

**LANA'I PLANNING COMMISSION
REGULAR MEETING
MARCH 20, 2019**

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, March 20, 2019, in the Lanai Senior Center, Lanai City, Hawaii.

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

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.

Ms. Caron Green: Good evening everybody. It's nice to see such a full house today. It is now a little bit after five o'clock and this is the Lanai Planning Commission meeting on March 20th, 2019. As I say every time, we are welcome to have testimony at the beginning if you have to leave. But we would prefer that if you want to talk about any item that you wait until after that individual agenda item. That way you have a chance to hear the presentation, and that may alter or change your comments or not. But anyhow, having said that, I do have list of people who would like to do public testimony. I will go through it quickly and see if any of these people want to do testimony now or we will move on to our first agenda item. So Walter Treiber, do you want to do it now? Okay. Tammy, do you want to talk now or later? You'll talk now. Okay, come on forward.

Ms. Tammy Sanches: Good evening Planning Commission members. My name is Tammy Sanches. I was born and raised on Lanai, and have seen the island go through changes from thriving in the pineapple industry, to phasing out of pineapple and transitioning to hospitality.

I'm sorry, I didn't say I am speaking on behalf of the Lanai Adventure Center. After attending college on Oahu, I was able to return to Lanai. And because of the hospitality industry, I've been able to remain here, and raise my family. With our new owner and his vision for Lanai, it's very promising that my children and future generations will be able to return and remain here because of the many and diverse career opportunities. We are so very fortunate to have an owner who is willing to invest in all of the improvements on Lanai. I support Lanai Resorts request for Project District Phase 2, and County Special Use Permit for the Koele Adventure Center. It is vital to the survival of our island's economy that we receive approval for the Lanai Adventure Center as it is an integral part of the success of the Koele Wellness Retreat.

In the past, Koele was never profitable as a resort and golf course. Renovating Koele as a Wellness Center Activity Center is exciting and promising for the economic viability of our island. Repurposing the former golf course makes sense since all of the infrastructure is already in place. The former golf course grounds, club house, and all of the water features

will be enhanced and reused. It's the best location for the activity center since the Koele Wellness Center is within walking distance. In addition, an alternate site will likely utilize land that is currently a hunting area used by our residents and would incur substantial costs to build the required infrastructure.

I humbly ask that you vote in favor of the Koele Adventure Center project. Your support will be a big step towards the vision of creating a legacy for our island of Lanai. Thank you.

Ms. Green: Thank you Tammy. Commissioners, does anybody have any questions for Tammy? I guess not. Thank you. All right, is this Ella? Would you like to speak now or would you like to --? Okay, please come forward. By the way, I forgot to mention up front, since there seems to be quite a few people here tonight, we are going to limit testimony to three minutes. Thank you.

Ms. Ella Yumoz: Dear Planning Commission, I am providing testimony in support of the Lanai Adventure Center at Koele. I am a resident of Lanai City, and have lived here since I was seven years. The Adventure Center will be a new feature to the island, and I believe it will benefit both the residents and visitors alike. The Koele Wellness Center Retreat will offer a unique experience for those visiting the Hawaiian Islands, and the Adventure Center will be an integral part of that business model. In addition to that, the Adventure Center will also create job opportunities and new skill sets that is and was not available on island before. I, myself, have participated in an obstacle course in the past with 14 other Lanai residents. We were able to build friendship, teamwork, and camaraderie during the training process. To this day it is a memory that we often reminisce about. Thank you.

Ms. Green: Thank you Ella. Could you please state your name for the record?

Ms. Yumoz: My name is Ella Yumoz.

Ms. Green: Thank you. Do we have any questions for Ella? Okay, thank you. Mike Lopez, do you want to speak now or later? Okay.

Mr. Mike Lopez: Aloha Kakou. My name is Mike Lopez. Third of five generations here on Lanai. I am for the Koele project in its entirety for these reasons. This is a grand opportunity to be continue building a sustainable Lanai. The Wellness Center will be a benefit to the people worldwide, bringing health, healing, serenity, and comfort, and will provide jobs and continual mana'o, knowledge and wisdom for the Lanaians and residents alike. For without it, there will be no growth for sustainability. It will give great opportunities for students to learn different trades, enhance work ethics, and experience at a younger age. For myself, I had to get off the island, experience mainland, and come back, and then realize what we have here.

Our culture has never been so strong and obvious as it is today, and many of you in this group can attest to that. Pulama is providing tools needed to protect, preserve, and enhance the cultural lifestyle Lanai has yearn for years.

My father started his life right here at Koele Ranch as a young boy. He went from a ranch hand to running the projector at the movie theater as my mom collected the tickets. Manually setting up pins at the four lane bowling now functioning as a Lanai Recreation Center, Maui County. He was part of the original tunnel diggers -- for those of you that know who they are -- throughout the State of Hawaii including the water tunnels here on Lanai. Worked for the Maui County Public Works, became the State Highway foreman, Lanai Airport police, and became the superintendent for the Lanai Airport operations. Dedicated a part-time worker at Pine Isles Market from age 26 to 84. He retired in 1985, but continued his part-time position until September 2017 and just passed October 2018.

Before I signed the dotted at my current employment, I had a conversation with my dad. I told him all what I knew about Pulama Lanai, then I asked him what his thoughts were. And he said, you know Mike, both of your grandparents were a part of building Lanai City from nurturing the mules so they could do the plow in the fields, to carrying pineapples in burlap bags, while your uncle worked at the experimental plant on how to grow the pineapple fruit bigger, better, and sweeter. Just like what Mr. Ellison is doing today with the hydroponics. No different.

Okay, different time and error, but it is obvious what is going on is good for the people and the land of Lanai. So when you sign the dotted line you're as a good steward for Lanai as God has entrusted you to help make a better tomorrow for our children, our children's children. Many people come to Lanai, I've seen them come and go, and you will never satisfy everyone. But know this Mike, you will meet the needs of tomorrow, and you will live your life with a smile knowing you've done the best that you could do. We took it as far as we could, now it's your turn. As you take this position, son, I leave you with this, think good, you will do good, and you will feel good in whatever you do. And always remember, beauty is in the eyes of the beholder. You will be okay son. Thank you for listening to my testimony.

Ms. Green: Thank you Mike. Commissioners, any questions for Mike? Okay, thanks Mike.

Mr. Lopez: Thank you.

Ms. Green: Patrice, would you like to speak now or later? Okay, Ron, now? Can we take the mic over to Ron?

Mr. Ron McOمبر: Good evening, my name is Ron McOمبر. I'm a resident of over 40 years. My daughter celebrated her 40th birthday today, so that's, that's what's going on with me.

I'm concerned. I don't live up there. I don't live near that. I think you folks need to listen to the people that are mostly, directly involved with that situation up there. I know if I owned a piece of property up there, I wouldn't want this thing to be coming down this chute and raising all this hell up there. There's plenty of places that they can put this stuff on Lanai and not

bother people like that. I have in my hand as Caron has seen our community plan. The question I have for you, do you all have a copy of the community plan?

Ms. Green: It came in the folder that they gave us when we became Commissioners, Ron.

Mr. McOmber: Okay, well, you need to look at it, and you need to --. This is your bible. This is what you're, this is what you're going to be judging stuff on. We did a lot of work on this. Lanai is getting short changed in lots of ways. The harbor at Manele is being taken over by the commercial operations. The Hulopoe Beach is being attacked and it looks like there's going to be some changes. All the things that we signed up for in the early stages of the commitment with Castle and Cooke seems to be going by the wayside. They're ignoring the needs of Lanai people.

I don't live up there. Like I said, I can't make a judgment. If I lived up there, I wouldn't want that at my house, or anywhere near my house. We worked really hard on this community plan and I want you folks to get a copy of it, have the County give you a copy, read it, and go through it because it's a bible. It's good till 2030, but I don't believe. I think it needs to be -- maybe we need to look at it and do a revision on that. Caron knows, Caron was on that committee. So, I'm asking that we ask the County for each one of you to have a copy of this community plan. And also, we need to update, maybe an update on the community plan. There's too many things happening that we're not having a chance as a community to vocalize and get involved with. So whatever you do tonight, I think -- I hate to hear myself say this -- the homeowners up there need to hear, need to speak loud and you need to listen to them because they're the ones most impacted by this. Thank you very much.

Ms. Green: Thank you Ron. Commissioners, does anybody have a question for Ron? I'm just going to make a little -- thank you Ron. I'm going to make a little side. Ann, you might put that down as a thought for that when we were talking about the training is maybe doing something with the community plan. Okay. And then finally Butch Gima. Butch, do you want to speak now?

Mr. Butch Gima: Good evening. My name is Butch Gima. I'm a resident. I'm going to be commenting on the Coon's short-term rental application. I have no opinion on whether this should be approved or disapproved. I'm proposing to the Planning Commission that you defer a decision until a . . . (inaudible) . . . policy is developed. A policy that is purposeful, forceful, persuasive, strong, and clear. And I referenced that in two prior testimonies before you. The ball is in your court, Planning Department and the Planning Commission. Your charge, your responsibility is to our community, short-term and long-term, not necessarily to the applicant or the Planning Department. The longer you take and the longer you delay having an ordinance enacted makes it much more difficult for you to make decisions on applications come before you, and I've referenced that before. It's going to be difficult for the Planning Department and the County of Maui as well.

Please remember it does not hurt these applicants, 98% of whom are not a part of our community to wait on an ordinance. They are not contributing members of our community. They do not live here. They are not a part of the identity of our community. The short-term rentals are designed to make money or reap back their investments. Already I have five fewer neighbors within a 500 foot radius of my home who either have an approved, or pending an approval for a short-term rental. Now how many of them do you think gives a shit about me or my neighbors? Are they going to kokua us if something happens to us or our properties? No. They live on the mainland, they live off island. That's what we are losing when you continue, when the Planning Commission, when the Planning Department allows approvals for these short-term rentals without an ordinance in your hand. Don't you find it interesting that several of the ones that have come before you have applicants that are hiring a professional to package their applications? Basically they're "pala-paling" you guys. As the saying goes, even if you put lipstick on a pig, it's still a pig. Many of these owners are artificially increasing your property taxes, our property taxes, and/or increasing the prices of homes in our community, which makes it much more difficult for residents who either rent or purchase a housing unit. An off island owner may not mind paying an inflated price for a home on Lanai knowing that they can eventually make up the cost by charging \$250 to \$450 a day renting, renting a house just on weekends in one month may be enough to pay for the monthly mortgage for that property. That does not benefit the community necessarily. The funds, the profits do not stay in our community.

I have testified before and provided you a foundation for my recommendation for deferring these applications. In short, they're based on enforcement problems, possible fire access issues when you have increased number of vehicles. But most importantly the impact on our community, our quality of life, our cohesiveness and the identity of our community. Non-resident owner and their short-term rental guests have little or no understanding of our community, its rituals and traditions, its unspoken rules, etc. Do you want to lose this? Do you want to be responsible for this? To date, I know of no short-term violations, know of no problematic renters, but then again when I see non-residence offending our community's rituals and traditions, unspoken rules, I don't know if they are Four Seasons guests, day trippers, hunters or short-term resident guests.

So I say this because we can easily get nicked and dined to death, and the quality of life can change in our community unless you, as Commissioners and the Planning Department, have the balls of taking care of protecting and preserving our community.

Ms. Green: Can you wrap it up?

Mr. Gima: I'm almost pau. Yes. This proposal is a compromise in that it is not totally banning short-term rentals. I'm asking you to just defer it until you guys have an ordinance to work off of. I propose that it allows a reassessment every three to five years. It recognizes capitalism, but also the responsibility that comes with it that you are a regulated -- that you are regulated as a business and not a resident. The priority for you is to our community, the residence, not the non-resident.

Ms. Green: Butch?

Mr. Gima: You make it so that it's a non-resident doing business in a residential area and you are held to a higher standard because you are conducting a non-conforming activity in a zoned residential area. This is a privilege, not a right. I'll be submitting something to you and to the County on a proposed ordinance and I hope you guys defer this and all further applications until that ordinance is passed. Thank you.

Ms. Gima: Thank you Butch. Commissioners, do you have any questions for Butch? Okay, please?

Ms. Sherry Menze: What type of ordinance? You keep saying ordinance, but I'm not sure what you mean by that.

Mr. Gima: Well, the last two times I testified I proposed a cap of, of one short-term home rental per block, up to. I proposed a total cap of 30 to 45. I proposed a reassessment every three to five years. And I think this ordinance should make reference to different types of taxes on GET property, income, TAT, and they should be taxed accordingly.

Ms. Menze: The problem I'm having is what criteria do you use to make that ordinance?

Mr. Gima: Well some of the things I mentioned would be the criteria in the ordinance for you to make a decision off of as a Commissioner.

Ms. Menze: Thank you.

Ms. Green: Okay. I would just interject something here Butch. We took up this subject was it the last meeting or the one before, I can't remember, and nobody from the community was here. And we danced, we put these ideas all around, and we tabled it until April because we said we need feedback from the community on what the community wants. So if the community is interested, they need to come to the meeting when we discuss this again, okay.

Mr. Gima: I'm suggesting that you have an ordinance in place so you can make an informed decision. Not, not --

Ms. Green: I understand what you're saying.

Mr. Gima: -- not piece meal decisions.

Ms. Green: I understand what you're saying. I was just telling you where we are in the process, okay. Thank you.

Mr. Gima: And, and has the Planning Commission and/or the Planning Department introduced a --

Ms. Green: No. Because what I'm telling you is we've discussed it. We have not come to a conclusion because not enough people have express interest in this to bring forward so --

Mr. Gima: So the Planning Commission, the Planning Commission is satisfied with the status quo that you don't have an ordinance?

Ms. Green: I don't want to go into a lot of the details. Go read the minutes of the meeting and you will find that there was a lot of pros and cons, and so we felt we could not come to a decision because it was too complicated and we wanted more community involvement. That's all I wanted to say, okay? Thank you.

Mr. Gima: So basically kicking the can down the road.

Ms. Green: We did. I believe we were going to put that on the April agenda. Yes, Jerry?

Mr. Gerald Rabaino: Butch, as Ron McOmbler was saying, because I know you was one of the planning chairs in the past. But 2015, is there any ordinance in that booklet that we can base on to make such a decision on short-term rentals? Now, so in other words, what you proposed in the last two meetings that you attended, out of the three which one would you favor? I am in agreement with you on two of the items, not the third one, okay. But you use the term ordinance. What kind of ordinance that we can work on -- Michele, is there an ordinance that we can work on?

Ms. Richelle Thomson: If I could just remind the Commission that this topic is not on your agenda, so for sunshine law purposes, we need to get back to the agenda item which is the consideration of one specific short-term rental home application for the Coon's property. So if the testimony and the comments could be related to that specific application. And on a future agenda when it's properly put on the agenda, we can take it up in more specific.

Mr. Rabaino: Okay, so we just talking about what he said on this agenda for that, that individual, correct? So what he's proposing is that we, the Commissioners, need to get an ordinance, and he proposed he want us not to approve anything. But being that this is only one individual, we can make a decision on that even though he has proposed what he has about an ordinance?

Ms. Green: It's just his proposal, Jerry. We can do whatever we want. We just have to --

Ms. Shelly Preza: Sorry, I think he's saying that we should --. He would like us to defer this item until we can make a decision about short-term rental homes in general on Lanai. And since there's so many people here, I would just like to point out that we are having a meeting

next month in April that will focus on that if any of you are interested, we would definitely like your participation. But, if we could move on to Coon's property particularly.

Ms. Green: Thank you Butch. Okay, so we have any other testifiers before we move on to the agenda item that Butch was just addressing and that is short-term rental permit? I'm sorry, Alberta, did you want to speak now? How about we'll take that agenda item up and then you can speak, okay? Thank you.

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

1. SHORT-TERM RENTAL HOME PERMIT

JAMES and RANDOLPH COON requesting a Short-Term Rental Home Permit in order to operate Hale O Lanai, a three-bedroom short-term rental located in the R-1 Residential District at 436 Gay Street, TMK: (2) 4-9-007:039, Lanai City, Island of Lanai. (STLA T2018/0005) (J. Burkett)

REPORT RECOMMENDATION

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

Ms. Green: Okay, so Item C on our agenda is public hearing, short-term rental home permit, James and Randolph Coon requesting a short-term rental home permit in order to operate Hale O Lanai, a three-bedroom short-term rental located in R-1 Residential District at 436 Gay Street, in Lanai City, Island of Hawaii. The Commission is reviewing the application because there are at least two permitted short-term rental home operations within 500 feet of the subject property. Jared, are you taking care of this one? Thank you.

Mr. Jared Burkett: Good evening Chair, Commissioners. My name is Jared Burkett. I'm the staff planner from the County Planning Department that is working with the applicant. The applicants, James and Randolph Coon, are seeking approval for the short-term rental home permit which is STLA T2018/0005 for the rental named Hale O Lanai. Again, the address is 436 Gay Street. The County zone is R-1. This is a three bedroom home. There's only one home on the property. No letters of protest were received by the Department, and there were 37 letters of support that were received by the Department. Because of the large number of support letters, each of you were given before the meeting a paper that looks like this. And it has all the names of the support letters that were received. And then the next page is an example of that support letter. It was the exact same letter that was sent to everyone. The chair has a packet that has all of the actual letters and the signatures on it. And just so you know, it looks like this, and it has all the form on it.

So the applicant's consultant, Mrs. Debbie Mitchell, has a presentation that she'll give and then she'll be available to answer any questions that you may have. And then after the applicant's presentation and testimony, I'll provide the Department's analysis and recommendation. If there are no objections, I'll invite Mrs. Mitchell to do her presentation.

Ms. Debbie Mitchell: Thank you very much. I'm just going to check and see if this will still work from this position. Oh, it does. Okay, great. All right, good afternoon Commissioners. My name is Debbie Mitchell, and I am here representing James and Randolph Coon in their application for a short-term rental home permit at 436 Gay Street.

This shows the general area of the property, and it's located between Fourth and Fifth Streets on Gay. Moving in just a little closer, and as you see how the streets are laid out. And then we provided you with an aerial view so that you can see the housing and the main streets.

Moving into the property itself, it's in a large, over 10,000 square foot lot that is, has mature landscaping. And it is an application for three bedrooms.

Part of the requirements of the application is that there are two parking spots that are 18 feet by 8 ½ feet, which is . . . (inaudible) . . . And the two parking spots are required for a three bedrooms, and this is more than adequately provided at the home so there's definitely no street parking here.

Showing you the layout of the house, these are the four sides of the house, set well within the lot setbacks. And then the view from each of the sides of the house. It is a fenced area, so that it is contained, and it does have a lot of large trees on the area which is also good for noise abatement.

Bringing you into the house itself, it has a lovely kitchen, a living room and dining room, the three bedrooms, three separate bedrooms, and then additional rooms, a laundry, there are two baths and a study.

Public notice was put out twice on this property. It was done once for notification of mailing of application. So everyone within the 500 foot circle was notified these owners had made application. And then following that, additionally a notice was given of the public hearing date and that again went out to all those within the 500 feet. And so up to date, no one has provided any single protest in this matter.

There are, the reason we are here is because there are two other short-term rentals within 500 feet. They're both at the extreme opposite ends of the circle, so they are very, very close. One lot away would have one of them out, so they're not right next to the house itself. And again 37 letters of support were received from community members. We did give you, rather than kill a lot of trees, we just gave you an abridge version but do have all the letters, so you can see the signatures of those that have signed. So there's a great outpouring of support in the community.

And again, we have this discussion before that there are a lack of affordable accommodations for folks on Lanai. Now that the Hotel Lanai is up and running, the lowest rate I could find there was \$255 for a one bedroom, but it ranges all the way up to \$800-something for a two bedrooms. Of course, the large resort down in Manele is out of reach for most folks visiting. And these permitted homes are running in about \$165 to up to a three bedroom homes for \$300 a night, so it is a little bit more affordable. And it does provide accommodations for folks and have family members coming in for the holidays, visiting professionals, nurses, doctors, athletic teams; it gives them an affordable alternative to hotel living.

I'm sure most of you know Trilogy, and Jim and Ran Coon. The Coon family has been a huge part of the, of the island. They arrived in 1973 and --. Yeah, they came in 1973 with their father, their mother, and sister, and began talking with which was basically Dole Pineapple was running Lanai. And they met with Dole Pineapple representatives and local kupuna, and received a blessing to begin guest transport from Maui to Lanai. The famous cinnamon rolls and fresh fruit.

And then in 1983, Lanai City Service was opened which is still open today, 36 years later. Still providing a lot of employment to residents and services for the community. And then about 25 years ago, Jim and Ran decided that they wanted to give even more so they provided the annual turkey toss which every Thanksgiving, they bring a turkey over to every family on Lanai. So they've always been a part of giving back to the island.

And I have both Captain Jim and Captain Ran Coon here today, and I'll step aside and let them say a few words to you as well.

Captain James Coon: Aloha kakou. My name is Jim Coon, and I don't know, I guess I should be addressing the panel here. Our intent is to primarily we need a place for, for our own family and employees and things like that, that we have needs to put people up for the night whether it's a storm that we have crew down at the harbor that needs a place to stay. Whether it's some somebody coming in that needs to repair our pumps or whatever, we often need a place to, to put our own people up. But it's our intent as we've -- when we remodeled this place we start to get all kinds of inquiries from the community saying, hey, you know, I've got family coming in, we're going to have a family reunion here this summer, could we possibly stay at your place? And we say, well, you know we're not really interested in renting it. And so it's more and more we keep getting these request because there's very, very little affordable places to stay on Lanai. So our intent is we don't need to do this financially for, for our survival. We, again, want to continue to service the community and bless the community. And so we occasionally are going to charge people to stay there. But because we've had so many people coming in and mostly our friends but sometimes friends' of friends, I don't want people looking our shoulder every day and saying, oh yeah they're running an illegal, they're running an illegal thing over there. So this way, you know, we'll be legal. I mean, it's our business whether we charge people or not, and I think it will be a real service to the

community. And so that's -- and we, we deeply care about this community and we want to do the right things for this community.

And we intentionally fenced the entire area around the, around the home. There's plenty of parking. And I've talked to my neighbors on both sides . . . (inaudible) . . . and they've said they've never had any problems up to this point. And we are committed to being good neighbors and not having any problems in the future.

Ms. Green: Okay, thank you. Are you finished?

Ms. Mitchell: That's the end of our presentation. We just ask, respectfully ask that you approve this application. Thank you.

Ms. Green: Thank you. Commissioners, do we have any questions? Jerry?

Mr. Rabaino: Will you have a manager on island when something goes wrong at the property?

Ms. Mitchell: Yes, Gabe Lucy is the manager.

Mr. Rabaino: And how often do you advertise this home on the website, if any?

Ms. Mitchell: It has never been advertised.

Mr. Rabaino: It's not been advertised.

Ms. Mitchell: No, it's never been advertised. It's never been used as a vacation rental.

Mr. Rabaino: The next question is it first come, first served?

Ms. Mitchell: I will leave that to owners to decide.

Mr. Rabaino: Because if you're going to have kids, like volleyball team, for example, that they can't go back to Maui on the boat, and the house is still vacant let's say. But at the same token on that particular day they have someone that's going to check in. Who comes first?

Mr. Coon: I would imagine the person that had the reservation, you know. We would surely accommodate if we didn't have somebody checking in. But, you know, somebody has made, you know, somebody who is already committed to stay there, then I would imagine that would be the person that should stay there. It just seems fair.

Mr. Rabaino: Okay. The other question I have is last month or two months ago we, the Commissioners, agreed that a house is to be rented as house not individual rooms, correct?

Ms. Green: We could make that a condition, Jerry.

Mr. Rabaino: Okay.

Ms. Mitchell: And respectfully, that is the condition of the short-term rental. That's not --. It can only be rented to a single party. It's a bed and breakfast that can be rented to individual parties.

Ms. Green: No, no. That's not. On Lanai, you can.

Ms. Mitchell: Pardon me. Okay, very good. But, yes, that would be a condition you could add if you care to.

Ms. Green: And it is.

Ms. Mitchell: Okay, great.

Ms. Preza: Sorry. So, going back to what Jerry asked about the property manager, Gabriel Lucy. So there's a regulation saying that they would need to be on island and with accessible within one hour following a request by the guest. Does he live here full-time?

Ms. Mitchell: He would have to be here while the reservation was occurring.

Ms. Preza: While it was occurring.

Ms. Mitchell: Right. Correct.

Mr. Gabriel Lucy: We're waiting for approval. If we have approval. Currently right now, Nicky Alboro is also on island full-time, and she has been taking care of the property for us regarding our landscaping, if any issue arises and helping with the cleaning and maintenance and stuff of the property right now. So she would potentially be the manager. It would need to be approved first. I was listed as the manager at the time because we did not have a decision yet.

Ms. Green: Okay thank you. Yeah, I think it's part of the requirement for the County too that you submit that information. Okay. Anybody else have a question? I do have a question. I'm looking through the addresses here, and I don't get them all. But how many of the people that signed this are immediate neighbors?

Ms. Mitchell: There's only one that falls within the 500 foot circle.

Ms. Green: Only one within the 500 foot circle that has said that they are in favor of this.

Ms. Mitchell: Yeah, correct.

Ms. Green: The rest of the people came from the community --

Ms. Mitchell: From the community.

Ms. Green: -- at large. Okay. But you have no people who have contested this right?

Ms. Mitchell: No. Correct.

Ms. Green: And as I understand from the other question, you do not plan to advertise?

Mr. Coon: You know, I hadn't gone that far. At the moment, and I wouldn't want to just say we would never advertise, but so far we've had people coming out of the wood work wanting to have a place to stay. It's all been word of mouth so far. And again, I don't anticipate --. We have needs to use that quite a bit ourselves and so it's not our intent to just have this thing booked up all the time. We need it, you know.

Ms. Green: Okay, thank you. All right Commissioners, any other questions? Okay do we have any discussion? Oh, I guess we're going to have, yeah, public testimony. Alberta, you wanted to talk on this subject? Oh, wait, I'm sorry, I have another commissioner who wants to speak.

Ms. Menze: You know, in reading this today, I can't seem to find that right now, it talked about renting a room at a time, and each room would be rented individually in your --. Or maybe it was in the docket here of this planning. And I had no thought that short-term rentals were only rented as a total house, not as an individually by the rooms. It's just something that I noticed.

Ms. Preza: Sorry Sherry, we just, we just brought that up so I think the understanding is that it will be rented as a full house, not as individual rooms.

Ms. Green: Okay, Alberta?

Ms. Alberta de Jetley: Thank you very much. My name is Alberta de Jetley. I think I live within that zone, the 500 foot zone, because I'm in the third block on Fraser, and they're on Gay Street just one block away. So I think I'm within that zone. I've know the Coons since 1980 personally. I've done work with them. We've been friends. If you knew the extent of the Coon family's relationships with other people in Hawaii, they would never have to advertise their house because they have so many friends and so many family members who want to come to Lanai to be here that it will always be in use. For myself personally, I feel that we have a really big shortage of affordable vacation rentals for our families who are coming to Lanai from other islands. So any other house that comes onto -- that becomes a vacation rental I think it's really sorely and badly needed. I fully support their application and I hope the Commissioners will also approve this. Thank you.

Ms. Green: Does anybody have questions for Alberta? Okay, do we have any discussion here or --? Yes, Jerry.

Mr. Rabaino: Jared, this is directed to you. I'm looking at the legend in Exhibit-5 in the 500 circle. You have two squares and two triangles, and one of them is the Coon's. Who are the other three applicants? Are they the short-term rental that exists now or is the two squares and the one triangle is that waiting or pending a permit?

Mr. Burkett: Yes, the triangle is pending. That's on the perimeter of the 500 foot radius.

Mr. Rabaino: Is it listed on this last page? Do you have the name listed on the last page, on the MTK?

Mr. Burkett: There's one that is not on the list. I'm not sure which one is not, but it was --. It's a pending. What happened is it was reassigned right when this was made. So there's one more that's pending. So that would be added to that last list.

Ms. Green: Okay, I forgot to close public testimony. Is there anybody else who wanted to testify? Winnie, come on.

Ms. Winifred Basques: . . . (spoke in Hawaiian) . . . I got to teach you guys Hawaiian now. Okay, I support Jim and Randy Coons from way back, from the 60's. That's how I knew them. Because why? My mother in law used to work at the service station, the Nishimura's service station now, at that time. Then went over to Coon's service station. There was Tsutsumo and Shigeo Tsutsumo. Okay, I support them because I used to work for him. Tour driver, okay, check the car that's coming in, pump the gas, and whatever else it is about. Because when you work for somebody, it doesn't say, any other related duties. When I worked for State, it say, and any other related duties, and you do not know what it is all about.

Okay, I support Jim and Randy, we go way back, I tell you. And then on top of that, they are so aloha. Where do you see these two guys come, bring the turkey, bring the rice and give it to everybody? And one year, there was shortage. They had to get another barge to come in and bring some more turkey and rice. This is all about, this is aloha. You give and they give back. It's not the kind, you give me and then forget it sista or forget it bradda. You know I talking like a kanaka, okay.

When I see these two brothers all the time. In fact, I going tell you straight. I went to a DNLR office, I testified for them. Why? Because they wanted the slip. You know how much they paid out of their pocket. I going tell you. \$75,000 out of their pocket.

Ms. Green: Winnie, let's keep this pertinent to the discussion please.

Ms. Basques: Yes, no, but it's up them. This is to them. I am talking about the --. Jerry? Jerry . . . (spoke in Hawaiian) . . . Okay, another one. One more.

Ms. Green: Winnie, do you see all these people here?

Ms. Basques: Yes, I do.

Ms. Green: We have a lot to go through today, so if you'll be succinct I'd appreciate it.

Ms. Basques: I know. One more thing. The Koele, I don't like it. You folks have -- they had ruined the history of it. Thank you very much.

Ms. Green: Winnie, can you wait and discussion on that agenda item?

Ms. Basques: I cannot go because I got to go to work. You know, I thought I was retired, but I got to go to work. Okay, bye.

Ms. Green: Okay. Aloha. Mahalo. Thank you Winnie. Any questions for Winnie? Okay. Thank you. All right, so any other public testimony? Okay, thank you. Jared, would you like to --? Well, I guess we need to see any discussion from the Commissioners? Jerry? I'm sorry, Jared?

Mr. Burkett: Okay. The Department has found the application to be complete. And the applicant and the property are eligible for a short-term rental home. There were no reports filed with the Police Department for this property. There are no request for service on file with this property as either.

As it was stated Mr. Gabriel Lucy will be the designated manager temporarily, and then a new one will be designated. I conducted a site visit, and confirmed that the property is as it is represented on the application, and that all conditions for approval have been met, including that the house rules were posted, that there are approved fire extinguishers that are accessible, and there are smoke detectors that are operating, and the designated parking is in place.

So the Department has found the application complies with the applicable standards for a short-term rental home permit as described by Maui County Code, Section 19.65.030. And therefore, the Department is recommending approval of the short-term rental home for a three-year permit subject to the 22 standard conditions. And I would like to remind everyone if when you have your discussion if you would be sure to state in the, in the code from Section N, if you have any reason not to approve this so that we can have some reasons on the record. Also, in consideration of the foregoing, if the Commission approves the permit, then the Planning Department recommends that the Lanai Planning Commission adopts the Planning Department's report and recommendation as its Findings of Fact, Conclusion of Law, and Decision and Order, and to authorize the Planning Director to transmit said written decision and order on behalf of the Planning Commission. Thank you.

Ms. Green: Thank you. Commissioners, do we have any comments?

Ms. Preza: Sorry Jared, just to clarify, so you said a new property manager would be designated that would be on island, but Gabriel is used just temporary?

Mr. Burkett: There's an option to have a temporary property manager, and yes, like you said, they have to notify the Department of a permanent property manager.

Ms. Preza: Right, because I think, right, because what I think everyone was trying to say was having a property manager on island that can be accessible, and I think they understand that. I think that should be a part of their application, or at least forthcoming, if they get approved.

Mr. Burkett: It is a requirement in the Code so they would have to.

Ms. Preza: Right. So the temporary one doesn't -- he doesn't need to be within an hour.

Mr. Burkett: They do as long -- if they're operating that way. So it can be a temporary manager for the time being, but they can't operate until someone is within an hour, living within an hour.

Ms. Preza: Okay. Thank you.

Ms. Green: Do we have any other comments? Go ahead.

Ms. Chelsea Trevino: Thank you. It's just in regards to the manager designation because the form does not reflect somebody who is an hour away, within the 30 miles driving vicinity. So thank you. We do know who Nicky is, but I think for clarity sake, not just verbally, maybe you can have both of their names listed on here or something. Because that directly is not conforming to what the requirement is for that, and that is the only thing that I see as far as nonconformity.

Ms. Green: Okay. If nobody else has a comment, I would make an amendment to No. 9 on your list of recommendations. This states that each permitted dwelling unit on the property shall be rented to one group, and I would put period there. Because it then says with exceptions being on the island of Lanai or where the owners resides on an adjacent lot. So if you could make that one change that will be a condition that we would make, or that I would make.

Mr. Burkett: If you all vote for that, then I'd definitely --

Ms. Green: Right. I think that was kind of what several people already said that --. Okay, is there any more discussion or would somebody like to motion please?

Mr. Rabaino: I'll make the motion. Okay, the Planning --

Ms. Green: Wait, Jerry, we have one more comment.

Ms. Menze: My only conflict with this entire thing is that we put Alicia through the coals for being within the 500 foot square radius. And maybe I'm not being able to understand exactly was the reason that it was so hard with Alicia's that we had opposition and fore, and this one doesn't have really anything on either side except one person who lives within that 500 square foot radius that is pro. I'm just wondering why it was so hard to do the last short-term rental, and why this one is not as difficult?

Ms. Preza: Sorry, Sherry, just to --.

Ms. Menze: Do you know what I mean?

Ms. Preza: This is my opinion. I think that with Alicia's application there a lot of people who came forward from both sides, and so I think that's why there needed to be more discussion. There were a lot of people within her radius that did not want. There were a lot who did and I think that's why. And there were a lot of opinion happening about short-term rentals in general that kind of got tagged on to her application. But with this one, you know, no one within the 500 foot radius have expressed any concerns. It seems like you guys have good intentions, so thank you so much for coming.

Ms. Menze: I just wanted to put that into the record and to be clear on that for all of us because that was a real heartbreaker on Alicia's. I mean, I agonized over that one, and this one I'm not agonizing over it at all.

Ms. Green: Okay, thank you.

Ms. Menze: Thank you.

Ms. Green: Thank you Sherry. Thank you Shelly.

Ms. Trevino: I think that the issue the last time was that there were people within the 500 radius who came to the meeting and said that they did not receive notification. So the small concern here is, yes, there is no opposition and there is people who do approve it. However, how do we know that people have received their notice to put in opposition? Because the last time we were assured that people had received and they hadn't. So, I think that was part of the issue with the last -- the one that came forward.

Ms. Menze: I just wanted to have. I just wanted to have --

Ms. Trevino: I'm sorry. And so I think we really have to be diligent on making sure that things are meeting the requirements that are necessarily even if it's something as simple as who's on the form as the manager based on the requirements that the County has set in place. So I just wanted to say that contributed majorly to the other, the other.

Ms. Menze: I just wanted to have that discussion with this one as we agonized over the last one so that we would know that there's no opposition and that we could move forward with a clear conscience.

Ms. Green: Okay. And Jared and Debbie, I am going to assure after the last incident that you have checked, double checked, and tripled checked? Okay, Jerry.

Mr. Rabaino: Okay I would like to make a motion. Recommendation prepared for the March 20th, 2019 meeting and facts finding to obtain a short-term rental permit to operate a three bedroom short-term rental in the County R-1 Residential Zoning District and state district, with the understanding that No. 9 on page 3 is inserted as part of the condition.

Ms. Green: That is abbreviated, Jerry.

Mr. Rabaino: That it's abbreviated, okay.

Ms. Preza: Can you also add that an on island property manager is also added. So he's moving to approve with conditions.

Ms. Green: So Jerry, let me reiterate that you are recommending accepting the County's approval or the County's recommendation to approve the property at 436 Gay Street with the recommendations from the County plus two --

Mr. Rabaino: No. 9 and --

Ms. Green: On No. 9, no. On No. 9, to abbreviate No. 9, with a period after one group. And also to require them to have an on island property manager. And this is what you intended. Is there somebody who will second this?

Ms. Shirley Samonte: I second.

Ms. Green: Okay, so Jerry has made the motion, and Shirley has seconded it to approve the application from the Coons with the two --. Well, with the recommendations from the County and the two changes. Okay, is there any further discussion? Okay, there being none, those is favor? Opposed? It passes unanimously. Okay, thank you.

It was moved by Mr. Gerald Rabaino, seconded by Ms. Shirley Samonte, then unanimously

VOTED: To accept the County's recommendation to approve the short-term rental home permit with the two additional conditions as discussed.

(Assenting: R. Catiel, S. Menze, S. Preza, G. Rabaino, S. Samonte, C. Trevino)

(Excused: J. Delacruz, M. Martin)

Ms. Green: Okay. Well here's the deal. I know there are a lot of people here and I suspect it's for the next agenda item. Is the plan -- maybe Ann I'll ask you -- is the plan to have a presentation on the noise study and anything else? I'm just wondering where we can take a break.

Ms. Ann Cua: The Commission could take a short break now. The plan is that I would just give some opening remarks. There will be a presentation from the applicant because you deferred action and so they need to respond to the reasons why you deferred action. And then we're going to need to go through discussion, analysis and voting. So it's the Commission's choice as to when you want to take a break.

Ms. Green: It looks like we have some people who would like to take a break now, so why don't we take a five minute max break, okay. Thank you.

(The Lanai Planning Commission meeting recessed at 6:00 p.m. and reconvened at 6:07 p.m.)

D. UNFINISHED BUSINESS

- 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) (Public hearing was conducted at the November 28, 2018 meeting and Commission action was deferred.)**

MEMORANDUM

The Commission may take action on this item.

Ms. Green: I think we have a long evening ahead of us so let's get started again. All right, we are now on Item D, which is unfinished business, Lanai Resorts 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, etcetera, etcetera. So, this is going to be a little different tonight, and I'm going to start by reading you a statement, and then I'm going to be turning the mic over to Shelly here.

Prior to the November 28, 2018 meeting of Pulama Lanai, and this was the first time that we discussed this topic, I contacted Richelle Thomson, our Corporate Counsel, to ask if I should recuse myself from discussion on the Adventure Center because I am a member of the Island Club. After some discussion, it was decided that I do not need to recuse myself so I chaired that meeting. Then several weeks ago I received a call from Richelle and Ann Cua saying that they had received several requests from people in the community asking that I recuse myself when discussing the Adventure Center. Apparently people are concerned that I was compromised because I am an Island Club member. I don't know if these people realize but I do not --. I live down at Manele, not at Koele, so whether or not the Adventure Center is built on the 17th and 18th fairways, it will have no impact on us.

Furthermore, for the last two years, Pulama Lanai has been very consistent in saying that they will never reopen the Koele Golf Course. They are adamant that it's gone for good. So approving or denying the use permit for the Adventure Center will not change that. So once again I have decided not to recuse myself.

However, since questions have been raised, I do not want to compromise the integrity of this meeting in any way, so I have decided to step down as Chair for the duration of the discussion on the Adventure Center, and one of the other board members, it's going to be my Vice-Chair Shelly Preza. Okay, for the duration of the discussion on the Adventure Center.

And before --. But there's one item before I turn the gavel over. While discussing this topic with Richelle and Ann, I was reminded that I am not supposed to ask questions without the rest of the board being privy to the discussion. And they had apparently been informed that I had violated that rule. Let me explain what happened.

When I read in the application that the anticipated number of visitors to the Adventure Center is expected to be equal to or less than the visitors to the once existing golf course operation, and this is in Section 2, page 3, it seemed to me that it would be important to know exactly how many golfers played at Koele. After all the application also states that the Adventure Center can accommodate up to 90 people at one time. That's in Appendix A, page 3. But Pulama Lanai had said that they were closing the golf course because they didn't get enough golfers. These seemed to be conflicting statements. So I decided to ask the golf pro if he had the statistics on how many golfers played at Koele. Unfortunately, he was unable to give me those statistics. I'm still curious to know and I would like to ask Lynn or Kurt if you have those statistics. Can anybody answer my question? Because you, you --. I mean, I think this is important to know because the statement that you say that the number of people that are going to be coming are going to be less than or equal to the number of golfers. But if we don't know the number of golfers, how can you make that statement? Okay, if you can get that answered for us later I'd appreciate it. Okay.

Mr. Kurt Matsumoto: I'm Kurt Matsumoto. I'm the CEO for Pulama Lanai. I don't have the number off the top of my head, but it was much less than 90 a day. And it was probably even

less than 60 a day. 60 would have been an amazingly great day at Koele. I think probably average would have been maybe 30 or 40 rounds a day at best.

Ms. Green: Okay, thank you Kurt.

Ms. Thomson: I'll keep this brief. But I wanted to just address the concern that we brought up with the Chair, and that is when Commissioners do their own investigations outside of all of the information that's available to all of the members of the Commission or Boards, those decisions can be challenged in court. So there are court cases in Hawaii where Commission members or the entire Commission had gone outside of the contested case framework and done their own investigations and court can void those decisions. So my concern is to, you know, make sure that this process is conducted in accordance with the rules, and so that, you know, we stay within the yellow lines. So that was my concern that I raised with the Chair. Thank you.

Ms. Green: I am going at a future time address this topic, but not now. I have one more paragraph to read and then I am turning the mic over.

Finally I would like to make it perfectly clear, I am very appreciative of all that Pulama Lanai and Larry have done for the island, and I want Larry to eventually -- I want Larry -- I want Lanai to eventually become self-sustaining. To that end I have steadfastly supported Pulama Lanai and Four Seasons, and I have testified in their favor in numerous occasions. But as a member of the Lanai Planning Commission I also feel that I have an obligation to represent the interest of the people of Lanai and to always to keep an open mind. Tonight I will listen to presentations and the public testimony before coming to a decision. However, I also need to have confidence that the information that I receive is entirely factual. And when necessary I will ask questions to make sure I completely understand the information that I have been given so that I can make an informed decision. Hopefully my questions will be beneficial to others as well.

So I apologize in advance but I spent a lot of time going through this information and I may have a lot of questions. So, I guess with no further ado, I will pass this over.

Ms. Preza: Hi everyone. Good evening. My name is Shelly Preza. I'm from Lanai. I have ancestral ties here and I grew up here, and so I feel very honored to be on this Commission and to be listening to all of you. I do want to say that I work with Pulama Lanai, but I am part of their cultural and historic preservation department and so that's a big part of my job. I don't, I'm not directly related to the Adventure Center. But if the Commissioners feel like it's okay, then it would be okay for me to help facilitate the meeting, discussion? Okay, great, so we'll move forward.

I think we will, we would like to hear the presentation from Pulama first before we open public testimony again so if we could turn it over to Ann. Thank you.

Ms. Cua: Thank you Chair. I just want to make a couple of opening remarks before I turn it over to, to the applicant. On November 28th, the Commission deferred action on the application by Pulama Lanai for the Adventure Center. And they deferred action for two reasons. One was to give the applicant time to prepare a noise study, and the second was to have them look at alternate locations for the Adventure Center. I don't know if all of you were here at the first meeting. The applications that are before the Commissions is Project District Phase II approval and a County Special Use Permit to allow the use of the Adventure Center.

At the last meeting, Commissioner Rabaino I believe was the person that suggested a site visit, and so the Department spoke with the applicant after the meeting and talked about, you know, how we could accommodate a site visit prior to the meeting recognizing that people work. And so we wanted to start it as late as possible but get as much on the, on the site visit to give everybody knowledge, and most importantly the Commission a little bit more knowledge to help you with your decision making.

So we conducted the site visit today at three o'clock, and there were approximately 30 people there, so that was really, really wonderful the attendance. After, after --. We sent a letter to the applicant in December notifying them of your deferral, and on February 12th, the Department received a response letter to your letter for deferral, and they enclosed -- this is from Pulama Lanai -- they enclosed the noise study and an alternate location analysis which we took, looked at it, and we prepared a memorandum with today's date that included both documents for your information.

After the preparation of our report, you noticed that our -- that the memorandum report that we sent you there are no letters of support, opposition, concern, and that's because we didn't receive from when we mailed out the report. But since then we've received a lot. I believe the Commission has all of them. We received most of them prior to tonight's meeting, but we did receive some tonight so the total letters that we have received, we received 257 letters in support of the Adventure Center, one petition with 25 signatures in support, one letter of opp --. No, I take that back. Sorry. Let's try this again. Scratch from what I wrote because I reading from the wrong page. With the letters that we received tonight, we have 257 letters in support, one petition with 25 signatures in support, four letters of opposition, and three letters of concern. It's the Chair's call.

Ms. Preza: Sorry, we're going wait for Chair's call for testimony. Thank you.

Ms. Cua: Okay, so what --. I think the plan for tonight is, I kind of just brought you up to speed as to why we are here tonight, what's happened and why we're here. Now, we're going to turn it over. The applicant is going to present to you their response on the deferral. And after that we'll come back and --. Excuse me. After their presentation probably would be a good time for you to ask any questions that you have. And then after that the Department will come back on and give our analysis and our recommendation when you're ready for it.

Ms. Preza: Thank you Ann.

Ms. Karlynn Fukuda: Good evening Chair and Members of the Lanai Planning Commission. My name is Karlynn Fukuda of Munekiyo Hiraga. We are before you tonight, as Ann mentioned, for the Proposed Koele Adventure Center. We filed a Project District Phase II application, as well as a County Special Use Permit application for the project.

We have our project team here tonight. Representing the applicant, Pulama Lanai, we have Kurt Matsumoto and Lynn McCrory. Representing the designers, Synergo, we have Erik Marter. The acoustic engineer AKRF, we have Christian Thompson. And myself, the planner, from Munekiyo Hiraga. We would also like to note that R. M. Towill Corporation was the civil engineer on the project.

I'd like to provide you with an overview of what the presentation will cover tonight. As Ann mentioned earlier there were the two comments that we received from the Commission relative to the deferral at the November meeting. One relative to the noise study, and secondly to look at alternative sites for the Adventure Center. So tonight following me there will be an overview of the acoustic study by Christian. Then there will be a review of the alternative site location analysis that was done. That will be done by Lynn. And then there will be a presentation on the Adventure Center, some additional information, by Erik of Synergo.

What we have here is the preliminary site plan for the Adventure Center. And you'll see this several times, so I won't go into great detail. But I did want to point out that the welcome center is located down here, and then the zip lines head down this way.

We note that the Project District Phase II and County Special Use application criteria have been met, and tonight we are respectfully requesting the Planning Commission's approval of the two applications in order for the Koele Adventure Center to proceed. At this time I'd like to turn the presentation over to Christian Thompson from AKRF to go over the acoustical study.

Mr. Christian Thompson: Good evening Commissioners, my name is Christian Thompson. I'm an acoustical consultant with a company AKRF. AKRF was established in 1981. Been operating for almost 40 years out of New York City. We're composed of 350 engineers, planners, consultants, scientists, that operates in 13 different states. The acoustic noise and vibration group which I'm a part of has projects in 15 states including the State of Hawaii. And that makes us very proud that we're able to service wherever people -- wherever there is a need we are able to go and provide services for them.

Some of most notable clients include Coca-Cola, the Ritz Carlton, the Museum of Modern Art in New York City, the New York Yankee's, and more.

A little bit about myself. Again, my name is Christian Thompson. I'm a senior technical director at AKRF. I have more than 10 years of experience as an acoustical consultant. I specialize in performing acoustical reviews of architectural mechanical drawings, performing complex noise surveys, detailed construction noise analysis using state of the art computer modeling, organizing all of these things, doing all of the technical analysis and report writing as well. My education, I received a bachelor's of science in mechanical engineering from the University of Hartford, along with a concentration in acoustics.

Again, just highlighting the project location. I'm going to talk a little bit later on about my acoustical model. We used this in our acoustical model to place all of the potential challenge course elements exactly where they're going to be so that we could calculate precise noise levels at various receptors.

So when preparing to do a noise study, the first step you that you have to do is figure out what you're comparing against. In this case we did some research and found the Hawaii State Administrative Code, Chapter 46, the community noise control chapter. But we wanted to take a step further. We also wanted to review what the ambient noise levels are in the area. The ambient noise levels are nature sounds; winds rustling through the trees, wildlife, birds, animals, insects, that kind of noise. And we also wanted to compare noise levels to lawn care activity since this was a former golf course.

Now I'm going to use a couple of terms that you may or may not be familiar with for the rest of my part of the presentation. The first is dba or a-weighted decibel. That's just a way of categorizing decibels, and more accurately reflects how the human ear hears things. So the code is written in a-weighted decibel, so I'm going to talk about a-weighted decibels tonight. I'm also going to talk about an L-10 or an L-10 20 minute. That refers to the sound level that exceeded 10% of the time -- that's the L-10 part -- over a 20 minute period. The reason I'm going to reference that a lot is because that is what the Hawaii Administrative Rules are based on is an L-10 20 minute.

So the requirements for the Hawaii Administrative Rules is 60 dba, L-10. The ambient noise levels that we measured were between 53 and 58 dba. And the lawn care activities that we measured were up to about 66 dba.

Next step, once we gather all that information and we know what we're comparing against, we have to go out and actually collect the data. We did a series of noise measurements at various locations. You can see some of the pictures up on the board there. The first round of measurements that we took was at an adventure park in Oahu, Coral Crater, where we used those measurements to determine noise levels from people using an adventure tower and other, and other similar challenge course elements. The second to the right, the upper right there was performed at Kualoa Ranch on Oahu to measure kind of the standard zip line with the metal wheel, kind of the worst case scenario in term of zip line noise. The third, in the lower left, is probably familiar. That's right here at the Villas at Koele where we measured ambient noise levels, and measured lawn care activities as well. And then finally in the lower

right, I went to the zip line manufacturer on Long Island, New York, and measured the difference between a metal wheeled zip line and urethane coated wheel zip line which is what this project will be using.

So you have all that data. There's a lot of actual work that gets done after that. I put everything into a spreadsheet so that I could determine exact noise levels from only the different challenge course elements. So only the zip lines by itself. No nature sounds involved, no ambient sounds involved. Only the zip line. Only the adventure tower. Only the individual challenge course elements. Adjusted those if we need to, and had a big spreadsheet with all of the, with all of the noise levels in it that I was able to put into a computer model called Cadna-A. Cadna-A is a state-of-the-art acoustical modeling software. You can see a screen shot of it here. You can see that it takes in topographic data. You can -- I was able to import data directly from GIS so that we have the exact hills, the exact curves that are happening right here at this site. So the computer model can also take into account distance, attenuation, whether or not the ground is soft or hard, will affect how sound is absorbed and have sound delays. It can also calculate reflections due to being in a valley or up against the buildings. It can calculate -- it can take all of those things into consideration. Oh, and also foliage. I was also able to calculate the attenuation due to the foliage that's existing onsite. It takes all of those things combined, and gives us noise level results at individual receptor locations. I could have put a receptor anywhere I wanted to. We had two receptors corresponding to Sites 1 and 6 which represents the residential receptors at the Villas.

So now just to distill all of those down into the final results. We looked at all the zip lines operating at once, all four of them at once, 30 people on the adventure tower, 30 people on the kid's adventure tower, two people on every single challenge course element which is truly a worst case scenario that is not anticipated. That would never actually happen in real life. I wanted to see what noise level will that give us. At Site 1 --. Well, talk about overall. The noise levels predicted at Sites 1 and 6 was from 40 dba to 44 dba with all of those adventure elements operating simultaneously.

And then looking at the loudest individual element. It was the zip lines. The zip lines, the measurement that I took, included people hollering on it as they were going down. It included the benefit the urethane coated wheels. I took all of that into consideration. I added all of that all together to come up with one number for that. So those were the loudest individual elements, and they were about 33 to 37 dba.

So now to compare that to the three items that we talked about earlier, the Hawaii Administrative Rules requirement of 60 dba. That's about 16 to 20 decibels less than the Hawaii Administrative Rules. Comparing to ambient measured noise levels, it's about nine decibels less. And then comparing it to the measured lawn care activities happening on the site, it's about 13 to 26 decibels less than those measured values.

Now I'll turn it over to Lynn.

Ms. Preza: Sorry, we're going to hold questions until after the entire presentation. Thank you.

Ms. Lynn McCrory: Lynn McCrory, Pulama Lanai. We were asked to look at alternative site locations. Where else could the adventure center go? We have one specific site location mentioned at the November meeting and that was LASR, Lanai Archery and Shooting Range. And then we found two others that we added to that.

So let's start with Lanai Archery and Shooting Range. What I'm showing you on this map is a map of the hunting areas on Lanai. And what you'll see it's pretty much everywhere. LASR is the small vertical red line that is towards the middle and top. And as you look at it you'll find that there's a shot gun area, archery area, and rifle areas around it. And LASR itself is shooting, it's shot gun, and it's archery, and it will be other additional things.

This is a concern for safety. For the guests, this is not conducive and matching a wellness center. When you look at that and you say, well, let's see where would we put it? LASR takes the whole 15 acres. There isn't another place out there. So we would have to go out into the hunting area, take additional land, and I don't know if you've ever looked at some of the hunters, but they're pretty specific and they want all the land that they can get. And not only that, they don't want anyone else walking anywhere near it because it scares the animals, so they're not happy about that.

So that was probably the main issue. Then when we dealt with utilities because LASR is at full capacity. In fact, they don't even have enough water to do the irrigation, there's no other utilities up there. We would have to have electric, water, sewer, a whole range of things, internet access that isn't there.

The other part that doesn't work with this site is the distance from Koele. They have to actually drive up there to do that versus being right at Koele.

And the last piece on why this wasn't considered is the amount of grading that would have to occur. It has to be leveled. These are hills, and valleys, and we took the ride up there, it's not, it's not leveled by any stretch of an imagination. So, we eliminated this one.

Palawai Basin is an area that we actually looked at a few years for putting the Adventure Center. I'm bringing you -- I'm showing you kind of one of the layouts from that so you can see that we actually did look at it. Once again, this is in the game management area, it's a hunting area, so we're right back with the issue of safety and what does it do.

Here the infrastructure costs are even more because there is no other infrastructure out there. And you would also have to get an entrance on the highway from the DOT, which is never, believe me, never fun. In this situation, you also have additional travel time. Not differently than the other. And the site terrain at Palawai would require significant grading. It's one of the reasons we didn't choose that site.

The third site was suggested by one of the planners at Maui County, and they said, you know, why don't you look at Koele Stables? It's right across the road. You know, you don't have this long distance to travel, that would make it easier. Well, when you look at the area it's kind of devoid of trees, so the Adventure Center would have to go up with poles everywhere. Not quite what you're looking at, and I'm not sure how we do a zip line on flat land. That doesn't quite work.

The other piece is that when you look at the area from the various housing areas, DHHL, Kanepuu, and Iwiolo, there is nothing in between there. The sound will travel very easily and I don't quite think that would be an acceptable situation. So, add to that the guests have to cross Keamoku Road which is truly not one of our busier roads, but in order to have safety, you're going to have to put up a pedestrian and crossing sign so that we don't have an issue with that. So this one was eliminated.

So we're back to the Koele Project District, the golf course site. And the reasons we like this, very simply, it's adjacent to Koele Wellness Resort. They can go back and forth. They can walk there. There is no additional infrastructure required. Water is there, sewer is there, electric is there, internet is there. All of that is available out of the welcome center, so that's in place. No additional shuttling of guests to any other locations. They're right there. And it works to fit on the golf course, within the concept to the sculpture garden and the wellness themes.

I'll bring up Erik Marter.

Mr. Erik Marter: Hello Commissioners. It's good to see you again. Nice spending the afternoon with you. I enjoyed stomping around with you in the mud, and out and about. I'm going to keep this part brief. There's actually two parts for me. One is a very brief discussion and then the other one is a short video we want to show you, with your permission.

I mentioned before our company's goal is to empower people to empower themselves, to step up, take charge of their lives, get themselves going. Whether it be youth, kindergarteners, high school, eight graders, adults, people in treatment, people who are athletes. It does not matter. We want to get people taking control of their lives and growing. That's what the wellness center is all about. That's what the adventure portion is about. It's an experiential opportunity for people to get to know themselves, and get to know each other, and communicate in a nice way.

We have three specific areas that we're working on. The challenge course which is designed for team building, getting groups together, having discussions that are important. It's done through experiential activities so it promotes discussions really well. Just sitting around a circle and trying to start discussion doesn't always work well. When we have an activity to do, it tends to bring people together really well, gets them going, and gets some great discussions.

The adventure park is something similar but it's a little bit more individual oriented. People climb up on a staircase and go to about 30 feet high, and climb around on different activities. It can serve as an obstacle course, but they're not really obstacles. They're fun bridges, and platforms and stuff that go around. It is a really fun thing to do on your own, and you look at it, it's intriguing, and it's inviting. And then when you do it, typically people feel very empowered when they're done.

And then we have the zip lines. We have a perfect spot for zip lines on this hill. The dynamics of that hill when I saw it were just perfect for the type of zip lines we want to build. There are -- some of them are going down seated position, and then some of them prone position. But really cool design and we're working with a state of the art builder to make sure it's coming out just perfectly.

And now for a video. (*Played a video*):

"We're all born knowing a secret place. The map to get you there is imprinted in the back of our minds. In certain moments of our life, certain meaningful experiences or events, we follow the map without realizing it. After traveling through the familiar corridors of our mind, we arrive at a vantage point overlooking a spectacular wilderness that exists outside the limits of our comfort zones.

A wise person once said, it doesn't interest me where, or what, or with whom you studied. I want to know what sustains you from the inside when all else falls away.

It doesn't interest me what you do for a living. I want to know what you ache for, and if you dare to dream to meet of meeting your heart's longing.

It doesn't interest me who you know or how you came to be here. I want to know if you will stand in the center of the fire with me and not your back.

It doesn't interest me how old you are. I want to know if you'll risk looking like a fool for love, for your dream, for the adventure of being alive.

We look out towards a horizon of the unknown, populated with our fears, doubts, and insecurities.

As a bold traveler, this place is also a home to some of the greatest treasures on earth: growth, empathy, confidence, trust and triumph.

It's not a journey for the faint of heart. It's not comfortable. It's not the easy road. And it's not the path of least resistance.

When you turn around at the top of that cliff and realize you've got the support of your team at your back, that you're not alone in this place, the possibilities for discovery are infinite."

Mr. Marter: I hear a lot in the world, the conversation not my backyard. I've been doing this stuff since I was 13 and I'm 52 now. It's not loud. It's not obnoxious. It's empowering. It is amazing. The growth that we see in adults, in youths, in teams is amazing. I work with MBA players. I work with hockey professionals. I work with youth that are invested with drugs and alcohol, and it changes them and it works. Mahalo.

Ms. Preza: Thank you for the presentation. And thank you all for sticking around. I know it's getting late so I appreciate your time. So before I reopen public testimony when people can say what they would like to say and ask the questions that they would like, I do want to just touch on a couple of things that I think will come up. And that's for some people who weren't here for the November meeting. I just want to give some background. So the application that Pulama is asking for is a change in permit. I'm sorry, a permit for change in zoning. So they already have their grading permit. Oh wait, sorry, special use. Oh my gosh, I'm so sorry. Yes, Special Use Permit so that they can use the area in order for them to operate the Adventure Center. I'm so sorry for my mistake. But they already have their grading permit and so they --. We learned this today when we went our site inspection that they can technical build what they would like, they just can't operate it without a Special Use Permit, just so everyone is on the same page, right.

And I think, because I think something else that will come up for those of us who were on the site inspection was a comment, is probably a comment on that there has been construction happening already. And so I just wanted to give Erik a chance to speak on that because I think you answered that question while we were there before because I think some people will have some questions about that.

Mr. Marter: So as part of the grading and the reforming the ponds out there, one of the tower for the adventure park sits in the middle of one of the ponds. And as they're redoing that it was much less expense to pour it all at once, so the footings and foundations were poured at the same time as the bottom of the pond was redone. So people were wondering like how come it's already built out there. It's not built. All that get covered with water, but it's a lot better to do that now, then to cut it all back out later and redo it all. It would cost more than double to do that.

Ms. Preza: Thank you for the clarification. Do you want to hear public testimony? Oh, wait. We're going to, we're going to wait. Sorry, people here are waiting for public testimony so I'm going to reopen that, but I would like to reiterate that since there's so many people here and it's already getting late, we would like everyone to keep it three minutes as much as possible, and we will try to enforce that. I know everyone has a lot of good input, but just to respect everyone's time. So, let's see, Walter is the first name on this, so would you like to testify? Thank you.

Mr. Walter Treiber: Thank you Shelly and members of the Commission. My name is Walter Treiber. My wife, Carol and I have been homeowners in Koele since 1995. I'm sorry that Ron

McOmbert left, but he kind of hit the nail on the head when he said the people at Koele were going to be exposed to this all the time that the Commission listens very thoroughly to them. From the time, in 1995, to today, we've enjoyed the peace and tranquility that our home and surrounding has allowed us. We wholeheartedly support the wellness destination resort. We feel that its presence will enhance the community and provide employment for the many Lanai residents. In that addition providing more opportunities for guests of the resort to visit local merchants.

Unfortunately we talk about the Adventure Center in our opinion --

Ms. Preza: Sorry, can you make sure you talk into the mic please? Please speak into the mic please? Sorry.

Mr. Treiber: Okay. One specific aspect is the disrupter. The disrupter is the proposed zip line. This past week's Maui News highlighted the noise problems with zip lines at various Maui locations. It's my understanding, and we heard tonight, there have been a number of letters written to the Commission in support of the Adventure Center. There are certain aspects of the proposed Adventure Center that though we are not keen on we could support.

The zip line and attendant noise scenario as pointed out by zip line neighbors on Maui is a definite no for those of us that live at Koele. Which brings up a very critical point that is the best of my knowledge not one person at Koele has written in support of the zip line. It is my understanding that the letters of support from people that did support it lives two to four miles away. Come on, if I lived two to four miles away, you could do whatever you want up at the Adventure Center.

We all know the old adage, and Erik mentioned it, not in my backyard. But let me tell you that's really true. If this zip line was in the backyard of the people who wrote the letters of support, I doubt they'd write the letters of support even if their job depended on it.

Those of my neighbors at Koele support opposition regarding the zip line. Therefore I recommend that Lanai Planning Commission if they are considering approving the Adventure Center, they do without approving the zip line. Thank you for your consideration and let noise be your guideline. Mahalo

Ms. Preza: Thank you Walter. Next on the sign-up sheet is Patrice Moynihan. You would like to hear other, so you'd like to go afterwards. Okay. So everyone wanting to sign, so anyone in the audience would like to testify? Sure, you have the mic. Thank you.

Mr. Howard McNair: My name is Howard McNair. I'm a homeowner. My wife and I are up at Koele, and we've lived there full-time for about seven years now. And I just want to ready a quick -- maybe quick -- letter.

Donna and I full-time residents. We appreciate what Mr. Ellison has done to improve our island and to give it new life. We have supported Mr. Ellison's interest in accomplishing his many goals. With that said, I do believe that there's an error being made in the selection of the location of the Adventure Center that is currently proposed.

Does everyone know the meaning of Lanai? And it comes from the Hawaiian language and means a roofed structure without walls. It's a -- a lanai is an open connection between the indoors and the outdoors, a place to sit and enjoy the beauty and marvel the peacefulness and whatever surrounds you.

When the Four Seasons built the Manele Bay Hotel, down below -- redid the Manele Bay Hotel down below, the universal agreement was that it was amazing. It was a world class facility, an absolute winner. One thing however that stood out and in no way was complimentary was the music that was being played. And for several months it went on. And it was a euro beat kind of w-hotel sound that was really cool, it was a neat vibe, but it didn't belong here. And after a few months it was changed to a Hawaiian style music. We now hear our local artists, and its beautiful music that -- and the songs that are preformed enhance the Hawaiian experience.

The Adventure Center seems to be a stark contradiction to the serene and peaceful environment that embodies the Koele. I heard of one of Pulama's spoke people suggest that there will be waterfalls that will mask the noise of the local neighbors. To everyone present and reading this letter, I say there's no substitute for quiet. The waterfalls will mask the noise and at the same time diminish the quiet that allows you to hear the birds singing or the wind blowing through the trees. You cannot create quiet with more noise.

In closing, Koele is a majestic and unique place. This environment has a way of calming and soothing the stresses so many feel in our fast pace and busy world. It is truly special and we better recognize it before it is taken from us. Unlike the music at the Four Seasons Manele Bay, once the Adventure Park is approved and built, we cannot simply turn it off. Having the Koele -- haven't the Koele homeowners endured enough loss? Our Lodge, the golf course, the ponds, and the many friends and neighbors that have departed because of the many changes.

I therefore ask the Planning Commission and residents of Lanai to disapprove the current plan location and to keep Koele pristine. We are not against the Adventure Center or the zip line, just the location. Thank you.

Ms. Preza: Thank you for your testimony. Yes, sorry, before your question. Sorry, before you question for him, can I just --? Sorry, this is no disrespect to you, but this is important is the name of this island is Lanai. So a lot of people mispronounce Lanai. Lanai is porch or veranda, but Lanai means day of conquest or day victory, and I just wanted to point that for everyone. Thank you. But Commission members?

Ms. Green: Howard, I have a question for you. Before we had this hearing last time, had you ever been approached or ever talked to anybody at Pulama Lanai about this Adventure Center?

Mr. McNair: No.

Ms. Green: Okay, because you know they've had presentations and things in the community. So, you have not talked to anybody.

Mr. McNair: Well, I mean, I've come to meetings, but nobody has come to me, to approach me and talk to me about it.

Ms. Green: Okay, good. Let's see if I had any other questions here. I guess that's it right now.

Ms. Preza: Any other questions for Mr. McNair? No? Okay, anyone else would like to provide testimony? Yes, you in the back. Thank you.

Mr. Said Haykal: Aloha. Good evening. So my name is Said. I am here on behalf of Four Seasons. So this letter is in support of the proposed Koele Adventure Center project currently under consideration. The purpose of my support for the new Koele Adventure Center is to be able to provide not only our visitors and -- not only our visitors with new activities and experiences, but more importantly our local community. The Koele golf course has been closed for over four years now, and it's time for us to add additional experiences for our families and children to enjoy.

In order for Koele to be successful, we need to create a unique experiences that will separate it from the rest of the options available tour guests, especially being that it's not a beach resort. A wellness experience with activities provided by the Koele Adventure Center will enable us to do so. This will allow us to market Lanai to a much larger scope of guests and visitors and improve our economy.

Based on the presentation that was done before, a study was completed and the findings revealed that the noise levels were below the decibel limit. Other potential sites were also explored but findings proved that those other sites would conflicts with other activities we currently have on the island.

So in conclusion I believe that the addition of the Koele Adventure Center will be of great benefit for our beautiful island as well as for our community.

Ms. Preza: Thank you Said. Do you Commissioners have any questions for Said? Thank you. Anyone else would like to testify? Thank you.

Mr. David Green: My name is Dave Green. Thank you Commissioners for serving, and we appreciate your time and effort to make a good decision. I testified at the last Planning Commission meeting that I am not against the Adventure Center. In fact, I can support it in the right location. And I do not believe that putting it on the 17th and 18th holes at the former Koele golf course is the right location. Excuse me. Do I get more seconds for my cough?

I continue to have concerns about the noise emanating from the Adventure Center. Even after reading the acoustical study, there is no way that kids are not going to cheer, giggle, scream in the kids adventure park area and on the four zip lines. Kids are spontaneous.

I am concerned about the noise coming from the Adventure Center that is dangerously close to the Villas at Koele. In 2006 and 2007, we lived in one of the villas that is closest to the proposed Adventure Center, very near where Mr. Treiber lives. We could clearly hear golfers talking and cheering when somebody sunk a long put. That is because there is a valley perpendicular to the 17th fairway and the wind comes from the northeast directly towards the back yards of these villas. The 60 to 90 people in the activity center, the people noise will be much greater than they were when only four to eight golfers on 17 and 18 at one time.

Even the acoustical study states that occasional -- and I'm quoting -- occasional participant vocalizations or yells or screams, or the noise of the zip line itself, may be audible at times when the ambient noise levels are quiet. Except for the current construction noise, it's always quiet at the Villas. Just rustling trees, birds chirping, the wind, and the occasional lawn maintenance.

Ask yourself, would you like to have excited, joyous kids giggling and yelling close to your backyard, a zip line -- on a joyous kids giggling and yelling on a zip line in the back yard of your house? I wouldn't.

The rationale for locating the Adventure Center on 17 and 18 of the former golf is its proximity to the Wellness Center. If it exclusively for the use of the guests at the Wellness Center this location makes sense. However, the current proposal was also focused on groups and kids who would not even be allowed to stay at the Lodge. So why shoehorn the center in between the Lodge and the Villas when there are areas better suited in space and climate with the current proposed location.

In January, Kurt Matsumoto told the Island Club members in his annual State of the Island talk in January that the Adventure Center is for the use of the guests at the Koele Wellness Center. He also added that there will be no group staying at the Wellness Center.

Ms. Preza: Sorry, David, please wrap up.

Mr. Green: Pardon?

Ms. Preza: Please wrap up your three minutes.

Mr. Green: Okay. This implies that the atmosphere of the Wellness Center is one of tranquility. In that case, then you don't need kids adventure park and four zip lines in the adventure center.

One of the major reasons resident are supporting the Adventure Center is having day trippers visiting Lanai spending their money. That would be great, but is it likely to happen? It would if day trippers would come to Lanai just to go to the Adventure Center. I think that's a long shot. The Coral Crater Adventure Park and the Kualoa Park are on Oahu. There are higher and longer zip lines on Maui. So the reasons anyone would come to the Adventure Center is if they're staying at the Wellness Center.

While I like most residents hope that the reincarnation of the Lodge into a Wellness Center will be wildly successful, and I'm not opposed to the Adventure Center concept. I just think it should be built in a more suitable location.

Ms. Preza: Thank you David. Do Commissioners have any questions for David? No? Thank you. Oh, Jerry, you have a question for him?

Mr. Rabaino: In your statement with Kurt Matsumoto, in your letter, in your statement with Kurt Matsumoto, you said that children not going be staying at the hotel, I mean, the Wellness Center?

Mr. Green: . . . (inaudible) . . .

Mr. Rabaino: I got to think about that one. Thank you.

Ms. Preza: Thank you. Anyone else would like to testify? Okay, we're going to have to try to keep this --. Maybe we can keep this short. If these letters were provided to us --. They were not. I'm sorry, I did not receive it. Did I? Okay, I'm sorry, I did not receive this signup sheet. I have a different one in front of me. Okay, we will use this. Pat Taylor. Okay, Paul Taylor, I'm guessing no. Phoenix Dupree.

Mr. Phoenix Dupree: Thank you. A wise person from this island once told me everything on Lanai has a second life. I'm Phoenix Dupree, co-owner and general manager of Blue Ginger Café. We've watched a lot of small businesses come and go over the last 30 years. We've watched the rise and fall of Koele. You could say that the economic life of this island over the resort area was like a twin engine plane with Koele and Manele as the two respective engines.

When Koele closed, our heart really sank, but we're very excited about the opportunity for it to reopen. Without Koele this island has been operating as a one engine plane, and it has had devastating consequences for our small business communities. Three popular

businesses that we've lost in the last three years: Canoe's, the Poke Shop, and Anuenue Juice. It is my testimony today that the Adventure Park in association with the Wellness Center will be good for local business. That it will bring local, bring local people back up to our town, and that it will serve as a vehicle to allow us to reconnect with our neighbor island clientele.

In terms of the two areas of focus for this meeting, location and noise. For location, this does seem to be the perfect location. It does fill the premise that everything on Lanai has a second life. It allows a second life for the golf course, for the golf club house as a head quarter for the parking lot, as well as for all the utilities that are already in place. Other locations, they seemed to have a lot of problems. They are out of the project area. They're not accessible. They're going to require a lot more time, and lot more investment in infrastructure. We need Koele to be up and running at full speed as soon as we can get it going.

In terms of noise, I realized that there's going to be some noise in that area for local residents of that area. And yet, the study shows it's going to be less than the sound of the wind, and the sound of the birds. And I think significantly less than the loudest allowable sound on this island which is your neighbor's rooster crowing outside your bedroom window at four in the morning. But you know we can never underestimate the popularity of upcountry activities. I know I have. Okay, I never thought the cat sanctuary would draw 10,000 people a year to it, or that it would be featured in *People* magazine. But yet everyday people come specifically to the cat sanctuary and then afterwards they come to Blue Ginger for lunch. I believe the Adventure Park can raise the vote, and raise everyone's vote here by serving as another magnetic attraction.

I told Larry Ellison can find a way to bring the beach up to 2,000 feet, we need a combination of upcountry activities that will make everyone think, let's visit Lanai. And as far as --

Ms. Preza: Sorry, could you finish up Phoenix?

Mr. Dupree: Okay. And you want to get generation-z and millennials back off of Instrgram or Snap Chat, send them to the Adventure Park. This would be perfect for on island and off island sport teams because it's good for team building and it would help with overcoming with physical challenges.

So in conclusion, I would ask you to support this Special Use Permit for the Koele Adventure Park. I believe that it will help to increase local business activity that it will serve as a magnetic attraction to bring people back to Lanai. And it will help us to reconnect with our neighbor island clientele that we spent the last quarter century building. So I ask you to vote in favor of this Special Use Permit and give Koele a second life.

Ms. Preza: Thank you. Do Commissioners have any questions for Phoenix? No. Thank you. So next is Roxanne Robinson. I'm also going to ask Leilani if you could give a two minute-30

warning, and then the three minute. I do want to try to keep it there because I know we have a lot of testifiers tonight, and I want to respect everyone's time. Thank you.

Ms. Roxanne Robinson: Hello. Good evening. My name is Roxanne Robinson, and we live up at Koele. We purchased our home in 2001. Sorry. Okay, so we purchased our home on the golf course with beautiful views and the beautiful Lodge at Koele. The loss of the golf course was personally hard to take, as that is why we purchased our home at that location. However, we're excited about the plans for the Lodge to become a Wellness Center, and Koele is the perfect place for people to enjoy the special serenity of the area. It has always been a very special spiritual place. It is for this reason I oppose the proposed zip line. I believe the other challenge stations are a great idea to empower people to overcome fears of climbing, etcetera. It would be a great multi-generational activity.

So I have been to zip lines in Portland, Oregon with my grandchildren, and we had a blast. And we enjoyed the zip lines and the special bonding time. Part of the fun is screaming down the zip lines. These were built in the forest, not anywhere near a neighborhood or a wellness spa. I believe in their original plans, I thought the zip line was going to be in the opposite direction, down the old driving range. But I guess that's not the case now.

So finally we appreciate all the wonderful changes that Mr. Ellison and company have contributed to the island of Lanai. We are and have been supportive of the vision for Lanai to be fully sustainable. The opening of the community pool, theater, renovations of Hotel Lanai truly being outstanding. The only thing I ask is that Lanai Resorts respect their neighbors and the serenity of Koele by moving the zip line elsewhere.

Ms. Preza: Thank you Roxanne. Commissioners, do you have any questions? Okay. Next on the list is Alberta de Jetley.

Ms. de Jetley: Good evening Commissioners. Thank you. I think I am the only person in this room who has actually lived at Koele. My family moved to Koele when I was six years old. I left Koele to go to Honolulu to live when I was 17. Koele has always been a very, very special place, and over the years as things have changed, I've looked at all of the development, not only at Koele, but at other places on Lanai, especially since Mr. Ellison bought the island. And in my heart, I go, oh my god what are they going to do? And every time I've said that, I've had to eat my words because Manele is fabulous. The Four Seasons Resorts at Lanai is fabulous. I was at the Christmas Eve presentation where our children at . . . (inaudible) . . . performed. The interior, or the great hall is totally different. It's a totally different animal that they're building, but it's magnificent. When they started putting up the trees in front of Hotel Lanai, I thought, oh my goodness, what are they doing? And then when the trees were in place they were so magnificent. And I'm looking at this Adventure Park, and especially after seeing that wonderful video I can't wait for to be able to go up there and to take my children. The sound of children laughing and playing is music to my ears. There is nothing that I love more in my heart than hearing that people sharing adventures and laughing, and talking, and giggling.

When you look at the schedule, if people were coming from Maui to go to the Adventure Park, they're not even going to be up there until 10:30 or 11:00. They're going to be leaving the area by 2:00 because they want to go down to the beach. We have find other activities to bring people from the beach up into our town, and up to Koele. They, they -- the Lanai cat sanctuary is a prime example of build it and they will come. We are expecting more than 11,000 visitors next year to the cat sanctuary. We're trying to get those visitors up to come up to the town. With the Adventure Center, we'll be able to do the cat sanctuary, the Adventure Center, and our community. We need people to come to Lanai to enjoy what we have. And then at the end of the day, they'll all go home. And in the evenings, we'll still have the serenity and the peacefulness of Koele. So with all my heart please support this. We need this. Thank you. Mahalo.

Ms. Preza: Thank you. Any questions for Alberta? Thank you. Next on the sign up list is Andrea.

Dr. Andrea Ippen: Aloha. I'm Dr. Andrea Ippen, and I'm here to speak on behalf of Pulama and the Adventure Center. I understanding that you're asking people to keep it very brief so I will do so. I've been up in front of you before to support this project, and I just want to appear today to reiterate my ongoing support of the Koele Adventure Center. I think that the educational and the economic benefits to our community and to visitors of the community would be fantastic. And as Alberta said, we do need to have more projects that bring people from the beach to the town to enable them to spend their money in our community and increase the economic benefits. Thank you.

Ms. Preza: Thank you. Any questions for Andrea? Thank you.

Ms. Trevino: Can you tell us where you live?

Dr. Ippen: Yes, I live on Kaunaoa Drive at the southern end of the golf course.

Ms. Preza: Thank you. And next we have Margaret. Thank you.

Ms. Margaret Peary: Before you start timing me I just have a quick question. We are not --. I heard somebody else who wanted to ask questions of the professionals, you know, to --? When will we get a chance to ask that?

Ms. Preza: I think the protocol is if you have a question, you can pose it. And if we can't answer, then we can ask someone to consult. So if you have a question, now would be the time.

Ms. Peary: Well one of --. Actually, I had two. Has the Commission seen the grading permit?

Ms. Preza: Sorry, I don't know if we can address this because it's not the item on the agenda.

I haven't seen it, but the item in front of us now is the Special Use Permit, not the grading, which the County already granted.

Ms. Peary: So we hear, we hear the County granted it, but I know some people have tried to get a copy of it and we don't --.

Ms. Preza: Ann, do you want to speak to this?

Ms. Peary: Pardon me?

Ms. Preza: Ann, from the Planning Department, or can someone speak on this?

Ms. Cua: The Planning Department doesn't issue grading permits. I understand a grading permit was issued, but I don't have a copy of it. I do? Okay, I don't have it with me here, definitely. It's probably in my stack of stuff at the office.

Ms. Preza: Okay, thank you.

Ms. Peary: . . . (inaudible) . . .

Ms. Cua: I believe, it's probably public information.

Ms. (____): We have no number. No one wants to reveal the number.

Ms. Preza: Sorry. I want to keep this civil please. Thank you. Do you have another question Margaret?

Ms. Peary: Well, it did have to do with the process of the grading permit. And the only reason I'm bringing it up. I guess I'll start my testimony. This project won't affect me a bit, not one bit. However, I am still opposed to it. You may ask why. For me, this is not, a not in my backyard thing which came up tonight. It's all about preserving the aina. I'm not Hawaiian, but I still love the aina. And there's almost no place on this island prettier, more serene than that location at Koele. It's beautiful. When we visited today I was a part of the tour group, and I appreciate being invited. And I can't remember if it was the Planning, Maui Planning, or somehow knew about it and came. But, when we got to that area of the tour, I was, I was appalled at what we were looking at down in this big, cavernous, huge hole. And I think I went into a state of shock. I didn't even take pictures with my phone, and later I went, oh my gosh, why didn't take pictures? It was unbelievable. The amount of land -- I called desecration of the land. Other people that were in our group said it was rape. And that's what it looked like; raping the land.

Now I agree with what Walter said earlier and a few others have said, some of the other activities, you know, empowering people and making discussions and whatever, that's fine. I think that's fine. But the zip line, nope, I don't think so. And when I saw the presentations

that were done when Koele, the, you know, they had the layout of what the new area would look like for the hotel, and you know, all that. The very first video I happened to see when I went into the union hall was -- thank you -- the zip line. I was appalled then, I'm appalled now. And I'm just asking that you don't put too much stock in these 257 letters, form letters, many of whom are Four Seasons employees, Pulama Lanai employees, okay. I find this ridiculous, and it doesn't require you, oh, we have 257 letters, form letters, okay. Please vote no. Thank you.

Ms. Preza: Thank you Margaret. Do you Commissioners have any questions...or comments? Okay. Next on our list is Brian Du Bose. Brian.

Mr. Brian Du Bose: Aloha and good evening. I'm Brian Du Bose. I live at Iwiole which is right down the block from Koele. I'm the property manager there. I just wanted to say a few things real quick or ask a question or another. How many people in the room have been zip lining? Okay. Yeah, actually been zip lining. Have you zip lined? It is exhilarating. From a person with high blood pressure, it was the most fabulous thing that I've ever did. It made me feel great. I encourage everybody to do it, or parasail. But it just made me very happy, very exhilarated. I called everybody and told them to do it.

Prior to property management 10 years ago, I did sound treatment. I was an AV Tech for the local in San Diego. So all the concerts, we did sound treatment for. There's so many trees. The pine trees are going to block most of the sound, and it's not going to be all day long. So I just want to, just ask people to compromise because it's not going to be something that's going on all day long, and the sound of children is happy, you know. It's not going to be all day and all night.

Also, I wanted to ask if anybody understands that Koele is a beautiful place. That's what brought me here in 2012. Everybody should be able to see that. Everybody deserves to be able to come visit that. They'll spend money. I mean if they just stayed down at the beach at Hulopoe, you know, they're not coming up here, but they'll spend money at Blue Ginger. They'll spend money, you know, at Pine Isle, at Richard's if they come up here. So I think it's a great idea. I think we got to give a chance and compromise. Thank you.

Mr. Preza: Thank you Brian. One moment, Brian, can you stick around?

Ms. Green: Your last statement there, what's the compromise?

Mr. Du Bose: To give it a chance because like I said they're putting up sound treatment. And not only that, they're not even using the metal wheels. He said they're using the urethane so that's even quieter. So, I mean, you know, you've got to give it a chance first. I know people want to just keep things how it has been all the time, but that's not lucrative. Bringing this in is making more money, it's putting money in the small businesses, and that's what we need to be self-sufficient -- sustainable, excuse me.

Ms. Preza: Thank you. So that's everyone who signed up. So now I'll open it up for people who did not get a chance to sign up. I see a hand in the back who was the first one to raise his hand.

Mr. Bradley Russell: Hello everybody. My name is Bradley Russell, representing my family as well as Four Seasons, as well as my residence, and I currently resides at the Villas at Koele. And I just want to say the noise and the disturbance, or potential disturbance that this is going to have to that area, the business, the community, the educational benefits far outweigh that. I fully support the Adventure Center and all components of it including the zip line. Thank you.

Ms. Preza: Thank you. Commissioners, any questions? Thank you. Sorry, for the Commissioners. So next to testify will be...sorry, I see Wendy in the back. Momi.

Ms. Wendy Kaopoiki: Aloha, I'm Wendy Kaopoiki and I'd like to read my letter that I'll be submitting. I am in support of the Koele Adventure Center. I grew up on Lanai, and I'm a long time resident. The facility is needed to support the Four Seasons Koele and its wellness program. The center is being created on an existing footprint, previously the Experience at Koele Golf Course, and I personally would agree that this is the right location for the project. I'm also not concerned with noise levels since the appropriate studies have been conducted. I feel fortunate to live on Lanai, and I also know why changes need to happen as a bigger plan is being put in place so our keiki can live here too. Mahalo.

Ms. Preza: Thank you. Any questions for Wendy? Okay. Thank you. Momi. Aunty Momi.

Ms. Momi Suzuki: Aloha kakou. I am so disappointed. Just the thought of having the Adventure Center at Koele. It's unfair for the homeowners that are there. The noise will be - - you cannot keep children from screaming, and having special parties. Who knows if they were drinking before they went up there, you never know, you know. They bought their homes there knowing that their property value would go up, not down. And furthermore our church is there, and it's been there since 1930. I played ball up there. We've had a swimming pool right next to where the church is right now. And well, anyway, when Koele was built, they moved the church further toward the road and we have a saying that Reverend Keoni would say. If you went swimming in that pool, you know, you've been blessed. Why? Because the church was right there. So we're happy where the church is right now, they haven't put any dirt barriers when they were building. We haven't complained or anything, but we love it at Koele. It's quiet. And the noise, the barrier, if they made --. If you --. Anyway, I'm very against it, but I wish they would have it at the skeet range. And if they really made some serious agreements with the hunters, I'm sure they'll give how many acres do you need for this Adventure Center.

You know, I was raised here. We lived up venison, pheasant, and I realized how important hunting is here, and fishing, you know. But Mr. Ellison has money so they say, if we don't

have it at Koele, so we'll have something else. What about all of the money that he's already spent doing all of this work? You know I don't think it's fair for him, but let's get a grip and get it somewhere else where it should be. And I don't believe our children here on the island have the money to really spend time at the Adventure Center. But I would like to see Koele kept the way it is. And I believe many, many tourists will come to Koele just to see the serenity, the quietness and to see what a wonderful job that he's done for the Wellness Center. Aloha.

Ms. Preza: Thank you for your testimony. Any questions for Momi? Okay. Anyone else would like to testify? Yes, you in the front. Thank you.

Ms. Victoria Larsen: Hi. I'm Victoria Larsen and I am a long-time resident here. My husband and I moved here in 1995, and I was neighbors with Walter Treiber and Carolyn, and used to live in one of the units there that would be mostly impacted by the proposed Adventure Center.

I had some prepared comments to read tonight, but everybody else has already said it. No in my backyard was one of them. I am not opposed to the Adventure Center. I think it's fine, but else would be great. Christian did an excellent job with giving us a background on the noise pollution that will or will not be given from that site. And I have a question for him that came to me, and that is I don't understand what a decibel is. I don't get it. I don't know what 60 is. I don't know what 55 or 40 is. I don't know so when I was up at the site today I was thinking about that. What is the noise really going to sound like? What is a yell or a scream, or the sounds of the wheels in that environment sound like? So I would ask you Christian, is there any way that you can provide that kind service that can show, you know, that we can stand there and listen so we don't have the fear that we have. Because this is all about fear. Everybody here is fearful of the noise than the lack of tranquility. So that's what I pose to the Commission, if there's any way we could, that you could stab that question.

Ms. Preza: So -- did you get a copy? So you were on the site visit today?

Ms. Larsen: Yes.

Ms. Preza: I think there was a section about like comparing different decibel sounds, is that correct?

Ms. Larsen: No, I understand that, but I still don't know, like, you know, how loud is a decibel. I mean, how do you know what the sound is really like? And I'm not trying to be obtuse, I just don't understand it.

Ms. Preza: I do want to get other people's testimony. If Christian if you want to say a quick something just so everyone has a better understanding. Thank you.

Ms. Larsen: Thank you.

Mr. Thompson: I'll try to avoid giving a dissertation on acoustics, but just in general terms, you cannot hear the difference between one decibel. You need the difference of three decibels, in noise levels, to be able to hear the difference. And so I think what the Commission was pointing out was the chart over here that kind of talks about different animals sounds. And all of these measurements are from about 10 feet away. Just to give you an idea -- thanks Erik -- just to give you an idea, you know, rustling leaves are you know mid-50. I'm talking at about 70. With the amplification it's much more than that. The, the waterfalls that are going to be there that can -- it's about 70 dba. Even the bugs that we hear constantly, crickets at night, birds in the morning, those are all going to create noise levels that are louder than what I am predicting for the, all of the different Adventure Center components including the zip lines.

Ms. Larsen: Okay, if I yell the loudest I could possibly yell . . . (inaudible) . . .

Mr. Thompson: I can't tell that for sure because I don't know you, but I would -- maybe about 100 decibels. From this distance would be maybe about 100 decibels. 1,200 feet would we you lose three decibels every time you double a distance. So you go from five feet, 10 feet, or whatever that we're apart, to 20, to 40, to 80, to 160, 320. So every one of those you're dropping three decibels. So you know I can't do the math in my head, right off the top of my head, but you're significantly lower at 1,200 feet away with no direct line of site to the residences with full imaging.

Ms. Green: Before you sit down I do have a question. Since this came up, this is --. Unfortunately a lot of the testimony today is being done before we Commissioners had a chance to ask questions about the presentation. So one of my questions would be and this was just a revelation that came today when we went to the site. When you took all the different readings, according to what I read in the study, at no time did you factor in two waterfalls near the Villas, and then additional water features up in the Adventure Center as the base line for the sound effects at Koele. Is that correct?

Mr. Thompson: That's correct, and it's also the more conservative approach because the water features, the waterfalls would be expected to add to the ambient noise levels, to the nature sounds. And so it might even -- that might make it harder to hear the different Adventure Center components. So by taking them out, by not considering them at all, we're saying that this is what the noise level will be like if nothing changed at the site. If everything stayed the same and all you did was add the Adventure Center, all you did was add the towers, the different elements, and the zip lines.

Ms. Green: However those water features are going to exist. So they will -- the two waterfalls near the club house there will exist is what they said today so they should become part of the base line to the ambient noise at Koele, and then add the other things on top of it. Is that not correct?

Mr. Thompson: What I'm saying is when you raise the ambient noise levels, that's going to make it harder to hear the Adventure Center components. I'm discussing the noise from the Adventure Center elements.

Ms. Green: I understand that, but the other part of it is you have there, and this is another discussion I wanted to have later, is you're using 60 dba, okay. I would argue that 55 is the correct number. If you read the description of what --. You put it as category, I mean, a Class B property.

Mr. Thompson: Correct.

Ms. Green: That's apartments. Yeah, they are attached housing, so I think you looked at it as attached housing. But it --. Well, I can read the list if you want to do it now.

Ms. Preza: Can we finish?

Ms. Green: Well, no, I think it's important since he brought this up now, for clarification, for people who are making testimony to totally understand what they're saying.

Mr. Thompson: Can I address that really quickly before I sit down and we move on?

Ms. Preza: Yeah, I think we can revisit. You can make a comment. But maybe, Caron, we can revisit that, so that everyone can testify, but you can address that.

Mr. Thompson: Okay, so just very quickly. On the last page of my report, the Attachment-1, that's the actual zoning map. These residences are zoned Class-B. I didn't make, make that, that judgment call.

Ms. Preza: Thank you. Okay, anyone else would like to testify? Myles.

Mr. Myles Saruwatari: Thank you Commission. Myles Saruwatari. I'm not against this Adventure Center per se, this adventure in itself, I'm not against it. Okay, because Pulama is here to make money. Okay, that's a part of it. But I am against using Koele as for the Adventure Center, for several reasons. Number one, if you talk to people who come to Lanai, you talk to Lanai people, you talk to people who come to Lanai, what is one of the things that they like about Lanai? The peace, the quiet, the serenity, okay. And this Adventure Center, and the Wellness Center in itself, if you think about the purpose of the Wellness Center, what does it do? It creates peace, serenity, peace. The Adventure Center is total antithesis to what the Wellness Center is about. You're going to have all of these, okay, they say they're going to bring corporate groups. You guys going have all the testosterone guys. You know that's what going to happen. You know, it's not the kids I'm worried about, it's these grown up. Okay, so that noise is going to be loud. And people don't realize, even though the wooden, the area is wooden, the way the whole area is constructed -- I've been hunting up there -- you fire a gun . . . (inaudible) . . . back and forth. You can hear the guns from the

skeet range all the way over there. It's like almost right in the back. It's loud. So when you have a whole bunch of people, you know --.

Okay, one person can make a noise, let's say five decibels, whatever you want to rate it. You've got 20 to 30 guys screaming and yelling, have you ever been to a football game? You know how loud it can get in a football stadium because it's enclosed? You have the same effect with that valley there, it's enclosed. So irregardless of trees, irregardless of decibel level, it's amplified. And with the quiet that's in that area, it's even louder. Like somebody mentioned about the rooster crowing at two o'clock. Why is it so obnoxious at two o'clock? Because there's very little ambient noise, and it's right there. It's like a dog barking at two o'clock in the morning. I don't care if it barks for two minutes. It's irritating as all hell. So just to keep that in mind.

You know, I'm not saying that the Adventure Center is bad. It's a good thing in itself. But I think that location could, could be better off somewhere else. You know, the residents there are against it because the noise. I'm sure everybody remembers the helicopter, the helipad.

Ms. Preza: Okay, Myles, please --

Mr. Saruwatari: People were against it because of the noise, and people don't even live up there.

Ms. Preza: Sorry Myles, we passed three minutes.

Mr. Saruwatari: Thank you.

Ms. Preza: Thank you. Any questions from the Commissioners? Okay, great. Anyone else that would like to testify? Sorry, did you speak already or you were waiting? Okay, yes, you can go ahead.

Ms. Patrice Moynihan: I have a few things I'd like to say. Good evening. Patrice Moynihan. I've lived on Lanai for five years. Peace, serenity, and waterfalls that is exactly what I'm looking for. We cannot access Koele right now. There's no parking. We can't really go out there and enjoy it. I was so much looking forward to that nature trail especially for seniors, and I'm a senior advocate in this community. So that's what I'd like to have, so I'm very much in favor.

The noise, that has to be addressed, possibly even a location, but we should be able to visit Koele and be a part of it. I live across from the school. Talk about decibels. It's beyond belief the noise. After a while you just get used to it, kids screaming, laughing, shouting. So again, think about from another perspective. That's a very large chunk of land out there. I'd like to be able to access it too. Thank you very much for staying so late.

Ms. Preza: Thank you. Questions?

Ms. Green: Actually, it's more a comment, Patrice. My understanding is that they're going to have a sculpture garden, and there will be plenty of places for you to walk around and enjoy. Yeah.

Ms. Preza: Thank you. Anyone else would like to provide public testimony in the back? Thank you.

Mr. David Emig: Good evening. My name is David Emig. I'm the resort manager at the Four Seasons Resort, Resort Lanai. I am writing this letter in support of the Koele Adventure Center project that is currently under consideration.

The Adventure Center offers an opportunity for visitors, and residents of Lanai, to experience an exciting outdoor activity that challenges and hones physical skill, prowess, not to mention entertain.

Now my work, it allows me to speak directly with many visiting Lanai. Mostly for leisure, and quite often these people comment that they were hesitant to book and come to Lanai because of a concerns that there's not going to be enough to do when you're here. Fortunately that is turned around once they are here. But this Adventure Center will add another exciting attraction to the portfolio of activities offered here on Lanai, and it will help to challenge that misconception bring people to the island.

Now to the point of attracting visitors, and honestly I'm speaking from personal experience on this one, in my leisure travel through many countries around the world I seek out activities similar to what is at the Koele Adventure Center. It has helped to sway the decision on where I have vacationed. I have personally seek out to participate to these experience, and each time find the adventure courses challenging, fun, and rewarding, not to mention popular.

So to summarize, I support the addition of the Koele Adventure Center. I believe that it will be beneficial to Lanai tourism and it will be an enjoyable attraction for the community. Thank you.

Ms. Preza: Thank you. Questions?

Ms. Green: Since we kind of did this a little --. Don't leave. These were all questions I was going to have later but since you're here, and I don't know if you're staying. Several years ago we took the UTV ride, and went through the Palawai, went up to the benches, and then the Palawai, and then all the way up. And then the other day I saw one of your vans coming out of a side street on the Palawai. Are you still doing the UTV rides/drive through the Palawai?

Mr. Emig: The answer is yes.

Ms. Green: Okay because this was one of the concerns on why the Palawai was not considered because it's a gaming area. And yet if you can do UTV rides through the Palawai, it seems that this is not an excuse not to do it in the Palawai. My other comment would be that according to what we've heard that people groups will not be able to book at Koele. So they'll book at your hotel down at Manele, and if they want to go do an activity center, which would be great, they have to go all the way up to Koele. But what if they had the Adventure Center in the Palawai? That would be closer to you. It would be closer to people who come as day trippers. The only people that would be a disadvantaged would be the people who are at Koele who would have to leave Koele to go there.

Mr. Emig: To be honest I couldn't speak to the what if's of it. That's not part of why I'm giving the testimony. Mine is purely to speak that, you know, it is a fun attraction that I do have comments from guests that say that I'm concerned about booking. But I would refer to Pulama and to the experts who have done the studies on that.

Ms. Green: Okay, let me be clear. I mean, I think the idea of an activity center or an adventure center is a great idea because it will bring more people to the island. But I'm just wondering why the Palawai was nixed and one of the reasons was hunting and yet you're driving people all through there. I guess are they just faster than a speeding bullet?

Ms. Preza: Yes, Wendy, do you want to comment? But sorry could you comment on the mic, though, so we can have it on the record? Thank you.

Ms. Kaopoiki: We run the UTV operations so we time it with the hunters. So our operations starts at nine o'clock and it ends by three.

Ms. Preza: Thank you for the clarification. Anyone else with --? Scott.

Mr. Scott Ashworth: Aloha and good evening everybody. My name is Scott Ashworth. I'm the director of golf for Four Seasons Lanai. I've actually already submitted my letter in support and so I don't want, you know, repeat what everybody has already said who's in support. A couple of things that have come to mind for me, though. I don't know how many of you have been on zip lines before. I've been fortunate to be on zip lines really all over the world. And this notion that people are screaming really loud. If you've been on a zip line, it actually takes your breath away. That's been my experience to be honest with you when I've on zip lines. But anyways.

The other thing is when I first heard about the concept of a zip line, Adventure Center at Koele, for me personally I thought what a great way to use the former golf course. I would hate to actually see that golf course just go to weeds and it be nothing. So it kind of --. I was real happy to see the fact that we were actually going to make use of the golf course again, and I thought that this would be a good use for it, so that's why I'm in support.

Ms. Preza: Thank you. Any questions for Scott? If not, then I'll take more testimony. Thank you.

Mr. Ewan Knowles: Good evening. My name is Ewan Knowles. I'm the director of engineering for Four Seasons Lanai. I've been on the island for about a year and a half, and I just would like to read you what I wrote.

I do wholeheartedly pledge my support to the building and operation of the Adventure Center and adventure courses at the Koele Resort. Having worked at large ski and recreational resorts in Montana where several months were given over to adventure training, obstacle courses and confidence building classes for children in local areas. Nothing but good can come from having this operation on the island. It will bring additional financial income to the island, and extra activities for the islanders, and ultimately activities which are unusual and rare in most communities around the country.

I do, however, fully understand the impact of an operation of this complexity and size than what it can have a small community as I grew up on an island very similar in size to Lanai on the west coast of Scotland with the same cultural and traditional histories, unique languages, and similar beliefs. Change was frowned upon but accepted eventually, and eventually heralded is as a good thing for the island moving forward. And in addition to that, my island would have ultimately have died had we not accepted the changes that were coming on to the island.

So once again, the Adventure Center has my full support, and I hope that of the community around us.

Ms. Preza: Thank you. Any questions? Sorry, just to get an idea of how many more people would like testify? Could you just raise your hand if you would like to testify? One, two, three, four. So there's about three more? Yeah, so gentleman in the back if you'd like to come forward. Thank you.

Mr. Dan (____): Hello, my name is Dan (____).

Ms. Preza: Okay, I'm sorry. I'm so sorry to interrupt you. I'm getting comments from the Commissioners that if we received a letter already that we have on record, could you maybe summarize?

Mr. (____): Yeah absolutely.

Ms. Preza: Yeah, thank you. Sorry, I'm so sorry. My name is Dan . . . (inaudible) . . . I'm director of food & beverage at the Four Seasons Resort on Lanai. But the statement that I was actually going to read was not mine because I'm new here. So it's from our general

manager, Alastair McAlpine who could not be here today, but who wanted me to share his letter.

Ms. Preza: Sorry, one moment. Sorry, you can read it.

Mr. (____): Thank you very much. So from Alastair. This letter is in support of the proposed Koele Adventure Center project currently under consideration.

The Experience at Koele golf course, the proposed site for the Adventure Center has been closed for years and will not reopen. The award-winning Manele golf course offers visitors to Lanai a fantastic golf experience, one of the top courses to play in the U.S. The proposal thus includes the repurposing of the land for a new and different outdoor recreational approach that will be open to a large demographic, not only for visitors to the island but also for the Lanai community.

The Koele Adventure Center will provide us with an opportunity to market Lanai to visitors seeking new and challenging outdoor pursuits, guests participating in Koele Wellness programming, and business guests looking to incorporate the range of activities into group itineraries. In addition, we can promote children-friendly options to target family and multi-generational travelers. The roster at the Adventure Center will augment the activities on land, ocean, and air that are currently offered, enhancing the appeal of the destination to resort guests as well as day visitors.

A study was undertaken to alleviate valid concerns about potential noise arising from the Koele Adventure Center operations. It's my understanding that study concluded that noise levels are predicted to be below requirements for residential areas per state organizations and won't negatively impact the community. As well as the location is one that is superior to other proposed hotels on the island due to infrastructure, access, and safety.

In conclusion, I believe the addition of the Koele Adventure Center will be a beneficial asset to the tourism offering of Lanai, as well as the wonderful opportunity for our community. I support this project.

Ms. Preza: Thank you. Any questions? Okay, great we'll move on. If anybody else has --?

Ms. Peary: . . . (Inaudible) . . .

Ms. Preza: To read something? Sorry, he has something written that you would like to read? A voice message, okay. Okay, if you want to -- but you have to put it near the microphone please thank you. Can you state his or her name?

Ms. Peary: Nicholas Palumbo.

Ms. Preza: Sorry, could you can that into the microphone.

Ms. Peary: Nick Palumbo.

Ms. Preza: Okay, in the meantime, does anyone else have testimony?

Ms. Peary: Okay, here it is. Here it is. *(played voice recording from Nicholas Palumbo)* "Hi Margaret, I did not write a letter to Lynn. But my testimony was going to be in a sense for the . . . (inaudible) . . . Planning Commission. You know, we've got this company who comes in, they build up like there's a poke shop function where they start to sell poke bowls. They shut every business down and to where like even . . . (inaudible) . . . selling ice out of his house, and they put that new ice machine 24/7 in front of Richard's. Pine Isle sells granola. Two weeks ago, they start selling the same granola at Richard's. I mean, just direct kick in the nuts to every single person that is individually trying to survive as a, as a local business, and these are all local people, and they don't support. They talk about sustainability and stuff like that, progress and preservation, but local folks are getting squeezed out, but yet Lynn can come and ask us to help them. It's like when are they going to help anybody on Lanai? When are they going to help any local person, you know, to get their foot through the door, man? And, you know, it's just I don't mind saying that. I don't mind saying, hey, what's a matter with these people? You know, what about all the people who bought their houses on a golf course? Now they get screwed with this thing, and their house goes down in value, but not a concern of theirs. Anyway, I'm really bummed out that I'm going to missed this, but I thought the meeting was today not the tour. But I'm really thankful that you're stepping up to the plate and really, really, you know, expressing what's important and I got --. You know, I appreciate it, and I've got your back so if you get a chance to throw that in there, that would be great. Those are my views. Besides . . . (inaudible) . . . and all that, oh all other families will enjoy, that's bologna. That's bologna. Nobody even gets kamaina rates for a burger down at the hotel anymore. So I'm just done with them. But I'll try and get back later tomorrow."

Ms. Preza: Thank you. Sorry, Richelle, do you want to make your comments about.

Ms. Thomson: Thank you. I was just reminding the Chair that the testifiers, it's really one person, one three minute to tell your own personal statements. If people are reading other people's statements, please just go ahead and submit those to Leilani and so she can put them into the record and they can be distributed to the Commission rather than someone reading someone else's statements. It's just your own personal thoughts. Thank you.

Ms. Preza: Sorry, that's why she brought it up in the middle of Nick Palumbo's voice mail. Okay, so I would like to move the meeting along if anyone else has testimony. If not, I would like to close public testimony at this time. Commissioners? Yes?

Ms. (____): . . . (inaudible) . . .

Ms. Preza: Okay. No, I don't think we're going to go through 250-letters.

Ms. (____): . . . (inaudible) . . .

Ms. Preza: Yes, they're all public records. So if you go on the public website. For, under the agenda items there are documents. There are documents, right? They're not. But they will be public records for both opposing and pro adventure center. Thank you. So I would like to close public testimony at this time. Thank you all for staying. Your letters were not submitted? So could you --?

Ms. Cua: Okay, so at the start of the meeting I took a bunch of letters from people, and I did take a few letters from you. So I'm not sure what you're saying about that I didn't have your letters.

Mr. McNair: . . . (inaudible) . . .

Ms. Cua: But she just submitted several to me.

Mr. McNair: I did, but I thought she was talking about way back . . . (inaudible) . . .

Ms. Cua: Do we have -- I guess my question is do we have your letters or not?

Mr. McNair: I did give nine copies.

Ms. Cua: Okay. That's what I thought. That's why I was really confused.

Ms. Preza: Thank you. As long as we have them on record and I just wanted to respect everyone's time now. So --

Mr. McNair: . . . (Inaudible) . . .

Ms. Preza: Well so --. But these were submitted.

Mr. McNair: . . . (inaudible) . . .

Ms. Preza: Commissioners, would you like to hear these letters or are you okay with them being submitted and having read them prior to the meeting?

Ms. Green: Yeah, and Howard, are these from people who live up at the Villas? Yeah.

Ms. Preza: Okay, if we could try to do this as quickly as possible. Thank you.

Mr. McNair: I'm reading a letter from John and Angela Delatore, and they live at Koele, and have a condo there. While we are not able to be at the March meeting the possibility of the Special Use Permit being issued to the Adventure Center is of great concern to me and my

family. We have visited Lanai for 25 years, purchased a villa 10 years ago, and relish each and every moment we can spend in that unique and special environment.

Simply said, we love Lanai, and understand change is inevitable, but hope we can find a balance as the community evolves. According to many of the -- to many the Lodge has not been successful and I am not here to debate that. What I would like to challenge is the location of the Adventure Center and it is not -- and that is not going to have a bearing on the success of the Lodge.

The location currently selected the will have an effect on property owners who have lived in this location, many for over 20 years. It will affect not only the lifestyle and the tranquility of Koele, but potentially as well the property values. Koele is a sacred place for the community and we ask that you consider all of those on the island -- on island who are truly invested in maintaining the special place.

All we're asking is for the location to be moved or adjusted into another area within the 30 acre site. While I have read the noise study and I know that this is subjective, there are many factors such as the way the wind blows, the amount of clouds, or whether there's a water feature that can help mask -- but not -- mask but are not all controllable. Why risk this when we have options.

Please consider the long-term effects and how difficult this will be to reverse. We are fortunate to have options which are viable. Thank you very much for your time and consideration. John and Angela Delatore.

Ms. McNair: This is from Nora and Norman Stone.

Ms. Green: That one was in our packet. We've seen that one already.

Ms. McNair: You've seen this. Good. I have one more.

Ms. Green: Yes, okay. And can you just maybe anything new said or condense it maybe?

Mr. McNair: It's a short one.

Ms. McNair: This is from Michael Gretz.

Mr. McNair: Good. We just gave it to you.

Ms. Preza: You can read it. Did we just receive that?

Mr. McNair: Yes.

Ms. McNair: My family --. My wife, Gay Machado and I are once again writing to express our

concern and displeasure over the proposed location for the Adventure Center on the island Lanai, Hawaii.

Almost 20 years ago we purchased our home there as a retirement plan near the Lodge at Koele. Our intention in purchasing this villa was to enjoy the beauty, peace and most importantly tranquility of the area into our old age. This is what the island is known for and why many of us cherish this sacred spot in the world.

It is our understanding from previous correspondence that alternative sites would be reviewed and considered based on our and other homeowners requested and expressed opinions. Has this exercise been completed, and if so, what was the outcome? Of course we know that. Surely the location currently being excavated will impact all of us greatly with noise pollution, if not screaming and yelling. Surely our intention was not to live out our lives in the close proximity of a theme park.

While we appreciate the investment and efforts of Pulama Lanai to upgrade the island, we do not feel alternations should be made at the expense of the tranquility and traditions of this island nor purely for the sake of income.

This island offers vast open spaces in many locations. Surely an alternate more isolated spot can be located. Thank you for your continued review and consideration. Michael Gretz and Gay Machado.

Ms. Preza: Thank you. So at this time I would like to close public testimony officially. It is now 7:58. I think before we move forward with our discussion and agenda, I think we would like to take a quick. Sorry. So the discussion will be about if we would like to grant approval. Sorry, would you like to --?

Ms. Green: I think, normally what would happen is we would have the presentation, and then the Commissioners would have an opportunity to ask questions to the presenters, then there would be public testimony. We took out that middle part, and will now move it to the next part of the discussion because there was so many people who wanted to testify and we didn't want to keep people here all night if they didn't want to stay here. So when we come back I believe we will be having an opportunity to ask the various presenters questions. Then we'll have discussion, and the County will make their recommendation, and we will eventually vote.

Ms. Preza: Thank you for the clarification. But since, I know it's late, maybe we can take a three minute break. Yes, but we're going to take a break, real quick, because I know people are -- it's been an hour and a half so can we try to be back here in three to four minutes please? Thank you.

(The Lanai Planning Commission recessed at approximately 8:00 p.m. and reconvened at approximately 8:08 p.m.)

Ms. Preza: We're going to restart our meeting. So now it's time for the Commission to discuss about everything we've heard. So, Commissioners, do you have questions or comments?

Mr. Rabaino: Yes, I do.

Ms. Preza: Okay Jerry.

Mr. Rabaino: Annie, in our last meeting, I made a proposal to defer, okay. And being that you mentioned my name, and my memory and my conscience works well, who typed out the minutes?

Ms. Preza: Leilani does.

Mr. Rabaino: Okay, I remember, in front when John them was here, he was here, she was here.

Ms. Preza: Okay, Jerry could we get to the point?

Mr. Rabaino: Okay, the point is I when defer basically on the zip line location, not the Wellness Center. But now I'm finding out this is a package deal, okay. So I want to know who typed out the letter saying that --. I when defer, but was referring to the zip line, not the Wellness Center.

Ms. Preza: So I think what we eventually voted on and motioned for was not that.

Ms. Cua: And just to clarify, when I referenced your name it was in the context of requesting the site inspection. It was not in the context of the vote. The Commission, the Commission voted to defer action on the applications, both applications. The application as it is before you is for the Wellness Center and everything else. It's not only the zip line. The application right now includes everything, and the Commission as a whole voted to defer action for two reasons. So the letter that we wrote out and the minutes -- I don't know if they're complete already -- reflect that.

Ms. Preza: Thank you.

Mr. Rabaino: Well, I got the impression that, you know --. Well, when I when deny that I was just referring to the zip line to relocate or another alternative place to get that straight up front, okay. I didn't realize it was a package deal.

Ms. Preza: So the Adventure Center is for everything that they -- all the adventure elements, I believe, that they are proposing. Does anybody else have comments to discuss?

Ms. Green: I'm going to warn everybody I spent hours going through this acoustic study, and so I do have some questions and I hope others will chime in because I don't want to hog the

floor here so just tell me get out. But anyhow, I already talked to Ann about this, and I also mentioned it to Christian. When I was reading through this and we got to the third page, it says -- well, you had the categories of Class A, Class B, Class C buildings. Let me see. And if I may for everybody's benefit, on page 3 of the report from the acoustical people, okay, it says zoning districts are defined in Section 11-46-3, Class A includes residential, conservation, preservation, public space, open space, or similar types. It says Class B includes multi-family dwellings, apartment, business, commercial, hotel, resort and similar types. And, you know, I was just curious on --. I asked Ann if this was a County designation or whatever. I now have learned that this is a State designation. I would like to submit for those of you who have seen Koele that if you read through these and as I've just done, Koele is really a Class A property. It is a residential area even though the homes are attached to each other, it is not a typical multi dwelling area because you know there's nobody behind these people, there's nobody in front of them. And I have a list of other things. It says most of the units are only on one side of the street. Many of the owners are part-time residents so rarely are all the units are occupied at one time. Most units are occupied by only one or two people. And most owners only have one vehicle. So if you look at the real nature of Koele, and for those of you who were up there, I feel this is more a Class A property.

Ms. Cua: Chair, can I address that?

Ms. Green: Sure.

Ms. Cua: Please. And I --. And I'm glad you brought that up, but it's very, very important that this gets addressed. So when you look at page-3 of the noise study, when you mention zoning district you think of County zoning, okay. That's not what is referred to here. What is County zoning is this map. The Villas are in the orange area. This is the zoning map. So the County's zoning is Project District, but the sub-district that the Villas are in, orange means multi-family, okay. So, technically it is not, the Villas are not single-family residences. They are multi-family so we don't even --. So when you look at the Class A, B, and C -- and this is nothing to be -- what is the word that I want? We can't say what we feel it might be. It is what it is. Nobody, I mean, nobody has a choice. It's very, very clear. Because it's zoned -- not only because it's zoned in the multi-family sub-district -- when you have two dwellings that are side by side, they are not a single-family residence. They are a multi-family building. That's just, that's just the way it is. And so, therefore, when you look at the Hawaii Administrative Rules is what sets up the Class A, B, and C. And it's about -- what is on my phone -- the Hawaii Administrative Rules Section 11-46-3 is the Community Noise Control. That's what -- it regulates noise. So and I am not as familiar with that, with that whole section because it's the State Rules, but I'm somewhat familiar with it. And apparently it sets forth classifications for various zoning districts. And as, as Caron was reading, Class A includes residential, yadda-yadda-yadda. The Villas are not considered residential. They are considered a multi-family dwelling.

Ms. Preza: Thank you.

Ms. Cua: They not apartment buildings, though.

Ms. Preza: Do you want to respond Caron?

Ms. Green: I totally understand. I'm not saying --. You're taking me too literally, okay. What I'm saying is for purposes of our discussion here, I wouldn't look at these as Class B properties even though they're already zoned that way. In my opinion they should be Class A. They aren't Class A, but --. And that's not --. I'm just saying from when you look at the intent of the descriptions, the intent is, in A, it's a quiet, it's a peaceful place, it's residential and everything. The other one I would think a little more noise level. You've got more people coming and going in an apartment complex. You've got, you know, a shopping, commercial hotel. You have a lot more action going on. So I'm just saying while literally the Villas are multi-family dwellings that's the literal and I accept that. But I am saying as we look at this, I think taking it literally is not the way to go. That's just my personal opinion, and you know, for whatever its worth.

Ms. Preza: Thank you Caron. Do you have questions, comments, thoughts?

Ms. Menze: Yes, I do have a comment, and it's driving me crazy. And Caron, I think you're a little out of line and it's making me very uncomfortable. You're very argumentative and it's really --

Ms. Preza: Well, okay, but do you have comment on the agenda item?

Ms. Menze: No, thank you.

Ms. Preza: Okay. Anyone else have comments about the Adventure Center? Yes?

Ms. Trevino: Hello? So when we went on our tour today -- I don't know who's going to answer this -- you know we went --. So we have the sites, we have these site, Site 1, Site 6 and if I'm correct, my understanding is these sites are just sites where the sound tests were taken. As we were driving through to go to kind of where the center, I guess, of the Adventure Park would be, I think the first sign I saw was you're actually pass the clubhouse and you're already heading towards we call it three tunnels where those pine trees are where you're going to have those things inside the pine trees we were discussing. So as we were going, and I think it was pointed out, oh, there's signs that tell you what they are. So one was a spider something, and then there was another one. Are those the first two activities that are closest to the homes? Because I saw those two and then there's the waterfall thing. And then where the water is where the posts were that we were asking about which is going to be that tower-thingy, and then the zip line, and then the stuff in the trees. So are the two closest to the residential areas that spider-thing, and the other thing, and the tower? Can you just say what those items are and what they do? Because I think when we're talking about noise level, we're even talking about proximity, right, of space and so forth. Do you know what I'm talking about?

Mr. Marter: I do, yeah. You have a map in your packet with all of the elements on them. The closest one is actually called the trailblazer. It was named after the Portland Trailblazers. It's about eight platforms that are this high off the ground, and you stand them, and you just shuffle from one to the next. It's a quiet activity because it's usually done in silence so it doesn't make a lot of noise. The next closest one is called a grape vine, and people do it one at a time, and it's usually also a quiet activity because it takes a lot of concentration. And that's on the, if you're following that map up, it's on the right-hand side of that lake no. 3, I think it is. And then from there you kind of hit the adventure towers is kind of the next activity that you run into there.

Mr. Rabaino: Question. You going continue?

Ms. Trevino: So and just to be clear, the actual activities begin where the old fairway used to be coming back to the clubhouse, yeah? Is that correct? I'm sorry, I don't know the names of these places. But there's the clubhouse, and you used to come back to the clubhouse there. Thank you.

Mr. Rabaino: So you referring to the three and four?

Ms. Trevino: Okay, trailblazer and --. And the reason I'm bringing this up is because when we're talking about noise level, and we're talking about activity, and people making noise, and laughing, and whatnot, I think it's important to look at what these activities are and where they're located. Because the noise levels for different ones are going to be different things. And you know the things in the trees, the trees are going to absorb a lot of the noise for those ones that we were talking about that are in the group of trees, you know. So that's why I wanted to ask because I don't think anyone here other than yourself and maybe two other people know how adventure parks work, what they sound like, where all --. So we're literally going by whatever somebody says they've been to and how loud they say it is, or how whatever they say it is. So we don't personally know.

I've been on a zip line. I know the sound of metal zip line. I don't know the sound of this other material that we're talking about. So I think it's important to share, like, possibly how loud an activity is, and that's why I brought that up just for clarity sake. Where the activity start, how they far they go in, and the possible sounds that would come from a certain activity. Because something is going to be a little more exciting and whatever than another activity might be so that's why I wanted to ask what those are.

Mr. Marter: That's why we sent Christian out to Long Island to actually take sound studies on this particular cable, with this particular trolley. Because all the zip lines that we all put our hands up and went on, it wasn't this kind. That's a rarely, radically different one. Even the ones that are being complained about on Maui, up at the north shore up there, that's a property that's a couple 100 feet away, not 1,200 feet away. And it's cable, a very small cable with very small metal trolley unlike this one which is a much larger cable under very different

tension with Teflon trolley it don't make much noise. But I'm going to let Christian speak to the amount of noise that the zip lines made when they tested them.

Mr. Thompson: Okay, so when I went to the zip line facility on Long Island, I was able to witness kind of back to back testing. So I could not only just measure the difference, I could also hear it just back to back metal trolley versus the urethane coated wheels, and it --. I'll tell you the numbers. The numbers was able seven decibels quieter than the standard metal wheel. What that means is that there was a readily noticeable difference. It's a reduction in noise levels that makes you sit back and go wow that's a lot quieter. You don't hear the z-noise that you might be familiar with, that you might be thinking about. You don't, you don't hear that because there's no metal on metal contact. You have the urethane coating on the wheels that's going up against the metal, not cord, cable. Thank you. You have the urethane material that's going down the metal cord. You're not going to hear the distinct noise that you're used to hearing with zip lines.

Ms. Preza: Thank you. Do you have any questions? That answered it? Okay. Any other questions or comments while everyone is here? Sorry, just the Commission. Jerry questions?

Mr. Rabaino: Are we done with the discussion?

Ms. Green: No. I'm sorry. I guess Christian. When you were at Coral Crater you said you used two patrons on the thing, and this is a --. Was it just for the tower or was it for all the activities? I guess how do you pick two people? You know, some people are more vocal than other people. If it's a team action, how to extrapolate from two people how much noise a team would have? So I just, just --. That really stuck out at me when I read that you based all this on watching two people, so you might want to explain that a little bit, please. Well, just let me finish one thing. Because you said you then extrapolated this out to 30 people, right? And I might go back then with another question to Pulama Lanai after you answer that, okay.

Mr. Thompson: Absolutely. I'd be happy to answer that question. So you're correct that when I went to Coral Crater, that particular morning there was two people using the adventure tower. So we took the measurements that we could get while there were people there, and when you -- you can adjust noise levels to account for more people, for more distance, for a number of things. It's an alogometric scale, and so you're able to basically every time there's more people, so you go from two people to four people, the noise levels goes up by three decibels. Which is a barely perceptible change, but it is a doubling of the energy in noise that you're hearing. But you can just barely hear that difference.

So what we did was the measurement included two people and music from a Bluetooth speaker. I didn't factor that out. I included that and I just kept doubling until I got up to 30 people -- the predicted noise levels from 30 people on the adventure tower. So I took my measurement, I doubled it, doubled it, until I got to 30 people.

Ms. Green: I thought you had taken the background noise out, but you did not.

Mr. Thompson: That's correct. I do that. So I took measurements when people were using the adventure tower, and then I took another measurement when people were not using the adventure tower. You --. I can subtract out the ambient, the background measurements so that I get the adventure tower only noise from two people. I took that noise level, and doubled that, and doubled that, and doubled that until I got to 30 people...with music. With, with doubling the music noise as well.

Ms. Green: Okay. That's what I'm trying to understand. Okay. So how is it you came to the no. 30?

Mr. Thompson: That was in discussions with Synergo as a reasonable estimate for the number of people that would be on the adventure tower. And actually it might be a little bit more. 30.

Ms. Green: Well, at one point in time in your literature you said you could have up to 90 people for two to six hours so -- the adventure center.

Mr. Marter: So there's a big difference between what can have and what we're going to have. The capacity of this room is several hundred. It doesn't mean we have to have several hundred in here to have a meeting. It's the same thing. So when we have capacity discussions it's usually with the Fire Department for our egress, all that, so they want to know what our max capacity is on something. So that's what those numbers usually look at. What our actual numbers are going to be would be much smaller because we're on a very small island with not a very large population here.

Ms. Green: So can you give us an idea of what you think the actual numbers will be?

Mr. Marter: I would guess on a normal day with Koele guests, we're probably looking at probably 10 at a time. When we're bringing in, when we open up for Manele guests as well and other public, we'll probably see 15. When we do school programs, it will depend on the program with the school. That's where we're going to see our highest number, and we have only two slots during the week set up for those, and I would guess we'd probably 15 or 30 on those. On the adventure tower, we'd probably run 10 to 15. And then on the challenge course, we might add another 15 in there, depending on what the school needs are, what the community needs are, or what the other group needs are.

Ms. Green: I don't want to hog the mic so anybody who wants to say something. Maybe you did say something of interest to me because one of my questions was how this will all work when we have been told that Koele is very much for individuals, okay, and no groups will be there. And the groups will be down at Manele, but not staying up at Koele. So these are wellness people there, and so they'll be going over to use the Adventure Center. You said you had slots for schools, so I'm just wondering do you have a plan already about when you

can community members in, when you will have corporate groups in, when you will have -- time slots that are going to be just for the people at the wellness center? Has that --? Because I just don't see if you're being very exclusive about your place, and you have individual there, they probably don't want a bunch of four to 10 year olds screaming and stuff like that. Have you guys thought through that whole thing of how you've suggested, corporate groups, school groups, wellness center people, and day trippers? How does that all work together? Have you kind of figured that out?

Mr. Marter: Yes.

Ms. Green: Fabulous. Can you explain?

Mr. Marter: I don't have the numbers with me right now. It's set up on a weeklong chart, and mornings, three days a week, I believe -- I'm going on memory here. It's been a while -- and none of this is set in stone yet because we haven't figured it out with the Wellness Center. The Wellness Center is still working on their givings and how they're going to operate which will then dictate with some of what we do. But our current plan on that had us three, I think, three mornings for Koele guests. The afternoons, we had set it up for, what we called the recess because it was kind of set up for everybody. So some Koele guests might show up and some folks from Manele might show up, and then some people from off the island might show up. We set aside two afternoons, I think it was two afternoons and one most of day, if we had other groups that wanted to use it. Groups like a team from Manele that's here doing a corporate team building thing from Microsoft, or whatever, or Oracle -- sorry -- and/or I work with some of them, and local school groups. I don't expect school groups to be out there every single week. That's too much. They're not going to want to do that, but we are setting the time aside so that it will be exclusive for them. And we're setting time aside so it will be exclusive for Koele guests. And we're setting time aside so it's open for everybody. Even members of the Commission, of course.

Ms. Trevino: Again, because I don't know how these things work.

Mr. Marter: I do.

Ms. Trevino: That's why I'm going to ask you. So the functioning of the Adventure Park, we look at it and we see, you know, x-amount of activities that are -- I don't know if that's the right word -- that people can go through. Generally, do you do all of these or do they come and maybe they do two or three? Just to give us an idea of like a group that comes in and like what might they facilitate to use of, you know?

Mr. Marter: Yeah, great question. All these questions are great, by the way. So our guess are, as we work with the Koele guests, they're going to go up there for a couple of hours at a time, and we'll probably going to take five, or 10, or 15 of them up there. There will be some of them doing challenge course activities, some of them doing the adventure park, and then we might close both those down and let everybody go ride the zip line. They, in their

experience here, depending on the number of days they're staying at the Wellness Center, they'll probably be up there once, maybe twice. So it's not like all day, every day, they're going to be up there playing around. Wellness is a lot more than sitting down doing nothing. Wellness is a lot more than getting a spa and facial. Wellness is about looking at the entire body. This piece of it for the Koele Wellness Center is about being active which is a very important part about being well and healthy, so we're trying to incorporate that.

When we are bringing guests up from Manele or from school groups, then they'll either be hitting the challenge course as a structured team activity. We're trying to get a team together to communicate better, get along a little bit better, learn how to talk better together and whatnot. That will be group activity and they'll use the challenge course for that most likely.

The Adventure Park, people will come up, spend their time, go around, play around for an hour, two hours until they're tired, hang out with their kids on it, hang out with their parents on it, hang out with their spouse on it, or just go play around by themselves. And then when they're done, they're done.

The zip line, we won't have it open all time, every day. We're going to open up at certain times. We're too sure when and how yet, but just to fit into the flow. And it's not going to have people zipping all day on that thing. That would be just not right. It just don't work programmatically with the number of people we have on the island.

Ms. Preza: Thank you. Any other questions while Erik is up here since he knows the Adventure Center best?

Ms. Green: When we had our last meeting you didn't have the fee structure yet, and we were asking because, you know, a lot of the people in the community are indicating they might want to do this. Do we have any idea about a fee structure yet?

Mr. Marter: No.

Ms. Green: Thank you. That's pretty straightforward.

Ms. Preza: Okay, Commissioners, any other thoughts or do you folks are ready to vote on this, or do you want to continue discussing? Okay. Well, I guess while we're thinking about it, perhaps we can get the Department's recommendation?

Ms. Green: Oh, I have a lot more questions. Sorry.

Ms. Preza: Oh, you do? Do you want to ask them before the Department?

Ms. Green: All right. I want to go back to something that we started talking about when you had your chart up. Because this was news to me today about, you know, we've got these figures on ambient noise. But when you took those figures I don't think that -- no, I know that

there were no waterfalls working, and I don't believe you had put the waterfalls into your calculation as to what the noise levels will be for the people at Koele. Is that correct?

Mr. Thompson: My analysis did not include the effect of waterfalls or water features.

Ms. Green: And I see water features they are 69 to 70. Can I see --? Is that right?

Mr. Thompson: That's correct, yes, from about 10 feet away.

Ms. Green: Okay. So then -- and that will fall off as we go. But that --. Go ahead.

Mr. Marter: So being the person that has a hard time hearing out of one ear, there are certain things that happened in the world that when they start happening we can't hear other things. If we all started talking very loud in here, you would not hear something outside. If we were all quiet in here, you would hear something outside. The waterfalls, as what Christian was saying earlier, when we have the waterfalls you will hear the laughing that is going to be bothersome for some people, and the zip lines which are going to be bothersome to some people, you're going to hear those less because the water breaks that up. The waterfalls are coming. They're being put into these features. They were a long time ago, they're just being put back into them. So, they aren't in part of this test, but what they will do is reduce the ability to hear what's going on, and the Adventure Center even more.

Ms. Green: Okay, cause in his additional comments he says adding a fountain or other water features to lakes immediately north of the residents at Koele road would be anticipated to result in louder ambient noise levels. So the noise levels that he's basing his study on do not include that. So, but, but are you saying to me then the ambient base level is going to go up? But are you saying it will affect the noise from the activity center will go down?

Mr. Thompson: The perception of the noise from the activity center will go down. The noise levels from the actual numerical values will stay the same. But because the background or ambient noise levels are a little bit higher, it will be harder to perceive that. Because as Erik said there's more noise in the area, it's harder to pick out a certain sound.

Ms. Green: Okay.

Mr. Thompson: Could I also address the Class A versus Class B distinction? I've been sitting on this one for a while. So we thought about that originally. We looked at it assuming a Class A designation which has a requirement of 55 dba. If you look at the charts over there, and the charts are also in my report towards the end, that would lower the green line by about five dba in every time period that I measured. Right? I'm sorry, the blue line. I can't see anymore. Yeah, that's a good idea, I'm going to come over there.

So the blue line would be lower. It would be at this level at Site 1, and at this level at Site 2 or at Site 6 rather. Sorry. So all that would do was lower that level. The predicted noise

levels from all of the Adventure Center elements operating at the same time, which we've already acknowledged is completely not likely, would still be 40 to 44 which is still 11 to 15 decibels lower than the limit. That 10 decibel reduction is basically a halving of this noise level. So, it would be half as loud as the, as the Hawaii Administrative Rules limit.

Ms. Green: I guess I . . . (inaudible) . . . because --.

Mr. Thompson: How about this? It would be perceived as half as loud. You would hear the noise and think it's half as loud as something that's 60 dba.

Ms. Green: The thing that I'm having the most trouble with here is taking the base line ambient levels, and feeling like the noise from the Adventure Center should added on to that. It should be on top of that, not below what the ambient noise levels are.

Mr. Thompson: Erik, correct me if I'm wrong, but those two are independent.

Ms. Green: I certainly don't understand.

Mr. Thompson: The waterfalls going up and down has nothing to with the . . . (inaudible) . . . ?

Mr. Marter: Correct. Yeah, the waterfalls have nothing to do with this discussion or the Adventure Park.

Ms. Green: Yes they do because they -- if they were included, they would elevate the base line of the ambient noise in that area. And then -- well, and this is the part that I'm having -- I'm sorry, I'm having difficulty with is --. So then on top of that, it should be added to noise that it's coming from the Adventure Center, and I just don't know what that is.

Mr. Thompson: So I'll try to address that. If we included --. If there were water features out there right now, that we could go and measure, and include the ambient levels, this green line would go up. The Adventure Center noise, which is completely separate, would stay the same. So this difference of -- how many is that? 12. I think we said, you know, about 10 to 15 decibels would increase. That difference would go up from 10 to 12 to more than that. I don't know what. So it would be even more below the ambient noise levels.

Ms. Green: That is totally illogical for me.

Ms. Preza: Sorry, yes, Chelsea, do you want to?

Ms. Trevino: Okay, I think because people don't understand sound and what not. She's just saying this plus this is more, right? So that's where she's coming from not understanding that when you're closer ambient sound. So your house is next to the waterfall. The waterfall is going to be louder because you're closer to the waterfall. Regardless how loud that is, and

then you have another noise over here. This noise is closer to you, it's louder, it's going to drown out the noise that is farther away from you. It's not going to add together and then make it even louder. So that's I think where the understanding is not happening.

Mr. Thompson: Yes, absolutely. Very nicely put. So if you are running two vacuum cleaners in your house for some unknown reason. That's about 70 decibels running vacuum cleaner. You run two of them, it's not 140 decibels. That's 73 decibels. So with right here, we talked about it in the report as well. When you take the predicted noise levels, and you add it to the ambient noise levels, you get about a half a decibel increase in overall noise levels. If the ambient noise levels were raised to include the water features, you would still maybe get about a half decibel added on top of that total. Okay.

Ms. Trevino: Sorry, I was just going to ask one more question because we really need to relate to things we understand. Do you happen to know what is the decibel of club hitting a golf ball teeing off? Because we all know what that sounds like.

Mr. Thompson: I do not.

Ms. Trevino: Well that would help. Then people could --. I'm sorry, that would help because then people could understand. I've heard a golf ball tee off and this is what it sounds like. Oh, okay, so that's going to be equivalent to or whatever. We know what it sounds like for a shotgun in the valley. Okay, so how many decibels is that. So I think, I think it's just people are having a hard time believing, number one, because...they don't know, we don't know, and we have nothing to compare it with. And think that was what I was expressing with the whole understanding of the Adventure Park. There's a challenge for us to relate to what and what, and how it equals. Can we Google the decibels?

Ms. Preza: But I think the good thing that came out of this is the understanding that it's not just adding on the lines to each other, so it's not going to be above the base, right?

Mr. Thompson: Correct.

Ms. Preza: Okay.

Mr. Thompson: So maybe you think of a baseball bat. You know, you go to a baseball game or you're watching one on TV, that momentary crack of the bat is maybe that's 90 dba. But that's something that lasts literally this long. The code and all the measurements that we did were based on an understanding of we were needing a 20 minute measurement. So this is not something that's just momentarily very loud, and then it's quiet again. It's a more constant noise.

Ms. Preza: And Richelle just mentioned that part of that graph is also lawn care, so like lawn mowing, so that's maybe a more relatable sound for people and it's the orange line.

Mr. Thompson: Sure, the orange line is the lawn care activities that we measured at the old fairway or next to the residents, the Villas. At Site 2 it was much louder because you could actually see the equipment operating. At Site 1 you can't see because there's a little hill, so it's not quite as loud there. It's about 56 dba to 66 dba. Just because you can see, it's that much louder.

Ms. Preza: Thank you. Commissioners, do you have --? Caron?

Ms. Green: It's still for you Christian. These are all my acoustical questions. So when you got to page 15 -- I see it's getting towards the end here -- you said that when you were -- well, actually it was an earlier page -- but you used the minimum predicted noise levels for ambient noise. Why did you use the minimum predicted rather than average or, you know, or --?

Mr. Thompson: Because adding to the minimum measured values gives you the biggest increase in noise difference.

Ms. Green: So you're back to the difference between what you will hear with less background noise, you will hear more of the other. Okay, I'm starting to get it.

Mr. Thompson: Basically. If you take 44 decibels and add that to 48 decibels, you get a bigger increment versus if you take 44 decibels and add that to 52.

Ms. Preza: Sorry, I do --. You know, I understand if you have more questions and we can get to those. But Commissioners, I just have a question, like in terms of --. Because I feel like we heard a lot tonight. We heard a lot of reasons why people would not want it. We heard a lot of reasons why people would very much support the Adventure Center. But I feel like this whole conversation has been very focused around noise. How much does that --? Like when you're thinking about how you're going to vote on this, is noise really the determining factor? I'm sorry, I do want to get to your questions, but I feel like we've only talked about noise.

Mr. Rabaino: Let's move on, come on.

Ms. Preza: So, I mean, Commissioners, are you okay with --? So, you're not as concerned with hearing about the difference between 60 or 65? I'm sorry, I'm not trying to --.

Mr. Rabaino: Hello, we don't live next to waterfalls, okay, so let's get it on because I got to work tomorrow, okay?

Ms. Preza: I think noise is a concern for homeowners who live around there, and I'm not discounting that. I think other concerns that people brought up were the land, and you know, just the feeling of serenity up there. I think at least from the cultural perspective --. I mean, I'm not the cultural expert by any means. I have worked in cultural preservation and I have ancestral ties to this island, and there is a whole section of the packet that we got about doing

cultural, you know, site, making sure that there aren't any sites that would be messed, you know, messed up. Basically, you know, when they created the golf course essentially anything that would have been there is not there. I don't know of any -- myself, I've done a lot of research into Lanai history. I've worked at the cultural center for over, like, about 10 years, volunteering and stuff like that. I haven't seen any record, you know, in particular heiau or sacred sites, and I believe that's covered also in the very extensive archaeological section of this packet. It's a very large packet that we were provided with. So at least for that --. You know, I understand people who say that they remember Koele is a calm place, and I respect that. But, you know, culturally it was a golf course and so I think digging another foot down, or you know, to create an adventure center I don't think is necessarily, you know --. I think that it was a golf course before and you know, now they're just trying to find a way to make use of the space in a way that can be meaningful for the Lanai community. And we've heard a lot of support about how that can, how that can work. That's not to discount how people feel about Koele as a place. I know it's a special place for a lot of people. So with that being said do Commissioners have any other thoughts?

Ms. Green: We had one other section and that was about the alternative locations, and we didn't go out to the Palawai. But I do have some questions on that, and one of them has already been answered so...if I can ask. Okay, so one of the reasons it was rejected was because it was in a hunting area, but now we find out that there are hours when there are no hunters so it could there.

Then another was infrastructure costs. It says no water, sewer, electricity, and internet access. Several years ago there was a fire in the Palawai because the electrical line got broken and so there is electricity out there. There is the piggery out there. I don't know, water to go down to Manele goes through the Palawai so...you know, maybe you want to address more Lynn.

Ms. Preza: Sorry, this is just from my perspective, but my understanding of that at least is that the infrastructure in the area they're looking is just more readily, very much more readily accessible than somewhere like Palawai which is a huge, you know, ancient caldera. And, you know, even though there is, you know, water in some places or electricity that doesn't mean like routing it all the way to wherever their location would be would be feasible, but I don't know if you want to speak more.

Mr. Matsumoto: Thank you. Kurt Matsumoto from Pulama Lanai. So there's aside from what Shelly just mentioned there is other reasons why we chose not to go into the Palawai. So the golf course as Shelly mentioned is already been excavated before. It's been used as an activity before. The Palawai was used as pineapple before. Nearly 30 years, it hasn't been, and it hasn't been touched. Now there are many more sensitive sites in the Palawai than there are at Koele in the exact site that we're located right now. So it's out of respect for that location that we continue to promote Koele, exactly the spot that we chose.

Ms. Preza: Thank you. Any other questions?

Mr. Rabaino: Call for the vote.

Ms. Preza: We have the --. Would you like to discuss some more? Sorry. Okay, I know it's getting late. Does any --? Do any Commissioners have --? Yeah, sorry, we do want to hear your recommendations. Thank you.

Ms. Cua: I'm just getting ready. I'm not rushing you. I'm just getting ready for when you are ready.

Ms. Preza: No, no. I think we're, I think we're ready to hear your recommendation.

Ms. Cua: You're ready?

Ms. Preza: Okay.

Ms. Cua: The subject applications comply with the applicable standards for Project District Phase II Development approval and the County Special Use Permit in accordance with Chapter 19.510. The Planning Department based on the facts presented in the Department report that was given to you back in 2018 of November, and the March 20th, 2019 memorandum finds that the proposed action will not have a significant adverse environmental or ecological effect provided that appropriate mitigation measures are incorporated into the project. We also find that the proposed action effectively meets the objectives, policies and guidelines of the Countywide Policy Plan, the Lanai Community Plan, the Koele Project District Provisions, and the County of Maui Ordinances. I do want to mention that this application was submitted to a number of governmental agencies. In the report that was given to you back in November of 2018, the majority of those agencies had no comment at all.

The Department is therefore recommending approval of the Project District Phase II Development Application and County Special Use Permit subject to the following conditions, and I will summarize.

The first condition is that the permit shall be valid until November 30th, 2023 subject to extensions by the Planning Director.

The second condition is that the permit shall not be transferable without the prior written approval of the Planning Director.

Condition no. 3 deals with the applicant holding a liability policy for a million dollars.

Condition 4, that full compliance with all applicable governmental requirements shall be rendered.

Condition no. 5 deals with compliance reports. Compliance reports need to be submitted that shows that the applicant is complying with all of the conditions that have been set forth and approved by the Commission.

The applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Project District Phase II Approval and County Special Use Permit. Failure to do so -- failure to so develop the property may result in the revocation of the permit.

That all exterior illumination shall consist of fully shielded downward lighting throughout the project.

Condition no. 8 deals with incorporating mitigative measures during construction to deal with the impacts relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.

Condition no. 9 deals with historic resources and in case anything is found all work shall cease in the immediate vicinity of the find, and the State Historic Preservation Division (SHPD), Maui Section, shall be contacted immediately.

Condition 10 that to the satisfaction of the Department, construction of the proposed project shall be initiated by November 30th, 2019, and then the rest of that condition deals with what initiation of construction means.

Condition 11 that to the satisfaction of the Department, construction of the project shall be completed within one year after the date of its initiation.

The conditions of the Project District Phase II Development Approval shall be enforced pursuant to the Project District standards and the County Special Use Permit conditions will be enforced pursuant to the provisions of Chapter 19.530 of the Maui County Code. In consideration of the foregoing, the Department recommends that the Lanai Planning Commission adopts the Planning Department's Findings -- Report and Recommendation prepared for the November 28th, 2018 meeting and the March 20th, 2019 meeting as its Findings and Fact, Conclusion of Law, and Decision and Order, and authorize the Director of Planning to transmit said written decision and order on behalf of the Commission.

Ms. Preza: Thank you. So upon hearing that, Commissioners, does anyone --? Do you want further discussion or discussed or motion?

Ms. Roxanne Catiel: No, not yet.

Ms. Preza: Okay.

Ms. Catiel: Just to make sure that we have access to go up to that pathway to Koloiki Ridge.

Ms. Preza: I think, today, on our site visit someone asked that, and yes --

Ms. Catiel: Yeah, I did.

Ms. Preza: -- and Lynn said that there will still be open access for the public to go to Koloiki. Yes?

Ms. Green: Can we make that a condition?

Ms. Preza: Yeah, that would be good.

Ms. Green: I have that on my list too. Yeah. I had a couple of other conditions. On number one, Ann, the last sentence says, "and approval may require a public hearing on the time extension." Can we change "may" to "shall"? In other words, I think that it should come back to the Planning Commission again.

Ms. Cua: The way the condition reads is that the project is valid until 2023 subject to extension by the Director.

Ms. Green: Right.

Ms. Cua: And if the Director finds that --. The Director may forward the time extension to the Commission for review and approval, and may require a public hearing.

Ms. Green: Right, but that's at the Director's discretion.

Ms. Cua: That's correct.

Ms. Green: So we're totally out of control then. I mean, the Director can just do it and maybe the community doesn't want it. So, can we change that or not?

Ms. Cua: It's the Commission's -- it's the Commission's choice.

Ms. Catiel: I agree with, I agree with you.

Ms. Green: Yeah.

Ms. Catiel: Put "shall" instead of "may."

Ms. Preza: Okay, any other discussion before we --. I see --. I think --. I hear --. Yes, Richelle.

Ms. Thomson: So any of those changes, the changes to the recommended conditions, so that

everyone is on the same page, should be done by a motion, a second, and then you all vote on it whether or not.

Ms. Green: So individually.

Ms. Preza: So Caron, would you like to make a motion?

Ms. Green: Okay, I would like to make a motion that under the recommendation no. 1 that it should read, that the Planning Commission --. Let's see. The Planning Director shall forward the time extension request to the Planning Commission for review and approval, and shall require a public hearing on the time extension by the Planning Commission. Is that okay?

Mr. Rabaino: I move to accept.

Ms. Preza: Do, do you second that Jerry?

Mr. Rabaino: She made the motion?

Ms. Preza: Yes.

Mr. Rabaino: Move to accept it.

Ms. Preza: All in favor? All opposed? None, so that passes. Well, I don't know if it passes. But, so we agree that that's what we would like. But you also said something about adding a condition to make sure that access to the trails. So I would, I would say Koloiki, but I would also say Kaiholena, which is that --. It's that ridge right above. It's right there. But we would --.

It was moved by Ms. Caron Green, seconded by Mr. Gerald Rabaino, then unanimously

VOTED: To amend Condition #1 to read that "the Planning Director shall forward the time extension request to the Planning Commission for review and approval, and shall require a public hearing on the time extension by the Planning Commission."

*(Assenting: R. Catiel, G. Green, S. Menze, G. Rabaino, S. Samonte, C. Trevino)
(Excused: J. Delacruz, M. Martin)*

Mr. Rabaino: Yeah, adding the whole area.

Ms. Preza: We talked --. But this came up in the prior meeting, and Erik said that it would be open. I think, Lynn, you also said it would be open for, you know, access.

Mr. Rabaino: Well, I rather have it in writing.

Ms. Preza: Okay, do you want to make --

Mr. Rabaino: You put it in writing.

Ms. Preza: Maybe someone can make a motion saying that we would also like that in?

Ms. Green: I can't say the name of the second place, but anyhow, unrestricted access to the Koloiki Trail from the clubhouse across what used to be 17th and 18th. And Kaiholana, thank you.

Ms. Preza: Kaiholana. Okay. All in favor. Oh, no, no, wait. Sorry, second? I'm sorry, second? Can someone second into the microphone?

Mr. Rabaino: Second.

Ms. Preza: All in favor? All opposed? There being none, we pass that. Does anybody else have --?

Mr. Rabaino: Okay, before we close, try re-read it again? Re-state it for the record.

It was moved by Ms. Caron Green, seconded by Mr. Gerald Rabaino, then unanimously

VOTED: To add Condition #12 that unrestricted access shall be provided to the Koloiki Ridge and Kaiholana Trail from the welcome center to the original trail heads.

*(Assenting: R. Catiel, C. Green, S. Menze, G. Rabaino, S. Samonte, C. Trevino)
(Excused: J. Delacruz, M. Martin)*

Ms. Preza: Sorry, do you have extra things you would like to add?

Ms. Green: I do.

Ms. Preza: Okay, Jerry, we're still, we're still discussing.

Mr. Rabaino: That's the unrestricted access, right, you put for the traditional? Unrestricted access.

Ms. Green: Yes, from the clubhouse through what used to be 17th and 18th, up to the water tank, etcetera, yeah. Okay. This is a question for Commissioners. Do we want to limit the number of guests that can have access at any one time? They had used their noise study as 30. No, you don't care?

Ms. Preza: It seems like generally the Commissioners are saying no. And I do think that they, they have spent a lot of time thinking about how, how many people can come and what they're expecting. Do you have any other? Anyone else?

Ms. Green: Okay, right now, we have the hours of being eight to five, I believe. Really, how about nine to four? Any particular reason why eight to five? I'm sorry, eight just seems to be -- those who know me -- eight is early.

Ms. Preza: I don't know how other Commissioners feel. I think eight to five is reasonable. I think every other operating business operates even earlier than that, and then goes later. I think eight to five is reasonable. And like Erik said, or actually a testifier said if you're getting day guests, then most people don't come until mid-day anyway. Well, how do other Commissioners feel though? You're fine Shirley, with that? And Sherry? Okay. Do you have others? Yeah, we're okay with eight to five. Yeah. Do you have other --?

Ms. Green: Everybody's wanting to leave. Okay, so all right. Oh, Pat Reilly had something before, only R1 water may be used. Is that R1 water in those water features up there? Okay.

Ms. Preza: We good? So, yes, Lynn.

Ms. McCrory: . . . (inaudible) . . .

Ms. Preza: Okay, so she just said, sorry so it can be on record on the microphone, she said R1 and its drainage coming down, okay. Okay, so would someone like to make a motion to --? Oh, wait, Ann?

Ms. Cua: I'm sorry. I just want to make sure we get the condition correct. And I am -- I might even need some spelling. On condition, the new proposed condition no. 12 that unrestricted to the Ko'o -- can you?

Ms. Preza: Koloiki. So, K, O, L, O, I, K, I. Koloiki.

Ms. Cua: And --?

Ms. Preza: I would say Koloiki Ridge or area because it's actually the Munro Trail. And then, Kaiholena which is K, A, I, H, O, L, E, N, A. Kaiholena.

Ms. Cua: Is that, is that a trail?

Ms. Preza: It's a trail.

Ms. Cua: Can we just leave it at that, that unrestricted access to the Koloii Ridge.

Ms. Preza: Koloiki. Sorry, there's a k. Koloiki.

Ms. Cua: Okay. Oh, yeah.

Ms. Preza: I can check with you after too.

Ms. Cua: And can we leave it at that and not have to do that...from the clubhouse to the --

Ms. Preza: Yeah, that's fine. Just as long as there's access to the --

Ms. Cua: Okay, thank you. That helps.

Ms. Preza: Okay, wait, sorry.

Ms. Cua: Okay, can you give the specificity again?

Ms. Preza: Okay, I think Commissioners are saying they would like it to be specifically at the, at the, via the pathway that goes past what used to be --. Okay, I don't know how to say this in a --

Ms. Cua: Yeah, and that's why we're asking.

Ms. Trevino: What is the name of that building now? Welcome center or from welcome center.

Ms. Preza: That goes from the welcome center to --

Ms. Trevino: What are they calling that three trail?

Ms. Preza: -- to the trail heads, the original trail heads. Yeah, I don't want to say 17th and 18th hole because that's not the same thing anymore. Okay, is that okay? Is that concise enough?

Ms. Cua: I think so.

Ms. Preza: Okay, thank you.

Ms. Cua: Thank you.

Ms. Preza: Okay, so, would anyone like to make a motion to approve with the conditions that we, we set forth?

Mr. Rabaino: I make the motion to approve. Can you read it back?

Ms. Cua: Oh boy.

Ms. Preza: Not the whole thing. Maybe just our, our additions.

Ms. Cua: Okay, so for condition no. 1, that was actually going to be one of my questions. Did you just only change one word from may to shall? Or did you change --? So it says the Planning Director may forward the time extension.

Ms. Preza: Shall.

Ms. Cua: So you changed shall and shall then. You changed two shalls? Okay.

Ms. Preza: I think the sentiment is that the Commission would like it to come back in four years.

Ms. Cua: Okay. Okay. So two shalls on condition no. 1. And then the only other is you added a condition no. 12 that unrestricted access to the Koloiki Ridge and Kaiholena Trail from the welcome center to the original trail heads.

Ms. Preza: Yes.

Mr. Rabaino: Yes.

Ms. Preza: That's correct.

Ms. Cua: Shall be provided.

Ms. Preza: You want to make a motion, Jerry?

Mr. Rabaino: That's the motion she when read.

Ms. Preza: Yes, so you can just say it again?

Mr. Rabaino: Okay, I accept the motion. What do you mean?

Ms. Preza: You make a motion to approve with conditions that she --

Mr. Rabaino: Hold on. You ready? I move the motion to be moved as stated on record with Annie. And Commissioners, all in favor?

Ms. Preza: So wait a second. Wait a second. So we have a motion --.

Mr. Rabaino: Is that the right one or I'm reading the wrong paragraph?

Ms. Preza: Sorry. Okay, we're going to try to get this right. So we --. Thank you everyone for staying so long. We --. Jerry had made a motion to approve with the conditions that we have outlined and that have been read back to us. Is there anyone who would like to second?

Ms. Menze: I second the motion.

Ms. Preza: Sorry, and Richelle added and accepting all the changes. Yes, Richelle can --

Ms. Thomson: Just to make sure I'm hearing this correctly. So the -- Jerry's motion is to accept the Planning Department's report and recommendation as the Findings of Fact, Conclusions of Law, Decision and Order with all recommended conditions including those just change no. 1, and then the, the new no. 12 regarding unrestricted access to the trail heads.

Ms. Preza: And do we have a second?

Ms. Trevino: Second.

Mr. Rabaino: Thank you.

Ms. Preza: Okay, Chelsea seconds. All in favor? Okay, and it passes unanimously.

It was moved by Mr. Gerald Rabaino, seconded by Ms. Chelsea Trevino, then

VOTED: To accept the Planning Department's report and recommendations with all recommended conditions including the amendment to Condition #1 as discussed, and the addition of Condition #12 as discussed.

(Assenting: R. Catiel, S. Menze, G. Rabaino, S. Samonte, C. Trevino)

(Excused: J. Delacruz, M. Martin)

Pursuant to Rule 12-401-16(a)(4), following the close of the hearing and meeting, Commissioner Caron Green informed staff that the Chair had not asked for the "no" votes on the motion to approve, and Commissioner Green requested that the record reflect that she would have voted in the negative.

Ms. Preza: Great, so now that this agenda item is over, I just want to thank you all for taking the time to be here. We do have another agenda item on the -- I mean, our agenda. But I just want to thank you sincerely for coming out and sharing your opinions. I'm going to turn this back over to Caron.

(Ms. Chelsea Trevino is excused from the meeting at approximately 9:10 p.m.)

- 2. MS. MICHELE McLEAN, Planning Director, transmitting proposed amendments to Title 19 of the Maui County Code to increase the penalty for the operation of a transient accommodation without a necessary**

permit from the current \$1,000 to a civil fine of up to \$20,000 plus \$10,000 per day for each day the unlawful operation persists. (A. Cua for M. McLean) (Public hearing was conducted at the December 12, 2018 meeting and Commission action was deferred.) [MEMORANDUM](#)

The Commission may take action on this item.

Ms. Green: If I can just have everybody's attention for a minute, we are --. No, you guys go, but go quietly. We have one more item to do on the agenda, and so I'm going to let Ann address that, and then we can adjourn.

Ms. Cua: In the interest of time, Commissioners, we would recommend that you defer item no. 2 regarding the penalties for short, transient vacation accommodations that don't have permits. We recommend that you defer that just because it is so late. And just for your information our Director or Deputy --

Ms. Preza: Sorry, if we could have everyone else who's left in the room, we're still having our meeting so if you could go speak outside. Thank you. Thank you.

Ms. Cua: Our Director or Deputy will be at your next meeting, so they can address that. And they have other things they want to talk to you about. One of the things, and I'm under Director's Report. Oh wait, so if you could vote on that, that would be great, if you could defer item 2.

Ms. Green: Can I have a motion?

Ms. Menze: I make a motion to defer item 2.

Ms. Preza: I second.

Ms. Green: Okay, it's been moved Sherry and seconded by Shelly. It doesn't matter. You can do the next one. That we are going to defer the item until next time. That's item E, right?

Ms. Cua: Item no. 2.

Dr. Ippen: . . . (inaudible) . . .

Ms. Green: Okay.

Dr. Andrea Ippen: Aloha. My name is Dr. Andrea Ippen and I am testifying today in regards to Agenda Item No. 3, the bill to -- relating to civil fines for unpermitted transient accommodations. I noticed in the first paragraph, 19.530.030 of the Administrative Enforcement, in the final sentence, underlined for a recommendation to change the language to the underline, there is a statement of...fourth line from the bottom, starting with the word

served by mail with proof of mailing, personal delivery, posting on the subject property or publication in a daily or weekly publication of statewide circulation. One issue that occasionally occurs on Lanai is even though it might be a statewide publication, we don't get the newspaper that day. Often times I've gone to the store and the newspaper is sold out for the day. So I think that having the publication in a daily or weekly publication phraseology, that language, I would like to see that removed. If they are wanting to notify people of a violation of a short-term rental I think they should have to post it on the property, mail it to them, or personal delivery.

Ms. Caron Green: This is for the whole County, though, not just for Lanai.

Dr. Ippen: Right, but it will also apply to us. So they might post it in the newspaper that I can't have access to if the language is changed to this. That might be an issue for people moving forward. Thank you.

Ms. Green: Okay.

Ms. Cua: But Chair, so we have that testimony, but we're still deferring it and you can talk about it next week, or next month when --

Ms. Green: Do you have the copies of that for each of us? Okay, are you going to just post it line, and give it in our packet next time so have that testimony?

Ms. Cua: You mean her testimony? I don't know. I didn't get any written testimony. Do you --

Dr. Ippen: . . . (inaudible) . . .

Ms. Cua: Yeah. So you have something you can give us?

Dr. Ippen: No. I was just reading off the actual . . . (inaudible) . . .

Ms. Cua: Right. Okay. So her testimony would be in the minutes.

Ms. Green: Okay, could we just get a copy of that in our packet next month when we discussion this? I know, but the minutes are going to long right?

Ms. Cua: Yes. And then --. So on your next, on your next meeting, April 17th, there's two public hearings for a short-term rentals. And also we're going to try again to discuss the caps for short-term rentals. And like I said our Director or Deputy will be there.

And then also, I do have -- sorry. Also, I do have a question about training. As all of you know, because you've all had it, whenever there's new commission members that come on

board, we do a training. We have no new members that are going to be coming on board, but our director has asked if you would like any type of training like how we normally provide.

Ms. Green: Ann, as you and I discussed this earlier, I think maybe we all think about that, and then make suggestions at the next meeting, if that's okay with everybody.

Ms. Cua: Sure.

Ms. Green: Okay.

Ms. Cua: All right. Thank you. That's it.

After accepting public testimony for agenda Item D.2., the Commission, without objections, deferred and will continue further discussion on the item at another meeting.

E. DIRECTOR'S REPORT

1. [Open Lanai Applications Report](#) as distributed by the Planning Department with the March 20, 2019 agenda.
2. **Agenda Items for the April 17, 2019 meeting**

F. NEXT REGULAR MEETING DATE: April 17, 2019

G. ADJOURNMENT

Ms. Green: Thank you. Meeting adjourned.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 9:16 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Roxanne Catiel

Lanai Planning Commission
Minutes -- March 20, 2019
Page 78

Caron Green, Chair
Sherry Menze
Shelly Preza, Vice-Chair
Gerald Rabaino
Shirley Samonte
Chelsea Trevino

EXCUSED:

John Delacruz
Mililani Martin

OTHERS:

Ann Cua, Planning Supervisor, Current Planning Division
Jared Burkett, Staff Planner
Richelle Thomson, Deputy Corporation Counsel