

County Clerk**RECEIVED**

From: Margot Thom <margot_thom@yahoo.com>
Sent: Tuesday, September 14, 2021 9:16 AM
To: County Clerk
Subject: CR 21-85

2021 SEP 14 AM 10: 59**OFFICE OF THE
COUNTY CLERK**

[You don't often get email from margot_thom@yahoo.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Hello

We are writing to request that the permit NOT be renewed for the Dragon Fruit Farm, or it be revoked.

We live on Punakea Loop near the Farm and have the following concerns:

- we live in a residential and agricultural neighborhood. It does not make sense to have a commercial zip line and wedding venue in the neighborhood
- they do not appear to be farming the dragon fruit since the fire three years ago, so perhaps they do not meet the ag requirements any longer
- there are multiple structures on the property which do not seem to meet the requirements of the county, state and CPR for number of structures
- there is often loud noise/music which goes beyond the 8pm curfew. They use speakers which amplify the base
- there is high traffic at times which does not seem appropriate in a residential area

Thank you for your consideration

Margot Thom & Laurent Joly
Owners

Sent from my iPad

County Clerk

From: Jeff and Sue Anderson <smander@pacbell.net>
Sent: Tuesday, September 14, 2021 4:16 PM
To: County Clerk
Cc: Tamara A. Paltin
Subject: Testimony Regarding County Council Item CR 21-85

 You don't often get email from smander@pacbell.net. [Learn why this is important](#)

Council Members,

I'm writing regarding agenda item CR 21-85 pertaining to the conditional use permit for Maui Dragon Fruit Farm.

I own and reside on a small farm adjacent to the Dragon Fruit Farm on the makai side. Given the geographical relationship between our properties, I'm mostly affected by noise rather than lighting or traffic issues.

The noise level from the Dragon Fruit Farm improved substantially from the unregulated high decibel blowouts prior to 2016 when they received their first restricted conditional use permit. The noise level also seemed to improve a bit more in 2020 during Covid lockdowns.

That said, coming out from the lockdowns the farm still generates a lot of noise and often appears out of compliance with its conditional use permit. There are two sources of noise. The first is from events. The farm hosts frequent weddings and other gatherings attended by large crowds, which are often accompanied with moderately high volume amplified music. These gatherings are frequent (though less so during 2020 lockdowns), they usually start quietly midafternoon but heat up late in the evening. The second source of noise is the zipline where participants tend to scream like banshees as operators cheer them on. The zipline noise is sporadic, mostly during the day however I'm occasionally disturbed by a bunch of whooping and hollering from people riding the zipline in the middle of the night. I don't know if these are paid guests or employees partying.

I support the restrictions in the conditional use permit, especially no amplified sound and limits on guest numbers, hours and event frequency. But, these restrictions are meaningless if not adhered to. Please enact a compliance program to ensure adherence or if that's not possible, I suggest you cancel the permit.

Jeff Anderson

RECEIVED
2021 SEP 14 PM 4:19
OFFICE OF THE
COUNTY CLERK

From: Beth-Ann Thompson <bigredbat@me.com>
Sent: Wednesday, September 15, 2021 9:02 AM
To: County Clerk
Subject: Subject: CR 21-85 Please DENY

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2021 SEP 15 AM 9:05

OFFICE OF THE
COUNTY CLERK

[You don't often get email from bigredbat@me.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

To whom it may concern,

I'm writing to you asking you to please DENY the request of the Maui Dragon Fruit Farm to extend their County Special Use Permit, CUP. My husband and I have lived at 85 Lau Awa Place (down the street from the Dragon Fruit Farm) since 2009 and watched as this property was developed. At first they planted lots of Dragon Fruit and were able to grow lots of fruit to support the needs of the local restaurants and other venues around the Island. They hired transient mainland and international workers that were young who worked the farm for food and lodging (tents) but the farm was small so things weren't out of control. Now they have frequent weddings that are noisy, lots of young workers that party at night and the land has turned into an amusement park. The whole idea of Agricultural property is to maintain the land as Agriculture and their property has severely diverted from this and the land is now more focused on wedding venues and adventures. When we bought our property in 2009 there were strict guidelines in place requiring our land to be 50% Agriculture and we were in compliance. The County should be enforcing that requirement to all properties so that this development can remain as it was intended....Agricultural.

We are all for the Maui Dragon Fruit Farm being used for what it is designated....a Dragon Fruit Farm. If they want to give tours to show people how the farm was created and how it is operated...that's great! We understand first hand how expensive it can be to farm so we are all for them supplementing their income with tours of their farm. That will give tourists and locals an understanding of how to grow agriculture on Maui and may even encourage more people to farm.

We understand how difficult it is to monitor people's use of their own properties but something needs to be done to protect the people who live around this property as it is not fair to them or anyone else in this Agricultural development.

Please DENY their extension of their CUP.

Respectfully,
Beth and Kurt Thompson

Sent from my iPhone

County Clerk

From: Ron Daniel <ron@bikemaui.com>
Sent: Wednesday, September 15, 2021 12:39 PM
To: County Clerk
Cc: Mike J. Molina; Ana L. Lillis; Jeremy Hall; Ben Hall; Lewis Upfold; Phil Feliciano
Subject: CC 21-453

Some people who received this message don't often get email from ron@bikemaui.com. [Learn why this is important](#)

Aloha Honorable Maui County Council Members,

This letter is in response to County Communication 21-453, regarding Bicycle Tour Public Safety and Related Litigation Concerns.

Proposal 21-453 is suggesting an assortment of possible regulations towards the Maui Downhill Bicycle Tour Industry, of which there are (6) active companies still in operation today. It is imperative that the industry is allowed to help disseminate information so that you, the Council Members, understand all sides of this complex issue.

We at Haleakala Bike Company would like to be involved in any committee meetings in order to provide valuable insight into the industry. Phil Feliciano, former owner of Cruiser Phil's Volcano Riders and well versed in the history of the bike tours and all previous council meetings involving this industry, is now the Director of Operations at Haleakala Bike Company. Our long time management team, Lewis Upfold, Ron Daniel, and owner Jeremy Hall, is available and willing to help in any way possible.

We would also like to extend an invite for you to participate in our tours so that you may have firsthand experience and see how both guided and self-guided tours operate. We would be happy to organize this for you.

We look forward to the dialog in which we all can endeavor to understand the issues and resolve them as best as possible.

Mahalo,

Haleakala Bike Company, established 1993

Ron Daniel
Director of Sales/Marketing
(808) 575-9575
ron@bikemaui.com

RECEIVED
2021 SEP 15 PM 1:18
OFFICE OF THE
COUNTY CLERK



County Clerk

From: Christopher Mrahunec <christopherm1811@gmail.com>
Sent: Wednesday, September 15, 2021 5:40 PM
To: County Clerk
Subject: Supporting Testimony Regarding County Council Item CR 21-85

 You don't often get email from christopherm1811@gmail.com. [Learn why this is important](#)

Dear Council Members:

My name is Christopher Mrahunec. I'm writing regarding agenda item CR 21-85 pertaining to the conditional use permit for Maui Dragon Fruit Farm. I strongly support the Maui Dragon Fruit Farm and ask you to approve their application.

I worked at the Maui Dragon Fruit Farm's lettuce production operation in Haiku for over five years. Lawrence and Crystal Schmitt are the hardest working people I ever know. They both are smart and educated people. I know they do not need to farm to make a living. However, they have dedicated their lives in the last 10 years to grow organic vegetables and fruits to help support Maui's food security and to help people including myself to live a healthier lifestyle.

I am originally from Texas. When I first joined their farm, I was severely overweight. After farming with them for a year, I lost 60 lbs in the first year. I learned how to grow lettuce from seeds to harvest. I learned how to live a healthy lifestyle and care for the land in a very sustainable way.

I learned how to live pono. I have learned so much from them. Their aloha spirit toward all of our workers and their dedication to organic farming is truly inspiring. They treat us like family and they are showing us the way to live in harmony with our land. We need more people like Lawrence and Crystal Schmitt on Maui!

I strongly support their effort to get a conditional use permit to diversify their income. What they have gone through in the last few years clearly shows that in order to survive as a farmer, income diversification is needed. I know you all support agriculture on Maui. Please support them.

Mahalo!

Christopher Mrahunec

RECEIVED
2021 SEP 16 AM 8:06
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Aaron Arcangel <aaronarcangel1234@gmail.com>
Sent: Wednesday, September 15, 2021 6:08 PM
To: County Clerk
Subject: Support Testimony for Maui Dragon Fruit Farm For Their Conditional Use Permit Extension

 You don't often get email from aaronarcangel1234@gmail.com. [Learn why this is important](#)

Aloha Council Members:

My name is Aron-Michael Arcangel. I am writing to you to support the Maui Dragon Fruit Farm and their application to extend their conditional use permit.

I was borned and raised here on Maui and live in Pukalani, next to their lettuce and herb farm in upcountry. Lawrence and Crystal Schmitt are the nicest people I ever met. They are hard working and full of aloha spirit. I also see their struggle as farmers since I saw their productions were affected in many different ways over the years. Recently, their biggest challenge is Axis deer in our area. I saw their crops damaged severely by deers in a few occasions. Sometimes they came at night hiding in their cars to try to catch or scare the deers. Not sure how successful those efforts were to them, but I know it must be hard to see crops gotten eaten. The current drought in upcountry are also affecting their crops as well since I see they have to irrigate their crops now constantly. They must have expensive water bills now I am thinking.

This pandemic made all of us aware that we need to grow more food on Maui to feed ourselves. I see how quickly our grocery store shelves went empty at the beginning of the pandemic. It is scary to me sometimes thinking what happens if the ships stop coming to Maui! We need more farmers!

To support them and approve their application is the right thing to do, especially if we as a community trying to strive for food-self sufficiency.


Mahalo!

Aaron-Michael Arcangel

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2021 SEP 16 AM 8:06
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County Clerk

From: Jum Hinds <jumhinds1234@gmail.com>
Sent: Wednesday, September 15, 2021 6:17 PM
To: County Clerk
Subject: Support Testimony for Maui Dragon Fruit Farm

 You don't often get email from jumhinds1234@gmail.com. [Learn why this is important](#)

Aloha Council Members:

I am Jum Hinds and I am writing to support the Maui Dragon Fruit Farm and their application to extend their conditional use permit.

I have known Crystal and Lawrence Schmitt for multiple years. I purchase produce from them at the wholesale level. They have the best organic produce grown on Maui. Their dragon fruit is so delicious. I feel so lucky that we actually have our own organic dragon fruit farmer on this island. I always thought that dragon fruit is only available in Asia where I was originally from.

If you want to support agriculture and hope we have more farmers on the island, support them!

Thank you.

Jum Hinds

2021 SEP 16 AM 8:06
OFFICE OF THE
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County Clerk

From: Fred Adolphsen <fredhaiku1811@gmail.com>
Sent: Wednesday, September 15, 2021 6:37 PM
To: County Clerk
Subject: Support testimony for CR21-85

|| You don't often get email from fredhaiku1811@gmail.com. [Learn why this is important](#)

Dear Council Chair and Council Members:

My name is Fred Adolphsen and I am writing to you to support the Maui Dragon Fruit Farm.

I have worked in both of their lettuce farm in Haiku and their dragon fruit farm in Lahaina. I have to tell you that Lawrence and Crystal Schmitt are making a real impact on agriculture here on Maui. Their farms (Lahaina, Haiku and Pukalani) are all USDA certified and the way they treat our Aina is so admirable. We never used any chemical or any pesticides ever! They believe in nurturing the soil in an organic way so that the soil gets richer and richer over the years and is regenerative. Unlike industrial chemical farming like the big farms practice, they deplete and destroy our soil and our earth.

Lawrence and Crystal Schmitt also believe in teaching kids early on to grow their own food. We have school tours to show kids how to plant pineapple and how to pollinate. Kids are so happy to come to the farm and they also have fun in our zipline. To me, to have a farm like this on Maui is a blessing to our island.

Please support them .


Mahalo!

Fred Adolphsen

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County Clerk

From: Rusty Fujihara <fujirusty@gmail.com>
Sent: Wednesday, September 15, 2021 6:57 PM
To: County Clerk
Subject: Testimony for CR-21-85/Support

 You don't often get email from fujirusty@gmail.com. [Learn why this is important](#)
Aloha Council members:

My name is Rusty Fujihara and I am sending this email to you to show support for the Maui Dragon Fruit Farm.

I am a contractor borned and raised on Maui. I have known Crystal and Lawrence Schmitt for quite a long time since I did some road work for them both on their dragon fruit farm in Lahaina and their vegetable farm in Haiku.

Crystal and Larry are such nice people. They are hard working, sincere, and treat everyone with dignity and respect. We always get paid right after our work and they have always done what they said. Over the years, I witnessed how hard to be farmers like them. We saw the fire destruction in Lahaina a few years ago and we also saw how this early spring the flood in Haiku wiped out their lettuce. I have to give them credit by sticking to what they do. I think a lot of people would just quit already.

I sincerely hope that you would support them as I do and approve their conditional permit extension.

Mahalo!

Rusty

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2021 SEP 16 AM 8:06
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County Clerk

From: Jeff and Sue Anderson <smander@pacbell.net>
Sent: Wednesday, September 15, 2021 6:58 PM
To: County Clerk
Cc: Tamara A. Paltin
Subject: RE: Testimony Regarding County Council Item CR 21-85

 You don't often get email from smander@pacbell.net. [Learn why this is important](#)
Council Members,

For the record, I did not receive notice for this permit update request. I understand notification to nearby neighbors is a required part of the application process. I happened to find out about it from a neighbor two days ago. Had I known about it, I would have submitted testimony while under consideration by the Planning and Sustainable Land Use Committee.

Jeff Anderson
619-203-9542

From: Jeff and Sue Anderson [mailto:smander@pacbell.net]
Sent: Tuesday, September 14, 2021 4:16 PM
To: 'county.clerk@mauicounty.us' <county.clerk@mauicounty.us>
Cc: 'Tamara.Paltin@mauicounty.us' <Tamara.Paltin@mauicounty.us>
Subject: Testimony Regarding County Council Item CR 21-85

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2021 SEP 16 AM 8:06
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COUNTY CLERK

Council Members,

I'm writing regarding agenda item CR 21-85 pertaining to the conditional use permit for Maui Dragon Fruit Farm.

I own and reside on a small farm adjacent to the Dragon Fruit Farm on the makai side. Given the geographical relationship between our properties, I'm mostly affected by noise rather than lighting or traffic issues.

The noise level from the Dragon Fruit Farm improved substantially from the unregulated high decibel blowouts prior to 2016 when they received their first restricted conditional use permit. The noise level also seemed to improve a bit more in 2020 during Covid lockdowns.

That said, coming out from the lockdowns the farm still generates a lot of noise and often appears out of compliance with its conditional use permit. There are two sources of noise. The first is from events. The farm hosts frequent weddings and other gatherings attended by large crowds, which are often accompanied with moderately high volume amplified music. These gatherings are frequent (though less so during 2020 lockdowns), they usually start quietly midafternoon but heat up late in the evening. The second source of noise is the zipline where participants tend to scream like banshees as operators cheer them on. The zipline noise is sporadic, mostly during the day however I'm occasionally disturbed by a bunch of whooping and hollering from people riding the zipline in the middle of the night. I don't know if these are paid guests or employees partying.

I support the restrictions in the conditional use permit, especially no amplified sound and limits on guest numbers, hours and event frequency. But, these restrictions are meaningless if not adhered to. Please enact a compliance program to ensure adherence or if that's not possible, I suggest you cancel the permit.

County Clerk

RECEIVED

From: vera sreda <verasreda@gmail.com>
Sent: Wednesday, September 15, 2021 7:56 PM
To: County Clerk; Tamara A. Paltin; Robert Carroll
Subject: Testimony Regarding County Council Item CR 21-85-Please DENY
Attachments: Dragon Fruit Farm Lay out.jpg; Crystal Text Saying 12 events per quarter.jpeg

2021 SEP 16 AM 8:06

OFFICE OF THE
COUNTY CLERK

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Dear Maui Council Members,

I, Vera Sredanovic and my husband Winston Cheshire live at 959 Punakea Loop, Lahaina, right under Dragon Fruit Farm. Over the past 6 years we have had many issues with Dragon Fruit Farm Commercial non-agricultural activities which are creating daily noise from Zip lining, Aqua Rolling Balls, weddings, Transient vacation rental and unpaid workers who sleep & party at the farm.

We have not received any notices regarding CUP and its amendments for Dragon Fruit Farm. I found out about this Friday meeting from Michaela McLean a couple of days ago. I found her name in an online article regarding permitting of Zip lines. I contacted her regarding noise from Dragon Farm and other CUP violations and she told me that CUP is on the docket this Friday. She advised me to write to you. That explains why you never received any letters from the community, as they are not being notified and were kept in the dark on the county's CUP restrictions, amendments and extensions. I also talked to other neighbors 500 feet from Dragon fruit farm and they have not received notices either. One neighbor said he received something in 2017, but nothing after that. Crystal was called by many neighbors with complaints about the noise, so I guess she chose not to send notices to us. I see that CUP states that you have on file proof that mailing was sent to us, it would be good to review those proofs. Also, we have never received a copy of the CUP and its restrictions, so I contacted Crystal-Owner and asked her how many events she is allowed to have. This is her text: (also attached bellow if not visible in the body of the e-mail)

Here you can see that she didn't want to answer how many events per month-so I had to ask twice., She states here she has unlimited picnics and 12 weddings per quarter (that is 4 weddings per month according to Crystal). Classification of picnics is murky too, as there was a wedding on 4/24/21 that she claims was a picnic-I think that was during the time when weddings were not permitted as per public health order-but I am not positive on when that was in effect). CUP available on-line from 2016 states 2 events/month are permitted? Are there some other rules not spelled in the CUP that Crystal is referring to?

I will guide you through a typical day we experience living here: from am-through afternoon, we hear screams from tourists Zip Lining and Aqua Ball rolling down the hill. We also hear very loud farm tours, as guides are having to yell to large groups of tourists and these tours are conducted right along our property line. We see daily, multiple large groups of tourists, sometimes 20-30 in each group having tours, Zip lining on the double zip line-2 lanes running at once-thus double screams, and aqua balling. During the pandemic Dragon Fruit Farm also built a large- about 50 feet by 30 feet pad with multiple dining tables for their Mountain Café-and noise is coming from there throughout the day also. In the afternoons and through evenings and late into the night we have large weddings with very loudspeakers, DJs and screaming wedding guests. Once they all leave and Dragon Fruit Farm is closed for adventure tours and other activities, we hear unpaid staff party hard, sometimes well into midnight and 1 am. They also invite guests who will drive up the hill and join their parties.

To give you a background on the people living at the farm and what they do: People at the farm are conducting tours, operating ZIP and Aqua Ball adventures, I have yet to see them do any farm work. Over the years I met many of them-

nice kids (young adults from all over the world who come to HI on the farm exchange programs and work for free in exchange for lodging and food. Many of them live in very bad conditions, in tents in extreme heat and direct west side sun. They told me they are bitten by centipedes in their sleeping quarters and the kitchen area is hot and not sanitary. So it is no wonder that at night they gather at the tour reception Cottage and party deep into the night under bright lights. They invite other friends, so we will see a lot of kids at the farm playing football, yelling, parting, listening to loud music and sometimes drugs. Couple of months ago I brought the Duck that was lost to them, as they have those ducks and I could smell Marihuana in the air. That explains why I would awaken in the middle of the night with screams and hysterical laughter.

I have, of course, notified Crystal-owner about these disturbances, I would call and text her in the middle of the night but would not hear back from her until the next day (owners don't live at this property and are not available to respond to disturbance calls), just to be told by her next day, that there was no noise coming from her farm (that is very blatant to claim if you are not here to know for sure). Once she also stated that noise is coming from a neighbor above her- which of course was not true. At this point the only remedy I had was to call the police. MPD has 3 of my middle of the night disturbance calls, which they confirmed were coming from Dragon Fruit Farm. They have reports and also contacted Crystal directly to warn her. I feel bad calling the police on weddings as that would ruin their wedding day, but I have recordings of weddings going well into the night. All past 8 pm, all using loudspeakers, no lights are shielded and of course a lot of cheering, screaming, and yelling. Party tents are erected the day before the event and removed the day after the event-this is standard practice and I have dated photos confirming that too. The last wedding that was conducted on 9/12/2021 had over 50 people in attendance, 96 ceremony chairs were set up, it looked like the tent was over 700 sf (it would be prudent to see if fire department was notified to obtain their review and approval), couple of cars were parked on the street, loud speakers were used, unshielded string lights were used.

I have documented proofs of most of the conditions from 2016 CUP being violated, and you are welcome to contact me to provide you with videos and photos. I do see that one neighbor above the farm pointed to those similar complaints with an official form filed to the ZAED department. I was not aware of this process to file complaints, and it seems that if the complaint is past 7 days it doesn't get investigated. So it is good that I have digital proofs that can be verified.

Looking at the history of Dragon Fruit farm, I see that they conducted the same weddings and events even before being granted CUP, which was collaborated by neighbors who were here before we moved in 2016. After obtaining CUP they repeatedly violated the conditions of CUP. They also kept adding other activities to their CUP-all not related to agricultural activities. If you review their source of revenues and actual activities conducted on this location you will realize that all the profits are coming from Weddings, Zip Lines, Aqua Balls and "farm tours". Their unpaid staff is engaged in those activities and not farming activities. It is difficult to get actual dragon fruits grown at the farm even during the season from June-end of November. Land doesn't look like it is being worked and cultivated to produce crops. Dragon fruits are just left unattended. Their presentation looks nice but is disconnected from reality as the farming component is just used as a cover for other activities that should not be conducted on agricultural lands and are generating huge profits to owners to the detriments of this land and its neighbors. It doesn't contribute to economic development as there is minimal paid staff working at the farm. Less than 30% of their land is used for agriculture (even though they claim 15 acres is used), the rest is devoted to 2 large wedding pads, large parking areas, TVR and its yard-also used for weddings, Zip lines, some circular stone structures for photo props, Aqua Ball run, there is a portion of land that used to be natural rain run off-but they built large wedding/observations deck on top of that natural runoff and land below that is left unfarmed. I have provided the actual map of the lot as an attachment (this map is taken from Crystal's presentation to the county in 2018 CUP extension process, where she omitted certain elements not used for farming. Area shaded in yellow indicates the area entirely used for weddings and other events, shaded in white is unused land-and includes a part that used to be natural water runoff but now covered by their half circle ceremonies/viewing area, pink shaded is used for zip line and Aqua ball run-and not used for Dragon fruits-Crystal's presentation stated it was all used for Dragon Fruit farming. Only area shaded in green is dragon fruits.

Considering that the farm has a history of doing commercial activities without permit, violating CUP restrictions, falsely certifying that none of the CUP conditions were violated in their extension application, false claims that neighbors

adjacent to them were notified of their applications-so that they could have a chance to object, misstating surface of the land used in farming, not contributing in a substantial way to the welfare of the community by providing employment opportunities for local residents, and using agricultural lands as an excuse for profitable adventure and events activities while disturbing a peace of the land that is not zoned for such commercial activities, I would respectfully ask you to immediately revoke the CUP and ensure that those activities are stopped.

Thank you for your service to the community and I apologize for the lengthy testimony-but this is an accumulation of years of issues and disturbing activities at Dragon Fruit Farm.

Respectfully, Vera Sredanovic and Winston Cheshire

< 58

C

Crystal Maui Dragon Fruit Farm >

This was second in the last 30 days.
My question is how many weddings/
receptions are you premier for per
month

Permitted for- how many

I do not think we have another one
earlier. There is a ceremony earlier

Please respond_ I can call count
and ask if you refuse to answer

The one prior suppose to be a
picnic. We can have unlimited
amount picnic

Wedding reception 12 per quarter

I am trying not to do much reception
after dark. Less than 6 per quarter

So far we only had one. If that picnic
lady actually did a reception as you
described, I will totally bring up the
issue with her since that was not
suppose to .



Text Message



Guests/tours reception area-
UTILITY SHED PER
COUNTY TAX RECORDS

Area with
existing CP

UNUSED LAND

Large Wedding/Ceremony pad
Encroaching on adjacent property

New large concrete pad with multiple tents for
shade and dozens of tables-New Cafe area

2 lanes ZIP Line Towers

ZORB line and zorb storage building

Nothing is planted here

Paved Parking (4 stalls)

Paved Driveway

Paved Parking (3 stalls)

1000 sq ft 1000 sq ft

Driveway

Proposed TVR
2 bedroom ohana

Restrooms 12 x 12

Paved Parking (25 regular stalls 2 bus stalls)

Gravel Parking (4 stalls)

Driveway

Gravel Parking (40 stalls)

Nothing is planted in this pink
encircled area

Total Parking
76 regular stalls
2 bus stalls

Spiral rock attraction area

County Clerk

From: Robert Mitnick <robert.mitnicktaro@gmail.com>
Sent: Wednesday, September 15, 2021 8:27 PM
To: County Clerk
Subject: Testimony for Support of the Maui Dragon Fruit Farm, LLC

You don't often get email from robert.mitnicktaro@gmail.com. [Learn why this is important](#)
To: Maui County Council

My name is Robert Mitnick. I am the founder and president of Hawai'i Taro Company, a locally owned and operated food producer on Maui. Our company's mission is to develop healthy products made from all natural ingredients while working to preserve the beauty and cultural history of our island home. Our goal is to introduce Taro to the world through food products and export which encourages sustainable agriculture and environmentally sensitive, minimal impact development. We believe that if we take care of our Aina, it will provide food for our people for generations to come.

As a resident of Hawai'i for almost forty years, I have seen Hawai'i struggle to balance modernization and development with its agricultural legacy. The generations who have thrived here before us have honored and protected the healthy balance of our islands' eco-systems. Now it is our responsibility to be good stewards of our land.

Crystal and Larry Schmitt embody that kind of land stewardship that our islands need. They conscientiously choose not to use any pesticides on their crops even though that means they regularly sacrifice some of their yields to insect attacks. They strictly use organic fertilizers so that the land and soil are always being nurtured and renewed instead of being poisoned or depleted even though that means their fertilizer cost is higher. They truly care about our Aina. Their organic farming practices not only produce foods that are very healthy for people, but also very beneficial to our Aina and to our ocean and reef system. They diligently guard our fragile eco-system on the island while supplying food for our island people. They are committed to introducing and commercializing organic dragonfruit on Maui, which is rapidly on its way to becoming a major agricultural crop here to benefit our state as a whole.

I understand that Maui Dragon Fruit Farm is trying to renew their special and conditional use permits which allow them to host weddings on their farm and to sell products at their farm stand which are not 100% produced on the farm. I would like to inform you that I strongly support the renewal of these permits so that they can have a diversified income which will help them survive in the long-run regardless of adverse farming conditions. Your support of them will benefit our island and our organic food industry.

If you have any questions or need any more information from me, please feel free to contact me at (808) 214-6362 or email robert.mitnicktaro@gmail.com.

Aloha,

Robert Mitnick

Founder & President

Hawai'i Taro Company, LLC

RECEIVED
2021 SEP 16 AM 8:07
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Suinan zhong <suinanzhong@gmail.com>
Sent: Wednesday, September 15, 2021 8:41 PM
To: County Clerk
Subject: Written Testimony for support of Maui Dragon Fruit Farm

 You don't often get email from suinanzhong@gmail.com. [Learn why this is important](#)

Dear Maui County Council Members:

I am submitting a written testimony to support Maui Dragon Fruit Farm's conditional use permit extension application.

Being a farmer myself, I would like to let you know that farming on Maui is both challenging and rewarding. Challenging because it is hard to find workers who like to work in the field rain and shine. Especially young people, most of them growing up on Maui now do not have much motivation to go to the agricultural field. Rewarding because we see we need more food growers on Maui and a lot of people out there love the food that is grown here locally.

I have known Crystal and Larry for a long time since we exchange produce sometimes. They are responsible and reliable. They are always there to help their friends. They are people I know I can count on when I need an extra hand. They are devoted to organic farming and take care of our aina. They have a vision for Maui to become the dragon fruit capital of the U.S.. We admire them for their courage to overcome obstacles and for their vision that we can grow a lot more food on Maui.

I sincerely ask your support of them. I know their success is our island's success.

Mahalo!

Suinan Zhong

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2021 SEP 16 AM 8:07
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COUNTY CLERK

County Clerk

From: Crystal Schmitt <crystal@mauidragonfruit.com>
Sent: Wednesday, September 15, 2021 9:30 PM
To: County Clerk
Subject: Our response to Mr. Thompson and Mrs. Thom's Testimonies
Attachments: ThompsonResponse.doc; Mrs.ThomResponse.doc

[You don't often get email from crystal@mauidragonfruit.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Dear council members:

We appreciate all of our neighbors' feedback since we are always trying to be good neighbors.

Attached please find our response to our neighbors Mr. Thompson and Mrs. Thom's testimonies.

Mahalo!

Crystal Schmitt
Maui Dragon Fruit Farm
(808)264-6127

RECEIVED
2021 SEP 16 AM 8:07
OFFICE OF THE
COUNTY CLERK

Dear Council Members,

We are writing this letter in response to Margot Thom's objection to the renewal of our conditional use permit.

Our farm was devastated by the fire that swept through the area during Hurricane Lane. We have spent the last few years replanting our dragonfruit fields, expanding our pineapple and banana plantings, and planting an assortment of additional fruit trees. These plants are still small but are growing quickly and will hopefully be productive in a few more years. In the meantime, the revenue we receive from the farm tours, including the zipline, and from the occasional wedding are helping to pay the bills while we recover from the disaster. We humbly ask that you not take away this supplemental revenue from us as we rebuild.

We have tried to be respectful to the neighbors and have been limiting our farm tours to weekday mornings to minimize the impact on the area. Additionally, the area is a large lot agricultural area, so most neighbors are pretty far away and are not much affected by our activities. The area is not residential, but agricultural, so a certain amount of noise, be it from machinery, animals, or staff is to be expected. Our ag tourism activities do not significantly increase this basic noise level.

We would like to thank the council for their support of agriculture over the years. Farming can be difficult at times and is subject to many unforeseen problems such as drought, fire, floods, invasive plants, insects, etc. By diversifying our income with other revenue streams, we have been able to weather these storms and continue to survive as an organic farm which provides benefits to the island and to its people. We hope that you will continue this support and approve the renewal of our CUP.

Sincerely yours,

Crystal and Lawrence Schmitt
Maui Dragon Fruit Farm

Dear Council Members,

This letter is in response to the Thompson's objection to the renewal of our Conditional Use Permit.

Our farm suffered in the 2018 fire that raged through the Lahaina hillside during Hurricane Lane. We have spent the last few years rebuilding the crops which were destroyed in the fire. While they have mostly been replanted, they are still small and will take a few more years before they are again fully productive. In addition to dragonfruit, we are continuing to plant other crops such as bananas, pineapples and sour sop and are constantly expanding our agricultural area. These continue to grow and are getting better every year. Our weddings had stopped for over a year due to the COVID restrictions and have just recently resumed. They only happen sporadically and are generally fairly quiet events. We have been on site for these and have observed that there is not much sound noticeable in the neighborhood when they occur. While we do have visitors to the farm to help supplement our income, the vast majority of these and the associated traffic are walking tours which are a permitted use of the property. Out of respect for our neighbors, we have been limiting these tours to weekdays in the mornings. We respectfully ask that you renew our CUP as the additional income does help us to make ends meet as our crops continue to recover.

Sincerely yours,

Crystal and Larry Schmitt
Maui Dragon Fruit Farm

County Clerk

From: Nancy Huang <nhproperties1006@gmail.com>
Sent: Wednesday, September 15, 2021 9:52 PM
To: County Clerk
Subject: Support Testimony for Maui Dragon Fruit Farm

 You don't often get email from nhproperties1006@gmail.com. [Learn why this is important](#)

Dear Council Members:

I am sending this email to you to provide supporting testimony of Maui Dragon Fruit Farm's conditional use permit application.

Maui Dragon Fruit Farm has successfully brought 16 best varieties of dragon fruit to Maui. More and more people including myself are cultivating dragon fruit now on Maui because of them and people are loving them!

Maui Dragon Fruit Farm provided educational tours to local residents and visitors on how to grow them. A few of my other friends learned about it and obtained cuttings from them to start to grow them too. It will be so beneficial for our island if people start to grow more food on their backyards. Dragon Fruit uses very little water and survives in all soil conditions and is such a great crop for our state. We are very thankful that a new crop has been introduced to our islands.

We ask you to support them. We need more farmers to be able to survive on Maui. Having different sources of income is key considering all the challenges farmers are facing.

Thank you.

Nancy Huang

RECEIVED
2021 SEP 16 AM 8:07
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Elileen Welter <elileenwelter@gmail.com>
Sent: Wednesday, September 15, 2021 10:07 PM
To: County Clerk
Subject: Testimony to support Maui Dragon Fruit Farm

 You don't often get email from elileenwelter@gmail.com. [Learn why this is important](#)

Aloha Council Chair and Council Members:

My name is Elileen Welter and I am writing to you to support the Maui Dragon Fruit Farm's conditional permit extension.

I love dragon fruit! I am so happy that we have a dragon fruit farm on Maui and they have so many different varieties of them. I get to know Crystal and Lawrence by attending one of their educational tours and they are so knowledgeable and helpful! They inspired me to grow this fruit on my small patch of land and the fruits are coming in now.

We need more organic farms and organic farmers on Maui. This COVID-19 pandemic especially makes me think that we as a community needs to support each other to make farming a part of our lives. Our kids need to learn where the foods are coming from and how we can grow more of our own food. By supporting farmers like Crystal and Larry, we are making a good step toward trying to achieve food self-sufficiency in our state.

I appreciate you reading my testimony and I hope you can approve their application.

Mahalo!

Elileen

RECEIVED
2021 SEP 16 AM 8:07
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Yolanda Hadley <yolandahandley100@gmail.com>
Sent: Wednesday, September 15, 2021 10:30 PM
To: County Clerk
Subject: Testimony to support Maui Dragon Fruit Farm for Item CR21-85

 You don't often get email from yolandahandley100@gmail.com. [Learn why this is important](#)

Aloha Maui County Council Members:

My name is Yolanda Handly and I live in Lahaina not too far from the Maui Dragon Fruit Farm. I am submitting this testimony to support the Maui Dragon Fruit Farm's effort to extend their conditional use permit.

My kids have gone to their farm for school tours a few times. Each time they got back, they could not stop talking about the farm and how much fun they had riding on their zipline and planting pineapples. They even brought home a few dragon fruit cuttings and we planted them together in our yard. They are doing so great that we already start to have fruits!

I ask you to support Maui Dragon Fruit Farm to grant their permit extension. I know you all want to support agriculture on Maui. This is a good opportunity to show people of Maui that you truly care about our land use in West Maui and not just allow all the millionaires come here to build their gentlemen's estate. Launiupoko suppose to be an agricultural community. But all I see is swimming pools and swimming pools. How about growing some real food on our valuable limited available land to feed the island when we are in real need of true food security.

Thank you for your consideration.

Yolanda

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2021 SEP 16 AM 8:07
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Jayz Paleka-Wright <kekaimalino2@gmail.com>
Sent: Wednesday, September 15, 2021 10:50 PM
To: County Clerk
Subject: Maui Dragon Fruit Farm

 You don't often get email from kekaimalino2@gmail.com. [Learn why this is important](#)

Aloha, I'm emailing regarding the Maui Dragon Fruit Farm at launiupoko. I've been working next door the past couple months and have experienced obnoxious noise. They haven't been using this farm for cultural purposes. I have seen many weddings, zip lining, and partying. I haven't seen any farming in any sorts ever since I've started working here. I've been working there for 3-4 months and I haven't seen any locals go there. Also their plants are overgrown and the land is dry.

If this land is meant for agricultural purposes then they shouldn't be able to hold such events. Especially in a neighborhood where people live and want to relax. This is disrespectful to the community and others who would love to have this chance.


Mahalo for listening to my concerns,
Kekai Paleka-Wright

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2021 SEP 16 AM 8:07
OFFICE OF THE
COUNTY CLERK

County Clerk**RECEIVED**

From: Karissa Sanders <karissasandersloha@gmail.com>
Sent: Wednesday, September 15, 2021 11:10 PM
To: County Clerk
Subject: Support for Maui Dragon Fruit Farm

2021 SEP 16 AM 8:08**OFFICE OF THE
COUNTY CLERK**

 You don't often get email from karissasandersloha@gmail.com. [Learn why this is important](#)
Aloha Council Members:

My name is Carisa Sand and I was born and raised here on west Maui. My grandparents like to garden. While growing up, each time we visited them, we would bring fresh vegetables home from their yard. They always told me that their vegetables are organic since they did not spray any pesticides on them and they are good for me. So I always tried to eat organic.

A few years ago, my uncle died of colon cancer. Then my best friend Dad also died of colon cancer. It seems more and more people are getting all forms of cancer nowadays. So I did some research and I realized that eating chemically sprayed foods are one of the main reasons people getting cancers like colon cancer. The message to me is loud and clear: we not only need more locally grown food in our state, we also need more organically grown local food on our islands.

I met Crystal Schmitt at one of the organic certification sessions on Maui since I am trying to get more information on the USDA organic certification process. It turns out that Maui Dragon Fruit Farm is one of the very few USDA certified organic farms on Maui. Crystal is not only passionate about farming, she is passionate about organic farming. She told me she would not be farming if it is not organic. She is so knowledgeable on all the organic farming practices and I am so glad that I found such a great organic farmer whom I can learn from.

Being living on the west side most of my life, I have witnessed a lot of changes over the years. The hill of Launiupoko used to be all sugar cane. Now there are more swimming pools there than any other places on Maui. I have witnessed one family hired a landscaper to plant most of their land with crops like bananas, etc. Once they got their building permit and finished building their big vacation house, they cut off water to all the plants and just left their land with yellow brushes, which is becoming a major fire hazard. They have no interest in farming or growing any food for the island. All they want is their big ocean-view vacation home in a very large piece of agricultural land. Their houses sit there empty most of the year, while local people have trouble finding affordable housing. We need to use those valuable land to either grow food or to build more affordable housing for our community. We need to stop those people complaining about their true farm neighbors and ask them to do some real farming if their houses are all called " farm dwellings".

Thank you so much for reading my lengthy testimony and I sincerely hope you will support Crystal and Larry Schmitt to approve their extension request.

Mahalo!

Carisa



OFFICE OF THE
COUNTY CLERK

2021 SEP 16 AM 8:54

RECEIVED

September 16, 2021

TO: Councilmember Alice L. Lee, Chair
Councilmember Keani Rawlins- Fernandez, Vice- Chair
Members for the Maui County Council

FR: AMERICAN RESORT DEVELOPMENT ASSOCIATION – HAWAII (ARDA Hawaii)

RE: Comments on Committee Report 21-79 ("CR 21-79") ("A BILL FOR AN ORDINANCE
ESTABLISHING A NEW CHAPTER 3.47, MAUI COUNTY CODE,
IMPLEMENTING A COUNTY TRANSIENT ACCOMMODATIONS TAX")

(Sent via e-mail to county.clerk@mauicounty.us)

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members Maui County Council,

Thank you for allowing ARDA Hawaii to submit testimony **providing comments** to the proposed bill establishing a new chapter 3.47 to the Maui County Code, implementing a county transient accommodations tax. ARDA Hawaii is the local chapter of the trade association for the timeshare industry. Timeshare is an important and stabilizing part of the tourism industry and Maui's economy. Timeshare owners have made a long-term commitment to Maui by purchasing and owning real property in the County. These owners are consistent and dependable visitors who bring substantial tax dollars to the County and continue to come even during periods of economic downturn.

CR 21-79 establishes a county transient accommodation tax of three percent (3%) ("**County TAT**"). The new County TAT imposes a monthly tax on the gross rental or gross rental proceeds derived from the furnishing transient accommodations. Every transient accommodation broker, travel agency, and tour package that arrange transient accommodations, and every operator, and occupant of a resort time share vacation unit, must pay to the County TAT once it takes effect upon the approval of the ordinance.

ARDA Hawaii understands the need for the County to establish the County TAT, however, we have concerns with the timing of the application of the additional 3 percent increase. Having the County TAT *effective upon approval* raises significant compliance issues. Timeshare operators will not be able to disclose the new tax to guests in advance. Operators will not be able to collect the County TAT as the guests have already booked their room at a specific price incorporating the existing taxes.

Moreover, timeshare resorts will need to update their Hawaii disclosure statements and file with the Department of Commerce and Consumer Affairs ("DCCA"). This is often a time-consuming process requiring approval from the DCCA. Having CR 21-79 be effective upon approval will lead to inadequate disclosure to customers. Imposing a tax with an immediate effective date will make it impossible for developers and operators to provide full and fair disclosure to buyers, owners and other occupants.


Accordingly, ARDA Hawaii respectfully requests the effective date of the bill be made **not earlier than 60 days after signing CR 21-29 into law** to allow: 1) appropriate notice to be given to travel partners; 2) booking engines to be updated with the new County TAT; and 3) rental agreements to be modified with the new required language. Further, the additional 30-60 days will provide developers and timeshare operators adequate time to update disclosure statements with DCCA and provide consumers with full and fair disclosure.

Specifically, ARDA Hawaii recommends the following amendment to the County TAT bill:

1. Amend Section 3 of the bill to state "This Ordinance shall be effective 60 days from approval and signature by the Mayor."

Mahalo for your consideration of our comments. We look forward to working with the Council on implementing a policy that will enhance the ability of developers and operators to comply with the new existing laws and requirements that compel fair and full disclosure of the County TAT to consumers.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line extending to the right.

Mitchell A. Imanaka
Chair
American Resort Development Association of Hawaii

County Clerk

From: Susan <suzmarshall@gmail.com>
Sent: Thursday, September 16, 2021 9:31 AM
To: County Clerk
Subject: CC 21-453

[You don't often get email from suzmarshall@gmail.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

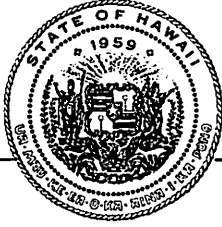
Please accept this written testimony urging the mayor to examine the public health and safety of bike tours in Maui. As a Makawao Elementary School PTA Board Member and MMMC Emergency Dept RN, I find the bike tours to be a source of community concern. The roadways along Baldwin Ave and also Kaupakalua/Kokomo are not fit for inexperienced bikers. The roads have very limited shoulders and are often curvy, creating unsafe passing conditions. The riders themselves are inexperienced on the Maui roads and upcountry weather conditions. Speaking to Maui visitors that have participated in the bike tours, several have admitted their lack of experience on a bike in general "I hadn't been on a bike in years, but it was all downhill so we went for it".

I've noted regularly some bikers are not escorted by an guide, thus having to navigate their way independently. Often these unsupervised single or smaller group riders will occupy the entire lane, causing tremendous backup of traffic. At Makawao Elementary, drivers can only access the child dropoff and pickup area from Baldwin Ave, so there are vehicles continuously entering and exiting the road. Limiting the hours of operation to avoid school drop off and pick up times would be help keep our community safe.

As a RN in the emergency department @ Maui Memorial it is not uncommon to see injuries from a downhill bike accident. There are injury hotspots, as AMR paramedics can attest to better than I can. Our hospital is currently at capacity. We are navigating a pandemic and have limited resources. I would like to see more investigation into the true safety of the downhill bike activity.

Aloha-
Susan Marshall
Makawao Elementary PTA Treasurer
MMMC RN

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2021 SEP 16 AM 10:32
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HAWAII STATE ENERGY OFFICE STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

SCOTT J. GLENN
CHIEF ENERGY OFFICER

235 South Beretania Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-3807
Web: energy.hawaii.gov

Testimony of SCOTT J. GLENN, Chief Energy Officer

before the
MAUI COUNTY COUNCIL

September 17, 2021
9:00 AM

Comments in consideration of
CARE-42
RELATING TO ZERO NET ENERGY HOMES

RECEIVED
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COUNTY CLERK

Chair Lee, Vice Chair Rawlins-Fernandez, and Members of the Council, the Hawaii State Energy Office (HSEO) supports the intent of CARE-42, which would require new one and two family residential buildings over 5,000 square feet to be zero net energy homes, and looks forward to further refinements of the measure.

We are all aware of reports from the United Nations, from scientific organizations and other distinguished bodies indicating that climate change is accelerating and which point to worsening droughts, forest fires, floods and rising sea levels. Scientists agree that rising temperatures caused by man-made CO₂ emissions are the prime cause of these catastrophes.

CARE-42 is part of a national shift that recognizes the importance of building codes to steer our buildings, and the energy systems that support them, to more sustainable and efficient designs. Both our buildings and our energy infrastructure generally last more than 50 years.

Measures such as this are intended to move the builders of high-end residences toward highly efficient windows, roofs, air conditioning and water heating technologies which in turn would help to bring these products to hardware department shelves.

Perhaps just as importantly, measures such as this spark conversation and creative thought, as we recognize the importance and lasting impact of the facilities and

Hawai'i State Energy Office Testimony
CARE-42 Relating to Zero Net Energy Homes - Support
September 17, 2021

systems that are built today, and hear about the potential interactions between home design, energy resources, and our natural environment.

Greater building efficiency, and the ability of homes to produce their own energy, reduce pressure on using our limited land, especially agricultural land, for renewable energy development. Maximizing the use of roof space for energy production – even in excess of the amount used for the individual building – has the potential to further reduce demands on our limited land areas, and could also be considered in this bill.

It is important to avoid measures that unintentionally cause facility owners to switch to the use of fossil fuels, or to isolate themselves from the grid. Progress toward decarbonization is supported by greater participation in efficient renewable energy production, distribution and use through interactive, grid responsive systems.

The Hawaii State Energy Office looks forward to participating in these discussions, as the details of CARE 42 are worked out in a way that moves Maui and the state of Hawai'i toward energy self-sufficiency. In joining forces with similar initiatives across the country, advanced building codes and standards have the potential to move the CO₂ needle downward and contribute to Hawai'i's net carbon negative goal.

Thank you for the opportunity to testify.

MARRIOTT
VACATIONS
WORLDWIDE
SM

RECEIVED

2021 SEP 16 PM 2:41

September 16, 2021

OFFICE OF THE
COUNTY CLERK

TO: Councilmember Alice Lee, Chair
Councilmember Keani Rawlin-Fenandez, Vice- Chair
Members of the Maui County Council

FR: Denis Ebrill, Marriott Vacations Worldwide Corporation

RE: Comments on Committee Report 21-79 ("CR 21-79") Relating to County Transient Accommodations Tax

(Sent via e-mail county.clerk@mauicounty.us)

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members Maui County Council,

Thank you for allowing me to submit testimony on behalf of Marriott Vacations Worldwide Corporation ("MVWC") **providing comments** to the proposed bill establishing a new chapter 3.47 to the Maui County Code, implementing a county transient accommodations tax. MVWC is a global leader in the timeshare industry with ten resort properties in Hawaii. Timeshare resorts are an important and stabilizing part of the tourism industry, and resort development provides thousands of construction jobs in Hawaii per year.

The new proposed bill establishes a county transient accommodation tax of three percent (3%) ("**County TAT**"). The new County TAT imposes a monthly tax on the gross rental or gross rental proceeds derived from the furnishing transient accommodations. Every transient accommodation broker, travel agency, and tour package that arrange transient accommodations, and every operator, and occupant of a resort time share vacation unit, must pay to the County the tax imposed. The County TAT takes effect upon the approval of the ordinance.

MVWC understands the County's intentions in establishing the County TAT, however, we have concerns with the implementation of the additional 3 percent increase. Having the County TAT effective upon approval puts hotel operators at a disadvantage. Primarily, these hotel operators will not be able to disclose the new tax to guests in advance, and therefore, may not be able to collect the new tax as the guest already booked their room at a specific price including tax. Furthermore, timeshare resorts will need to update their Hawaii disclosure statements and file with the Department of Commerce and Consumer Affairs ("**DCCA**").

Accordingly, MVWC respectfully requests the effective date of the bill be made not earlier than 60 days after signing CR 21-29 into law to allow: 1) appropriate notice to be given to travel partners; 2) booking engines to be updated with the new County TAT; and 3) rental agreements to be modified with the new required language. Further, the additional 30-60 days provide timeshare resorts adequate amount of time to update disclosure statements with DCCA and provide consumers with full and fair disclosure.

Councilmember Alice Lee, Chair
Councilmember Keani Rawlin-Fenandez, Vice- Chair
September 16, 2021
Page 2

Based upon the foregoing, MVWC recommends the following amendments to the County TAT bill:

1. Amend Section 3 of the bill to state "This Ordinance shall be effective 60 days from approval and signature by the Mayor."

Mahalo for your consideration of these amendments.

Aloha,

A handwritten signature in black ink, appearing to read "D. Ebrill", followed by a period.

Denis Ebrill
Senior Vice President
Marriott Vacations Worldwide Corporation

AQUA-ASTON

HOSPITALITY

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2021 SEP 16 PM 2:41

OFFICE OF THE
COUNTY CLERK

September 16, 2021

TO: Councilmember Alice Lee, Chair
Councilmember Keani Rawlin-Fenandez, Vice- Chair
Members of the Maui County Council

FR: Aqua-Aston Hospitality

RE: Comments on Committee Report 21-79 ("CR 21-79") Relating to County Transient Accommodations Tax

(Sent via e-mail county.clerk@mauicounty.us)

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members Maui County Council,

Thank you for allowing Aqua-Aston Hospitality, LLC ("Aqua-Aston") to provide **Comments and Amendments** to CR 21-79. establishing a new chapter 3.47 to the Maui County Code, implementing a county transient accommodations tax. Aqua-Aston has engaged in hotel and resort management in the state of Hawaii for over 75 years.

CR 21-79 establishes a county transient accommodation tax of three percent (3%) ("**County TAT**"). The new County TAT imposes a monthly tax on the gross rental or gross rental proceeds derived from the furnishing transient accommodations. Every transient accommodation broker, travel agency, and tour package that arrange transient accommodations, and every operator, and occupant of a resort time share vacation unit, must pay to the County the tax imposed. The County TAT takes effect upon the approval of the ordinance.

Aqua-Aston understands the County's intentions in establishing the County TAT in response to Act 1, Special Session Laws of Hawai'i, which stripped the County of allocated State Transient Accommodations Tax. Nevertheless, we have concerns with the implementation of the additional 3 percent increase. Having the County TAT effective upon approval puts hotel operators at a disadvantage. Primarily, hotel operators will not be able to: 1) disclose the new tax to guests in advance; and 2) collect the new tax as the guest already booked their room at a specific price including tax.

Aqua-Aston respectfully requests the effective date of the bill be made not earlier than 60 days after signing CR 21-29 into law to allow: 1) appropriate notice to be given to travel partners; 2) booking engines to be updated with the new County TAT; and 3) rental agreements to be modified with the new required language.

Accordingly, Aqua-Aston recommends the following amendment to CR 21-79:

Office: 820 Mililani St, Ste. 600, Honolulu, HI 96813 T 808-931-1400
Mailing Address: 6649 Westwood Blvd., Orlando, FL 32821

1. Amend Section 3 of the bill to state "This Ordinance shall be effective 60 days from approval and signature by the Mayor."

Mahalo for your consideration of these amendments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Denise", with a large, stylized initial "D" and a flourish at the end.

Denis Ebrill
Aqua Aston Hospitality, LLC, Managing Director



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2021 SEP 16 PM 2: 41

OFFICE OF THE
COUNTY CLERK

SCOTT T. NAGO
CHIEF ELECTION OFFICER

STATE OF HAWAII
OFFICE OF ELECTIONS
802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE MAUI COUNTY COUNCIL
ON A RESOLUTION TO RECOGNIZE SEPTEMBER 28, 2021 AS
NATIONAL VOTER REGISTRATION DAY
September 16, 2021

Chair Lee and members of the Maui County Council, thank you for the opportunity to testify in support of a resolution to recognize September 28, 2021 as National Voter Registration Day.

This resolution encourages voter registration and reminds Hawaii voters to make sure that their voter registration record is up to date. There are many ways for Hawaii residents to register to vote or check their registration status including online, by submitting a voter registration application, or when receiving government services like signing up for a Hawaii driver license or Hawaii state identification card, or when applying to receive public assistance with the Department of Health and Department of Human Services.

As noted in the resolution, we are also launching our annual Young Voter Registration Program to distribute voter registration applications to high school students statewide. Hawaii allows all eligible voters at least 16 years of age to pre-register. When a pre-registered voter turns 18 years old, they will automatically be mailed a ballot. This resolution brings attention to the options and importance of voter registration.

Thank you for the opportunity to testify in support of this resolution.

County Clerk

RECEIVED

From: Larry Schmitt <larry@mauidragonfruit.com>
Sent: Thursday, September 16, 2021 2:22 PM
To: County Clerk; "Tamara.Paltin"@mauicounty.us
Subject: Response to Vera Sredanovic's Complaint
Attachments: farm_recovered.jpg; after_fire_accessroad.JPG

2021 SEP 16 PM 2:41

OFFICE OF THE
COUNTY CLERK

You don't often get email from larry@mauidragonfruit.com. [Learn why this is important](#)

Dear Council Members,

This letter is in response to the objections raised by our neighbor Mrs. Vera Sredanovic and Mr. Winston Cheshire.

First of all, we would like to let you know that we love our neighbors and we always try to be great neighbors. There are a lot of issues Mrs. Sredanovic has raised and we would like to address them as best as we can as below:

1. We had never heard from Vera until this year when she moved into her home. We were told that they are retired doctors from California. She bought the property a few years back but has only used it as vacation home staying there a couple of times a year.
2. The minute she moved into the property, she started the process of constructing a gentleman's estate. Currently, she is in the process of constructing a large in-ground pool and Jacuzzi. Apparently, she doesn't like living next to an actual farm and is objecting the commercial activities that are going on there. She has been harassing our staff since she arrived. She has been spying on us with drones and constantly monitors us with TV cameras. She even entered our farm with an injured duck (not ours) to get a close look at our back of house areas without our permission. She obviously ignores the fact that our neighborhood is suppose to be a farming community. She just wants people all around her that are people like her who do not do any farming. Our farm has been in operation since long before she arrived. To us, people with her mindset perhaps are better suited to live in a residential area such as Wailea.
3. Regardless of what efforts we have made, Mrs. Vera Sredanovic seems to be determined to drive our farm out of business. The information she supplied to you was obtained by her flying her drone into our property and does seem to be accurate. Our county's ag inspector personally came last year in August along with the staff planner Kim from the Planning Department and walked the whole property with us and certified our growing area. The areas that have not been cultivated are pretty much all rocks at this point. Even with the rocky area, we still have plans down the road to clear the land and plant crops on them. Our goal is to use the land as much as we can to grow fruits. Mrs. Sredanovic has refused to meet with me in person after I invited her to have a talk. Instead, she flew her drone over to inspect our property. The drone footage obviously is not as good as our county's ag inspector walking the property with us on foot.

4. We have never had a TVR at the farm. We were in the process of getting a permit for one and were waiting for the county council. While waiting for the permits, all tenants in the cottage have been long term. Although weddings have restrictions on sound and when they need to finish, our long term tenants and our staff have a right to enjoy themselves on their own time, including playing music and making noise until 10pm. As Vera has the right to enjoy her own property, so do we have a right to enjoy ours.

5. While some of our staff are short term interns who volunteer on a short term basis for the experience of living on a farm on Maui, others are paid employees who have been here for several years. Although they all help with tours, much of their day is spent in actual farm work such as weeding the fields, harvesting the fruits, planting new crops, mulching, tending to irrigation etc. They are young and energetic and so do get a bit loud at times, but that has nothing to do with the conditional use permit or weddings. On many occasions, Vera has complained about weddings when there was no wedding going on. It was just staff who were hanging out, playing music, and talking. Ever since she complained to me about them, we have been telling our staff to be very careful and to not make loud noises. We will continue to be better on being good neighbors.

6. We do want to point out to you that dragon fruit is a night blooming cactus. To effectively cultivate them, hand pollination at night is needed. During peak full moon days, hours and hours of time are needed to go through the fields at night. Pollination normally start around 10:00pm and depending on the day of the month and our staffing level, sometimes it will go until 1:00am or even 3:00am. So we do have some late noises sometimes. But we always remind the workers to try to be quiet and be mindful of the neighbors. When Vera bought the property, she should have known that agricultural activities comes with noise some time. For dragon fruit, that noise sometimes happens at night. Vera has hired machinery to construct her pool, etc. and they have noise all day long. Sometime it is so loud that it really disrupts our tour operations. But we never complained.

7. Additional problems in her complaint include the statement that lawn next to our parking encroaches on the adjacent property. It does not and its size is exaggerated. The pink area she claimed has nothing planted has in fact many bananas, papayas, pineapples, cacao, sugar cane, lilikoi, and an assortment of small fruit trees. She claimed the farm stand / reception building was listed as a utility shed in county records. In fact it is called a farm stand. The concrete area that we installed to provide outdoor seating for our fruit tasting is an effort to pivot toward outdoor eating instead of indoor tasting due to covid-19. She complained that we are adding activities that are not included in the CUP, meaning farm tours, ziplining and aquaball. These were permitted activities when the CUP was issued, so they were not included at the time.

8. Notice was given to all neighbors when we applied for the CUP amendment in 2017. After we made it through the planning commission and finally to the council, the council deferred the decision at the time. We were also surprised when it finally made it onto the agenda and did not deliberately fail to give notice to anyone. We have not had weddings when we were shut down for covid and have only recently been having them again. The wedding she claimed had 95 chairs on the lawn was in fact a 50 person wedding. Half the chairs were supposed to be set up for the reception but were mistakenly put on the lawn. They were moved to their proper location before the event began. She did the drone footage the night before. By the time the wedding came, the chairs has been moved to the reception where they

belonged. Although a tent or wedding arch might occasionally go up the day before a wedding, most of the time they go up the same day. Most of the time they are removed the following day. This does not mean the wedding is going on for 3 days, it simply means that we have to work with the tent vendor's schedule. We try to have this work done in the middle of the day when it will cause the least disturbance to anyone.

9. They have hired somebody to plant a bunch of coconuts and other plants at the beginning of the year. Maybe it was an effort to try to bring their land to be ag compliant so that they could obtain their building permit for pools, gazebo, etc. When some of them did not survive, she texted me accusing us that we poisoned her coconuts with a motive. I told her that we are organic farmers and we do not even have one single drop of poison at our farm. I told her we love coconuts and try to grow as many coconuts as we can at our farm. Why would an organic fruit farmer try to poison a neighbor's fruit tree? We told her we would buy as much fruits from her as she can produce.

In summary, we are always trying to do the right thing and be a good neighbor. Mrs. Sredanovic's constant harassment of us is doing great harm to our staff and our business. I sincerely ask your support and we hope she would try to be a good neighbor as well.

Sincerely yours,

Crystal and Larry Schmitt

Maui Dragon Fruit Farm



