

From: Don Couch
To: committee, pc
Date: 11/12/2013 09:28 AM
Subject: Fwd: Written testimony opposing PC-23
Attachments: Written testimony opposing PC-23 11-9-13.pdf

>>> "David Dantes/Maui Tradewinds" <ddantes@compuserve.com> 11/9/2013 2:18 PM >>>
Aloha Planning Committee Chair and Members:

As I will be off island when you meet on Nov. 14, please consider my attached written testimony, opposing a resolution to submit PC-23 to the Planning Commission.

Mahalo,
David Dantes, M.D.

OFFICE OF THE
COUNTY COUNCIL

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RECEIVED

DAVID DANTES, M.D.

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Nov. 9, 2013

Hon. Don Couch
Chair, Maui County Planning Committee
By fax to Office of Council Services
(808) 270-7686

Re: Written testimony on PC-23, submitted as an individual.

Aloha Planning Committee Chair and Members;

I would have preferred to give oral testimony during your meeting on Nov. 14, but I must be off island that morning, so please accept my testimony in written form.

As co-owner of Maui Tradewinds, a permitted B&B in Agricultural zoning, and as former president of the Maui Vacation Rental Association, I am familiar with the challenges faced by applicants who must obtain a State Special Permit (SUP). I applaud your efforts to streamline this process, while preserving the legislative intent of HRS 205. That said, I have questions and concerns about PC-23.

1. I don't understand what benefit may be expected by classifying short-term rental homes as Agricultural Tourism. HRS 205, Section 5(b), establishing regulations for Agricultural Tourism, provides, in pertinent part... "...overnight accommodations shall not be permitted." This causes me to question whether PC-23 might have the unintended, and absurd consequence, of prohibiting an overnight accommodation from offering overnight accommodation;
2. Classifying an accommodation as a "tourism activity" would lend more confusion to legislative language which is already burdened with contradiction and ambiguity. I think that the term "Agricultural Tourism activities" should apply to situations where visitors participate in an experience which is distinct from staying overnight, such as Surfing Goat Dairy or Alii Kula Lavendar Farm tours. If those activity providers also wish to offer overnight accommodations, that should be a separate question, and would probably require an amendment at the State level;
3. When legislation was originally crafted to allow home-based visitor accommodations in Agricultural zoning, there was heated debate and controversy, fueled by the ambiguous wording of County and State regulations and misunderstandings. The controversy tended to bring out ill-will and hostility in our community, and I feel it is imprudent to invite a second round of argument and misinformation by re-opening this topic unnecessarily;

4. Lastly, our B&B is on a two-acre parcel which has a fully-implemented farm plan. That farm plan includes cultivation of fruit trees and flowers for the enjoyment of our guests. Surplus harvest is shared with neighbors and donated to the Maui Food Bank, Feed My Sheep, and other charitable organizations. However, my wife and I are 71 and 67 years old respectively, and not capable of commercial scale farming. Any regulatory change requiring us to demonstrate a commercial income from farming could prohibit us from renewing our State SUP, deprive us of our livelihood, and force us to sell our home. There are no commercial farms in our neighborhood, and I would not anticipate that a new owner would implement commercial farming on this 45-degree sloped parcel, so agricultural use would not be enhanced by making our B&B impermissible.

In light of the above concerns and questions, I respectfully suggest that the Committee file this resolution.

Sincerely,

A handwritten signature in black ink that reads "David Dantes, M.D." The signature is written in a cursive, slightly slanted style.

David Dantes, M.D.