to leave you with that cliff hanger, but I would like the chair to open and close public testimony.

Ms. Green: Okay, so I see we have a few people left here. Is there anybody else wants to testify? For you Stanley, two minutes.

Mr. Ruidas: Stan Ruidas, Lanai resident. Two minutes. Okay in January I warned this Commission about all these short-term rentals coming and up. I warned you guys and some of you were here and I was telling you guys that a lot of them is not Lanai residents, okay. And I warned, and look what's happening. We get 20-something, 30-something people coming up. As far as Alicia, I don't know, you guys can figure that out. But I know her long time and she from Lanai. But the rest of guys you know I don't know if you guys have a term limit for the short-term rental where you have to reapply. But if you do or you can set something. If you do then all these you should kick them off okay. Because they got it in a way through the Planning Department without the approval of you guys. I think everything should come to you guys and that's all I have.

Ms. Green: Stanley I think that is part of what we're going to discuss next month when we talk about short-term rental limits. Okay.

Ms. Menze: I agree with Stanley. I think that --.

Ms. Green: We want to stay with public testimony and then, okay. So did you want to talk Bart?

Mr. Bart Baldwin: Bart Baldwin. And the first short term rental home on Lanai was the Jasmine House. The permit for that was probably 2012. You are suppose to renew. I don't remember if it's three years or four years, but he forgot. The owner of the home forgot to renew so he had to go through the process again. I don't remember if it was the exact process or because he had already gone through, but he had to send notices out to people within 500 yards. He did get it renewed and I think now it shows up as 2017 instead of 2012 for his permit number. So again I don't now four years or how many years, but you do, at that time at least need to renew, and if you don't you lose your permit.

Ms. Green: Okay just a second. Is there any more public testimony? Armen did you want to say anything. Myles? Myles, do want to say something else? I'm sorry. Myles?

Ms. Martin: So in question. Is the owner of Jasmine House, does he live here? Is he a resident here?

Mr. Baldwin: He is not a Lanai resident, but he is --

Ms. Martin: Okay, thank you. Thank you Bart.

Mr. Saruwatari: Okay Sherry mentioned something about you know the meeting two years ago and inconsistency within the board, okay. I think one thing you got to consider too I mean when you guys approved Alicia's permit one thing that came up which was I don't know it kind of bothers me. And I don't see anything wrong with the thing in a sense but it bothers me. Give it to her because she's local. That bothers me. It really does you know. I mean the law doesn't say anything about being local, being from wherever. But for you guys to approve it's like a whim almost. Oh, I like her because she's local so we going give her the permit. To me it seems like a whim. It's not anything to do with legal or business, and it's just my observation.

Ms. Green: Do you have a question for Myles?

Ms. Menze: Sort of.

Ms. Green: Okay, then I think we'll close public testimony and Sherry you have a comment.

Ms. Menze: And you know when I left this meeting last month I felt exactly the same way

because how do --? You want to support local people and local economy but we have these rules that apply to everybody. And so when you're -- it's really hard when your heart is saying, hey, you know that's so and so I know them, I want to do that for them. But you really have a harden fast rule that really you should be following. And it's really difficult and I've been in this situation quite a few times where you have to apply to the rule, but your mind says I don't really want to apply this rule because I like this person. And you're right, you can't just do it on a whim. You have to stay with the process which is hard.

One of the objections I actually had for Alicia's packet that she put together was that these addresses on this there's only like two, maybe three, that are actually within her 500 foot radius. It's another point that I wanted to make. There's one address that's almost next door to me and I'm way on the other side of town. So I would recommend if someone's going to do a paper like this, at least get the home address, not the P. O. Box. Because how do you know -- except we know everybody lives and it really isn't within the 500 foot radius because some of these addresses are down on North Ohohia which is the other subdivision a mile away so that is --. I'm just noting a fact.

Ms. Green: I have a question. I wonder, can we defer this until next, until another meeting? And then in the interim that certified letters are sent out to all the people who should have received it but didn't. And then bring this up at the next meeting once those people have received them. Then we'll have done the legal thing. Yeah, but, and then make our final decision after we've heard from those people if they care to say anything.

Ms. Thomson: I want to address both of those comments, but let me just back up a little bit. What I want to bring the Commission back to is the purpose of those notice requirements. So why do you have the notice requirements and what are they?

The purpose is so that the people in the community that are the most affected by a potential action are notified, and that if they support it or if they disagree with it, they have the opportunity to come here and tell you what they think, or submit written testimony. So published notice is one of the required, but there are other required notice methods.

The other one you have to post a sign in your front yard. And a sign in your front yard gets a lot of attention especially from the most adjacent neighbors that are going to be affected by noise, increased traffic, parking problems, stuff like that.

We're required to post -- to publish a public hearing notice so that's published in a newspaper. And so that's how you reach other people who may not either be living here. So they don't drive by and see the sign. Or they know live right outside of the 500 foot radius where there's a mistake in the mailing list. That's another way that people are notified. In addition all of our meetings are publically noticed so we publish agendas every single time we have a meeting. So there are many different ways that the public gets notified.

The reason I wanted to bring us back to that is as the agenda says and as Clayton mentioned earlier it's the Commission's decision whether or not to consider rescinding this permit. And what I would keep in your mind is do you feel that there was such a grave error made that your decision is no longer valid because that's what rescission means. You're taking away a decision that you made because you feel that the error was so grave. So I'm going to leave that with that.

As far as the idea you know if the applicant you know if you're willing to take a step of basically sending out certified mail notifying you know everyone within the proper 500 foot radius that the Commission is considering rescinding. Because that's the action we're considering. We're not considering granting a permit anymore. We already did that, right. We're considering whether we should rescind the permit. So, you know, that's what's on your agenda. So at the next meeting this notice would say you know a permit is granted the Commission is considering rescinding it you know come and show up and provide your testimony, either way, for or against. So if the applicant's willing to do that and you want to defer this item to the next time pending that action you know that's something that you can do.

Ms. Green: I see your head shaking yes.

Ms. Mitchell: Yes, Alicia and I have discussed all possibilities and certainly are willing to whatever the Commission decides that we should do.

Ms. Green: Do you have any idea about how many people did not receive the notice that should have?

Ms. Mitchell: There were approximately, I believe, 48.

Ms. Green: That didn't receive it?

Ms. Mitchell: That did not receive.

Ms. Green: That were in the 500 feet?

Ms. Mitchell: In the 500 foot. And I have the list of them all.

Ms. Green: Okay.

Ms. Mitchell: So I, I can . . . (inaudible) . . .

Ms. Green: You can contact them. I guess my question to you Richelle is, is next meeting enough time for them to get out the letter and people come, or do we need to make it the January meeting?

Ms. Thomson: So we'd probably want to push it off to January just to give you, you know, sufficient time to get those letters out. The other thing is I wouldn't -- for your consideration - - I don't think it's sufficient to only send out the letters to the 48 who weren't notified because all of, all of the others and we don't know exactly what that number is, but those are a lot of support for the application. So you don't want to send it to just a tiny little segment of the population that may come out and say we hate this, you know, this application. So I would say send it to the entire proper list. It is a lot of money, it's a lot of effort, but if that's what the Commission feels is necessary to ensure itself that you know that although there were all these other ways that people did get actually notified that you feel that you want to you know make extra, extra sure that there's not somebody you know that didn't figure out that there was a public hearing happening on that date. So if you feel that this --. If you feel strongly enough that this action is warranted, then you know go ahead.

Ms. Preza: Thank you. I think we obviously had a lot to think about. Something else I just wanted to bring up before -- I know we're trying to get out of here soon -- but how long was the permit for? Can someone remind me? Three years. But there was something --. So after that three years then --. Or was there a period where people could still you know express their --. After two years or something? I'm sorry, I'm confused. Was there a period of time where you know if anyone was wanting to express their, you know, dissatisfaction with the rental home then they would have a chance to do that?

Ms. Green: Could you be thinking about maybe complaints? If there were any complaints against the landowner then they could -- their permit could be pulled. But that would not be - - that would have to be I would think a complaint of a different order like noise or you're not following the rules or something like that.

Ms. Thomson: There's a couple of ways that enforcement could happen. So if, if they weren't following the rules and people, you know, say a neighbor made a complaint, Planning Department would investigate and they could, their permit could be revoked. The other thing is if enough -- you know if a sufficient number of complaints were received by the Planning Department prior to the next renewal then the renewal would have to come to the Planning Commission for consideration. So it's similar to you know either you have a number of protest you know then an application will have to come here, or if you have like in this case there were already a couple other short-term rental homes within the area.

Ms. Preza: I just wanted to say thank you and I just wanted everyone to think about that.

Ms. Green: I have a question. If we go this route are we going to have to have her put a sign out and the notices in the paper and everything like that again or are we just sending the letters would be sufficient?

Ms. Thomson: So if, if you vote to rescind her permit, rescind the decision. So you're rescinding the approval. If you vote to rescind the approval that you did last month, then yes

if she wanted to -- if she wanted to come forward and do it again it would be from you know from scratch. So, but you know if you want to just have the applicant send out you know within the whole 500 foot radius and tease out anybody who doesn't know about this then no you're --. What you're doing is you're saying do any of you in the 500 foot radius want to come and offer testimony in support or against rescission.

Ms. Preza: So in the interest of time I want to make a motion already. Okay so I move that we defer this item agenda item until the January meeting to give our applicant sufficient time to re-send out or to send out notification to the proper addresses with the 500 foot radius asking -- you know explaining the situation and then letting them know that we're going to be discussing this agenda item in January just to make sure we're covering all of our basis. I think and many of us are in agreement that you know we want to approve Alicia's permit but just to go through all of the right processes I move that we defer it with those conditions.

Mr. Rabaino: I second.

Ms. Green: Thank you Commissioners, all in favor? Are you in favor?

Mr. Delacruz: At least you got enough yes votes.

It was moved by Ms. Shelly Preza, seconded by Mr. Gerald Rabaino, then unanimously

VOTED: to defer to the January meeting to give the applicant sufficient time to send out notification to the proper addresses within the 500 feet radius explaining the situation and notifying that agenda item will be discussed at the January Lanai PC meeting.

(Assenting: R. Catiel, J. Delacruz, M. Martin, S. Menze, S. Preza, G. Rabaino, S. Samonte)

(Excused: C. Trevino)

Ms. Green: Did you say? No, we're deferring. Okay, it was unanimous. Thank you very much.

Okay, I do have one more request. Clayton, when we had this hearing before there was a lot of discussion that there was a third short-term rental in that 500 foot or in that area. That was never clarified. Would you please clarify that for us at the meeting in January?

Mr. Yoshida: Yes, I believe there is another short-term rental home, operation with a short-term rental home permit which --. So I think there is now 17 short-term home rental permits on Lanai.

Ms. Green: All right so I think this -- hopefully we're all done with this. Okay, quick.

2. **Discussion of establishing caps for [Short-Term Rental Homes and Bed and Breakfast Homes on Lanai](#).**
The Commission may determine whether a cap(s) should be established and if so what the suggested cap(s) should be proposed in future legislation. The Commission may then direct the Planning Department and the Department of the Corporation Counsel to draft such a bill for public hearing at a future Commission meeting.

Ms. Menze: You know what I'd like to see happen with these short-term rental is that every one of them comes in front of the Commission so that we have a home rule here on Lanai.

Without objections, the Commission deferred Agenda Item D.2.

3. **Discussion of allowing no building setback in the Residential District in Lanai City for carports, garages and storage buildings.**

The Commission may determine whether the front, side and rear yards should be zero feet for carports, garages and storage buildings on properties in Lanai City that are zoned Residential. The Commission may then direct the Planning Department and the Department of Corporation Counsel to draft such a bill for public hearing at a future Planning Commission meeting.

Without objections, the Commission deferred Agenda Item D.3.

E. DIRECTOR'S REPORT

1. **Native Hawaiian Law Training**
2. **[Open Lanai Applications Report](#) as distributed by the Planning Department with the October 17, 2018 agenda**
3. **[Open Lanai Applications Report](#) as distributed by the Planning Department with the November 28, 2018 agenda.**
4. **Agenda Items for the December 12, 2018 meeting.**

Without objections, the Commission deferred Agenda Items E.1. through E.4.

F. NEXT REGULAR MEETING DATE: DECEMBER 12, 2018 (2nd Wednesday)

G. ADJOURNMENT

Ms. Green: That's for next, for next month. Okay, so I guess actually in three weeks we'll be back here and we will be discussing the short-term rental, yes, things. And so thank you everybody for your patience today. It's now 8:37, 6.

I think I brought that up last time and then I think I was told we couldn't do that. But the meeting is adjourned.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 8:38 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

PRESENT:

Roxanne Catiel
John Delacruz
Caron Green, Chair
Mililani Martin
Sherry Menze
Shelly Preza, Vice-Chair
Gerald Rabaino
Shirley Samonte

EXCUSED:

Chelsea Trevino

OTHERS:

Clayton Yoshida, Planning Program Administrator, Current Planning Division
Ann Cua, Staff Planner
Richelle Thomson, Deputy Corporation Counsel