

LU Committee

From: Crystal Schmitt <crystal@mauidragonfruit.com>
Sent: Monday, January 29, 2018 3:28 PM
To: LU Committee
Cc: planning@mauicounty.gov; Carla Nakata; 'Livit Callentine'
Subject: Re: LU-53: Conditional Permit to Amend Ordinance 4295 (2016)
Attachments: Amendmentrequestpresentation.pdf; dfarmcpsupextensionrequest.pdf

Dear Mr. Carroll and Land Use Committee Council Members:

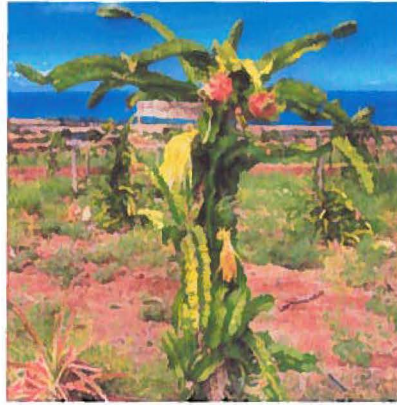
Thank you so much in advance to plan to spend your valuable time to hear our presentation on 1/31/2018 from the Maui Dragon Fruit Farm. Attached please find our TVR amendment request power point presentation by Mrs. Gina Flammer and I at the planning commission meeting last year, which I will present to you again on Wednesday. Attached please also find the time extension request we submitted to the planning department since the original special use and conditional use permits will expire soon this year. If the TVR amendment request is approved by you, our understanding is that they will become part of the special use and conditional use permits we already have and they will be extended in sync with the original permits.

If you have any questions, please feel free to let me know.

Mahalo!

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

Maui Dragon Fruit Farm Permit Amendment Request



MPC February 28, 2017



The site plan illustrates the layout of the MAUI DRAGONFRUIT FARM LLC. Key features include:

- Proposed TVR 2 bedroom ohana:** A yellow-shaded rectangular building with a red circle around its entrance.
- Parking Areas:**
 - Paved Parking (4 stalls) and Gravel Parking (3 stalls) near the top of the building.
 - Paved Parking (25 regular stalls, 2 bus stalls) and Gravel Parking (4 stalls) to the right of the building.
 - Gravel Parking (40 stalls) at the bottom right.
 - Total Parking: 36 regular stalls, 2 bus stalls.
- Other Structures:**
 - Shed (12' x 12')
 - Restroom (12' x 12')
 - Gravel Shed
 - Gravel Shed
 - Gravel Shed
- Area with existing CP:** A green-shaded area to the left of the main building, labeled "Area with existing CP".
- Dragon Fruit Cultivation Area:** A large rectangular area at the bottom of the site, labeled "DRAGON FRUIT CULTIVATION AREA".
- Dimensions and Distances:** Various measurements are provided, such as "Shed (12' x 12')", "Restroom (12' x 12')", "Paved Parking (25 stalls)", "Gravel Parking (4 stalls)", "Gravel Parking (40 stalls)", "Total Parking (36 regular stalls, 2 bus stalls)", "LDT SIZE 20,253 ACS", "MAUI DRAGONFRUIT FARM LLC", "833 PUNAKA LOOP", "LAHAINA, HI 96761", and "TKM (2) 4-7-001-044-001".



Existing permits on property:

CP 2014/0005 &
SUP2 2014/0011

MPC approved SUP2 and rec
approval of CP on March 24, 2015

CP approved by Council Feb 26, 2016

Ordinance 4295 became effective
March 4, 2016

For Mayor's Office
ORDINANCE NO. 4295
Effective Date: March 4, 2016

RECEIVED
MAY 10 2016
MAY 10 2016

ORDINANCE NO. 4295
BILL NO. 23 (2016)

A BILL FOR AN ORDINANCE GRANTING MAUI DRAGON FRUIT FARM LLC A CONDITIONAL PERMIT TO CONDUCT AGRICULTURAL RELATED ACTIVITIES, SELL NON-AGRICULTURAL RELATED ITEMS AND AGRICULTURAL PRODUCTS NOT GROWN ON THE PROPERTY, AND TO CONDUCT CERTAIN SPECIAL EVENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 833 PUNAKEA LOOP, LAHAINA, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, a Conditional Permit is hereby granted to Maui Dragon Fruit Farm LLC to conduct agricultural related activities, sell non-agricultural related items and agricultural products not grown on the property, and conduct certain special events within the County Agricultural District. The site is identified for real property tax purposes as a portion of tax map key (2) 4-7-001:044, comprising approximately 3.0 acres of land situated at Lahaina, Maui, Hawaii.

SECTION 2. The granting of this Conditional Permit is subject to the following conditions:

1. That full compliance with all applicable governmental requirements shall be rendered in a timely manner.

Permit Summary

- Events limited to 50 guests
- Limited to 2 times in a calendar month
- No amplified sound
- All Events shall be concluded by 8:00 p.m.
- That event clean-up shall be concluded and all exterior lighting shall be shut off by 8:30 p.m.
- One special local agriculture event may be held once a year from 9:00 a.m. until 5:00 p.m
- All conditions in Ordinance 4295 in Exhibit 7

Permit Amendment Request

Dear Mr. Spence:

On behalf of Maui Dragon Fruit Farm, LLC, we would like to apply for the following amendment to our special use and conditional use permits.

The amendment we are requesting is below:

1. To allow the cottage on the farm to be used for transient vacation rentals;

The reasons for the requested amendment are:

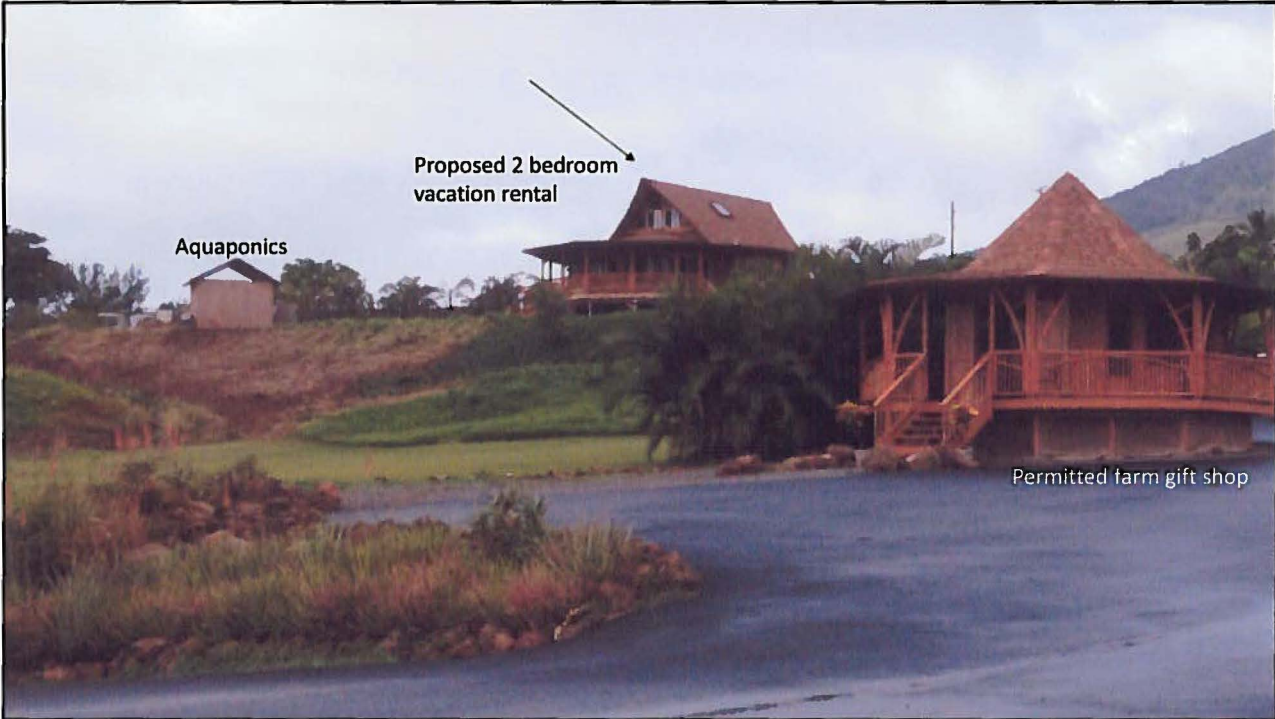
1. Using the cottage as a transit vacation rental can effectively bring some more stable supplemental income to the farm operations.
2. We have had difficulty securing event bookings due to the very limiting conditions of our special use and conditional use permits (ie. 50 guests max, no amplified music and an 8 pm curfew). In fact, ever since the permit is issued, we only had one wedding so far and that is a wedding for a friend. We hope the ability to stay at the farm in the cottage as part of the event will allow us to secure more events.

Thank you so much for your consideration!

Sincerely Yours,
Crystal Schmitt
Managing Member, Maui Dragon Fruit Farm

EXHIBIT
1













MAUI DRAGON FRUIT FARM

An organic farm on West Maui

[ABOUT US](#) [DRAGON FRUIT](#) [LEARNING CENTER](#) [ADVENTURE TOURS](#)



- 15 acres
- Diversified USDA certified organic farm
- Largest USDA certified organic dragon fruit farm in the U.S.
- 16 varieties of dragon fruits
- over 2500 dragon fruit plants
- other tropical crops like organic pineapple, bananas, papaya, sugarcane, recently added sour sop and cacao





A few of the different varieties of dragon fruit



Hylocereus Polyrhizus Ripe Fruit



Selenicereus Megalanthus maturing fruit



Hylocereus Undatis maturing fruit













Application for Time Extension of Special Use and Conditional Use Permits For

Maui Dragon Fruit Farm, LLC
(CP2014/0005, SUP2 2014/0011)

TMK: (2) 4-7-001-044



Prepared By Members of the Maui Dragon Fruit Farm, LLC
January 2018

I. PROJECT INFORMATION

INTRODUCTION

Maui Dragon Fruit Farm is a 27 acre diversified USDA certified organic farm on West Maui. It is currently the largest organic dragon fruit farm in the U.S. Its signature crops are 16 varieties of organic dragon fruits. It also produces other tropical crops like organic pineapple, bananas, papaya, sugarcane, cacao, sour sop, etc. It meets the definitions of a "farming operation" pursuant to Hawaii Revised Statutes (HRS) §165-2.

A State Land Use Commission Special Use Permit and a Maui County Conditional Use Permit were granted to the Maui Dragon Fruit Farm, LLC in March, 2016 (CP 2014/0005 and SUP2 2014/0011, and Ordinance 4295). The applicant also applied for an amendment to allow TVR use of a 2-bedroom farm dwelling in year 2016. The amendment was approved by the planning commission on 2/28/2017 after a public hearing was held and has been transmitted to the county council for approval.

PURPOSE OF THE REQUEST

Maui Dragon Fruit Farm, LLC would like to request a time extension of the special use and conditional use permits for an additional ten years from 2018 to 2028. The time extension request has been filed with the planning department. The application is attached in appendix A. If the amendment to allow the TVR use of the two-bedroom dwelling amendment is approved by the council, Maui Dragon Fruit Farm would like to request that amendment to be an integral part of the original special use and conditional use permits and will be effective also from year 2018 to 2028.

PROJECT PROFILE

Maui Dragon Fruit Farm is located at 833 Punakea Loop, Lahaina, HI 96761. Its Tax Map Key is (2) 4-7-001-044 (See: Figure Nos. 1, 2, and 3). It is located approximately 3 miles south of downtown Lahaina in an area called Makila Plantation, which belongs to the general area called Launiupoko.

Figure 1: Maui Dragon Fruit Farm's Regional Location Map

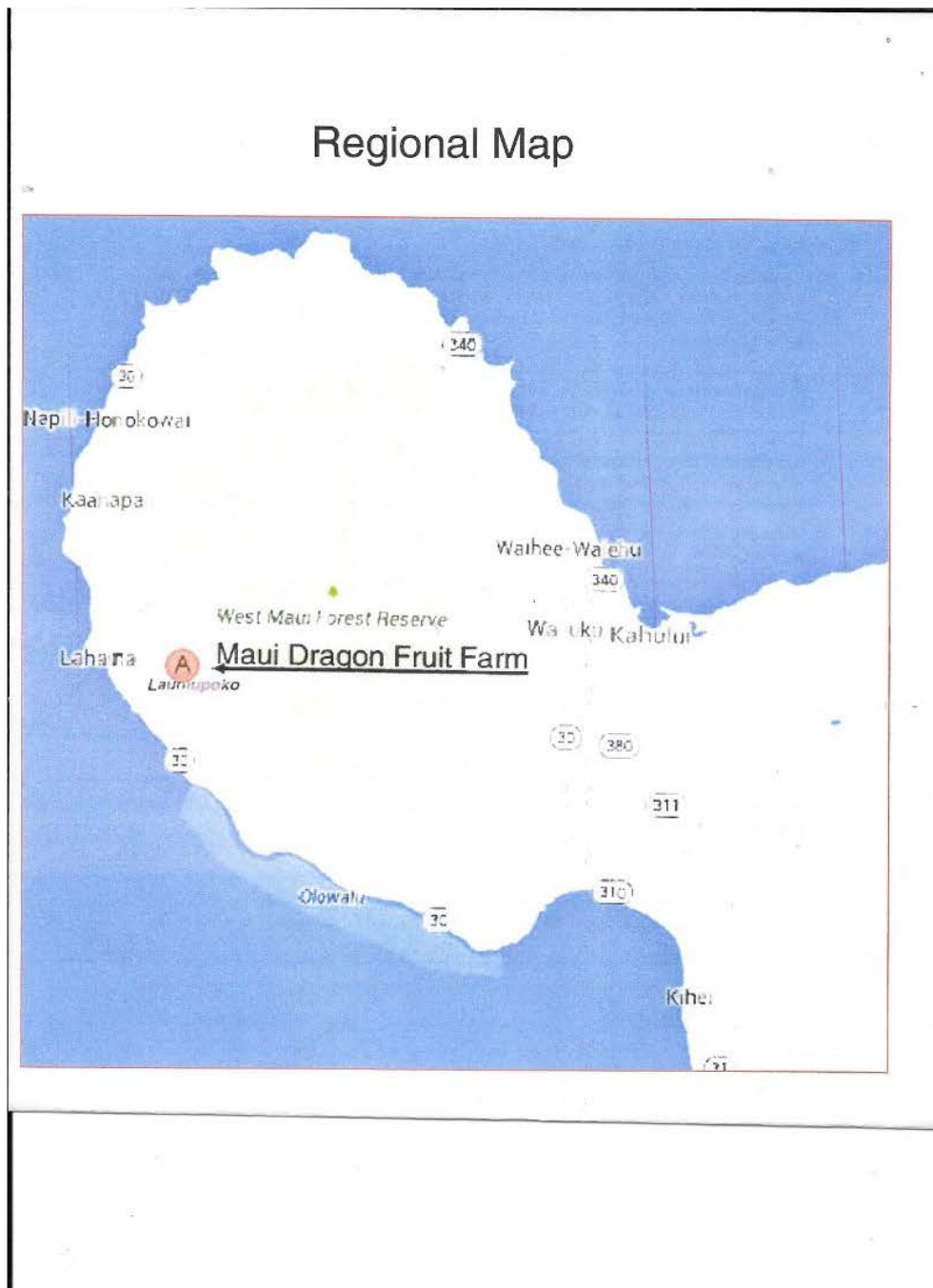


Figure 2: Maui Dragon Fruit Farm Location Vicinity Map

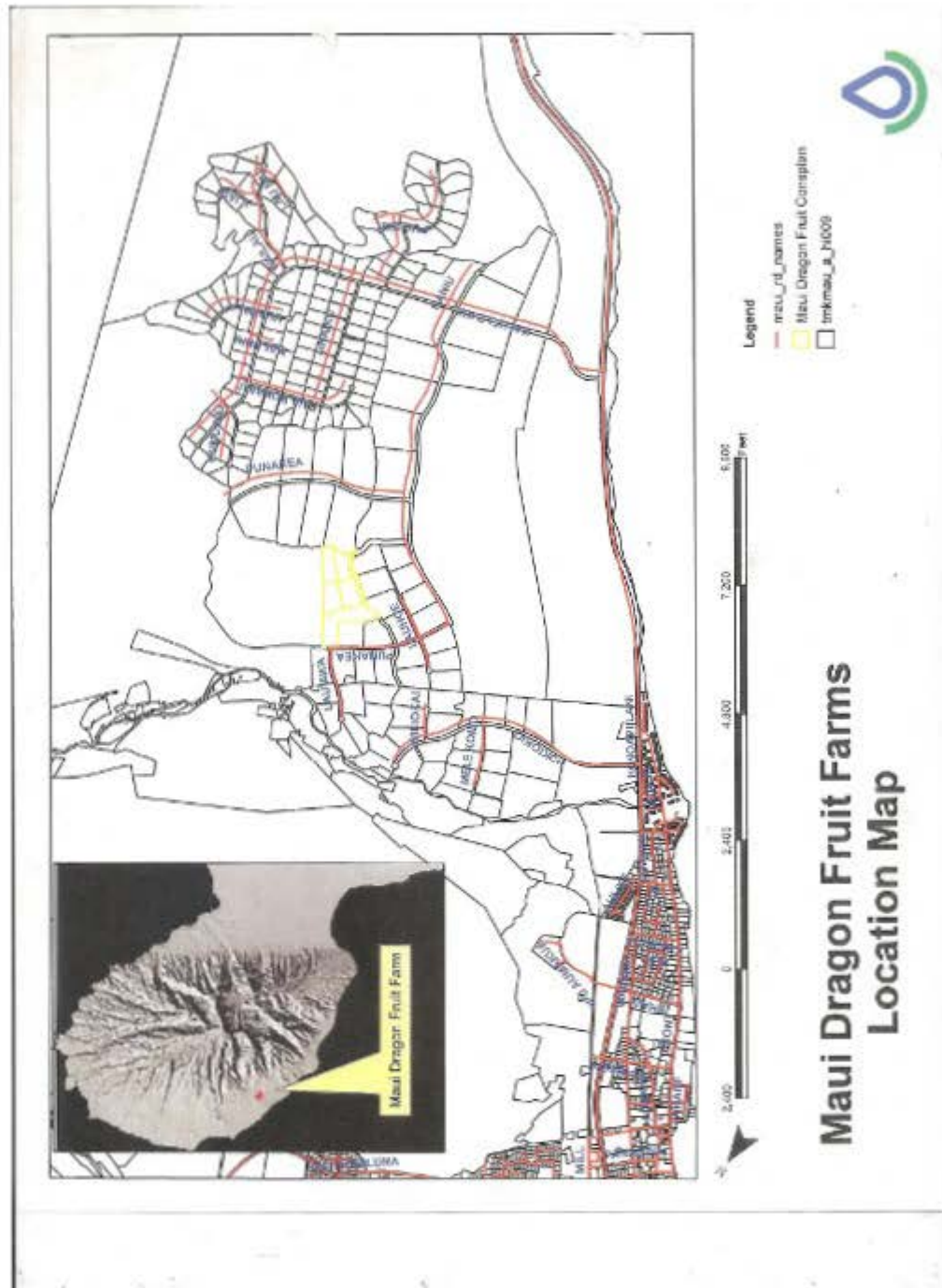
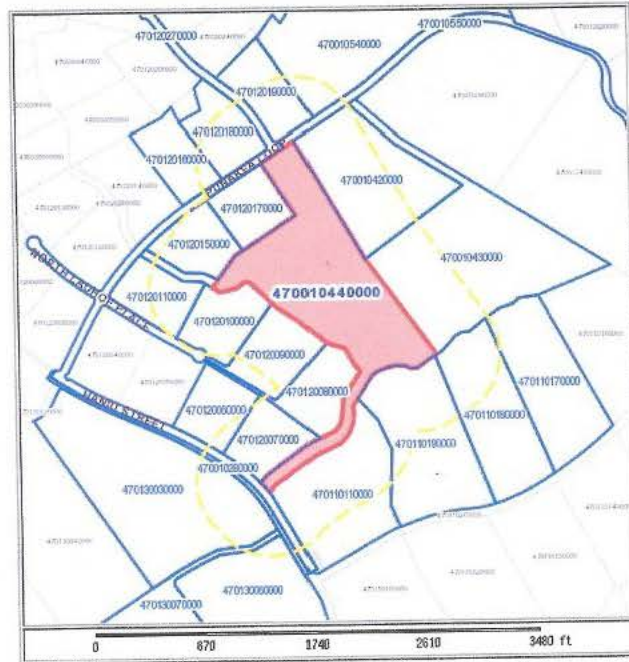


Figure 3: Maui Dragon Fruit Farm Tax Map Key (2-4-7-001-044)



1. Land Use Background:

The area where Maui Dragon Fruit Farm is located had been extensively farmed in sugar cane by Pioneer Mill for over one hundred years. The last harvest of sugar cane was in 1997 before Pioneer Mill sold all the land to West Maui Land Company. Maui Dragon Fruit Farm, LLC purchased the land from West Maui Land Company in year 2009 with the sole mission of commercializing dragon fruit growth on Maui.

2. Farm Background

Maui Dragon Fruit Farm, LLC is a diversified USDA certified organic farm on Maui. Its mission is to commercialize organic dragon fruit growth on Maui and to support the State of Hawaii's and County of Maui's food self-sufficiency initiative.

Maui Dragon Fruit Farm is a family farm owned by a husband and wife team Lawrence and Crystal Schmitt. Crystal's mother, Mrs. Qiongxian Huang is an immigrant from China. She took Crystal and Lawrence's two young daughters to China to study Chinese in year 2008. During that journey, she encountered dragon fruit first time in her life and found out it is a magical fruit. Being diabetic for over 40 years, she found out that dragon fruit has the magical power of controlling diabetes, dramatically decreasing the amount of diabetic medicine she has to take on a daily basis. It is her desire to bring dragon fruit to Maui to not only benefit herself, but to benefit people on Maui and in Hawaii as a whole. After much research, Crystal and Larry decided to take upon that task to help her to realize that vision.

Dragon fruit plant is actually a cactus vine. They grow especially well in the Lahaina area on Maui due to sunny and dry weather there. It can grow well in all soil conditions, even rocky ones. In early 2009, Crystal and Lawrence collected 16 best varieties of dragon fruit cuttings from all over the world and started to grow them in pots. They then formed Maui Dragon Fruit Farm, LLC with a mission to commercialize organic dragon fruit growth on Maui.

Living as full-time organic farmers on Maui certainly takes both commitment and courage. Since dragon fruit is a seasonal fruit, Crystal and Larry also cultivate organic baby lettuce in Haiku and Pukalani since their production is all year around. Their unique blend of baby greens include a variety of lettuces plus a variety of Asian greens. The following are the major ingredients of their organic baby green mix:

Tasoi, Mizuna, Arugula, Red Russian Kale, Green Romaine, Red Romaine, Red Oak,

Green Wave Mustard, Golden Frill Mustard, Suihongling Mustard, Hon Tsai Tai, etc.

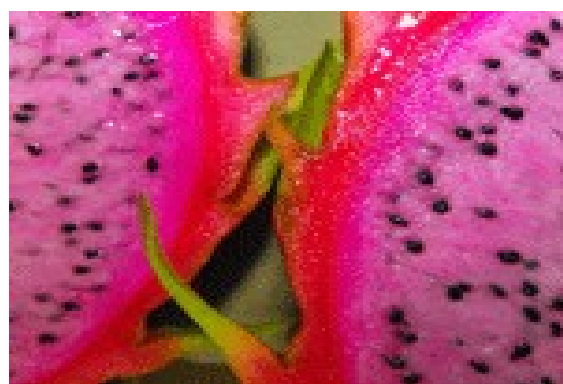


Baby Green Fields of Maui Dragon Fruit Farm in Haiku

Maui Dragon Fruit Farm, LLC has adopted the best organic farming practices and obtained official USDA organic certification for all of their fields and crops.

Organic dragon fruit cultivation

The dragon fruit plant is a night flowering vine-like cactus which produces large and beautiful blooms accompanied by big and colorful fruit. The fruit has a flesh dotted throughout with hundreds of small black seeds. With pointed scales on a scarlet background, this fruit bears resemblance to a ball of fire from a mythological dragon's breath. Dragon fruit's hot pink skin is leathery and resembles dragon scales. That is why it is popular to call it dragon fruit.



Dragon fruit is native to South and Central America. The French are believed to have brought the dragon fruit to Vietnam over a hundred years ago to be consumed by the royalty and very wealthy families. Vietnam is the first country that commercialized dragon fruit growth. Dragon fruit is currently Vietnam's No. 1 agricultural export crop. Dragon fruit cultivation has expanded to other countries like Thailand, Taiwan, China, Israel, etc.

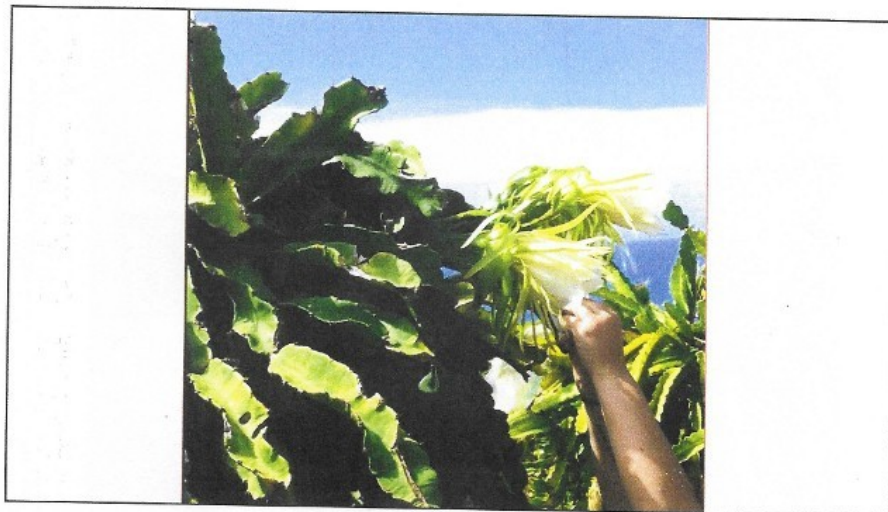
Some people call the dragon fruit the new “Fruit of the Gods!” Its taste is a combination of kiwi, strawberry, pear and water melon. It is rich in antioxidants, vitamins, phosphorus and calcium. Health benefits of the dragon fruit are many and varied. It is known to prevent colon cancer and diabetes, neutralizes toxic substances such as heavy metals, reduce cholesterol and high blood pressure. It is also reported to prevent bleeding, helps to develop strong bones, teeth and skin. It is a true *“health fruit”*.



Dragon Fruit Flower Blooming at Night

One of the dragon fruit fields at the Maui Dragon Fruit Farm





about 2500 dragon fruit plantings established. First commercial harvest was in July 2012.

Demand for dragon fruit is increasing as more people discover its great taste and wonderful nutritional and medicinal benefits.

As an agricultural crop, dragon fruit has the following five major advantages:

1. Dragon fruit is hurricane resistant if established properly.
2. Dragon fruit uses a lot less water than most fruits and vegetables.
3. Dragon fruit thrives in a variety of soil conditions, even in rocky soils like west Maui.
4. Dragon fruit has high economical, nutritional and medicinal value
5. Dragon fruit can be grown organically

As an agricultural crop, dragon fruit has the following major disadvantage in Hawaii:

Even though places like Vietnam can cultivate dragon fruit all year around by using electricity to induce flowering in the winter, so far, it is still a seasonal producing fruit on Maui.

Dragon fruit production in Hawaii is currently only from mid- June to late November.

3). Farm Facilities:

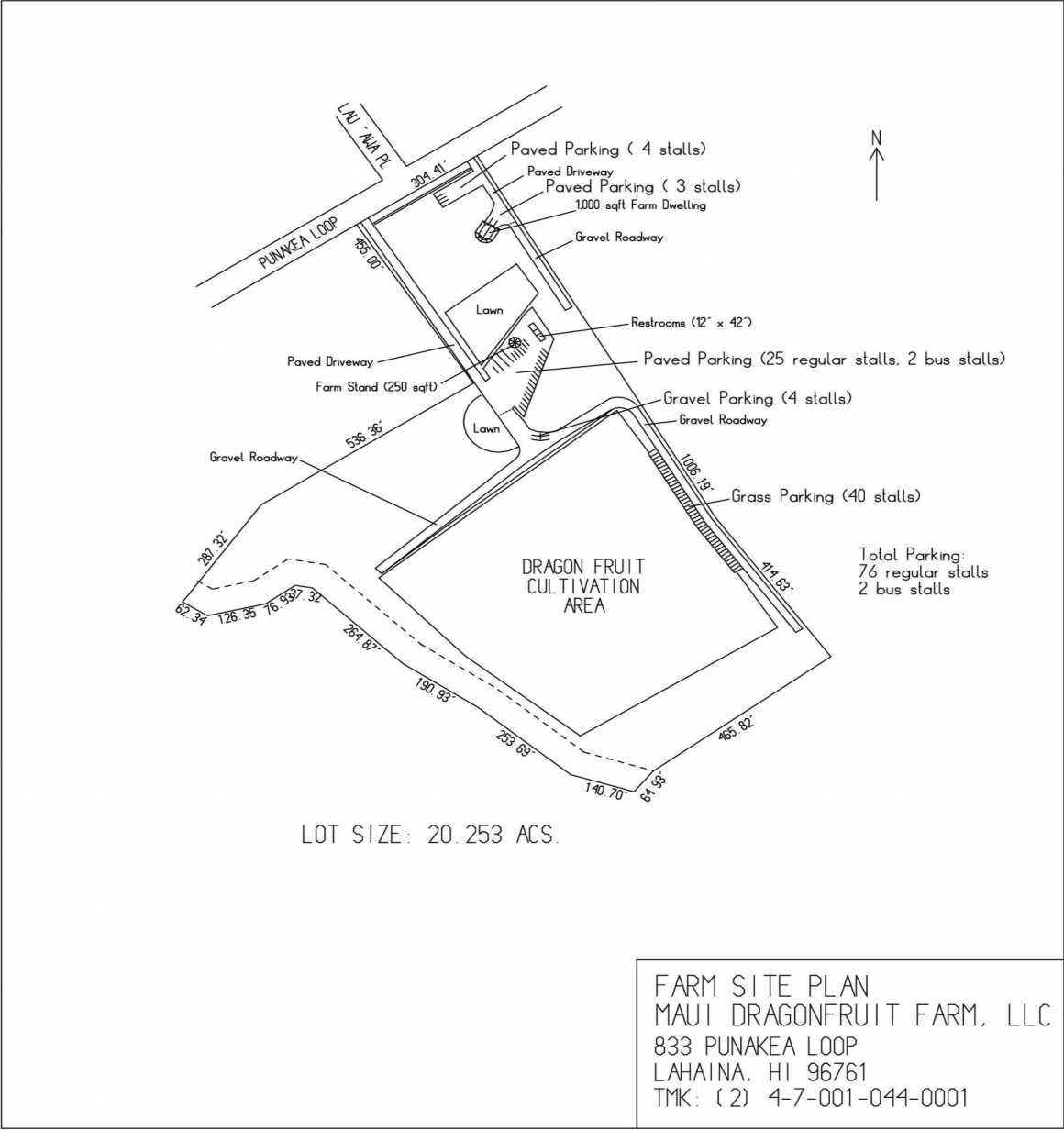
The facilities of the farm now include a farm stand, two bathrooms, two grassy lawns, three parking areas (one paved parking area, a gravel parking area, and a grass parking area) with 76 parking stalls and a 1000 square feet two-bedroom farm dwelling.

4). Farm Access:

Access to the farm is through Kai Hele Ku Street, Hanui Road and then Punakea Loop, all are wide and well-maintained private paved road developed by Makila Land Company, Inc.



Farm Site Plan





Farm Stand/ Retail Shop



Bathrooms



Lawn #1



Lawn #2



1000 Square Feet Farm Dwelling



Paved Farm Parking Area

Appendix A

Submitted Time Extension of Special Use and Conditional Use Permits Application Forms

Crystal Schmitt
Maui Dragon Fruit Farm
100 Waipuhia Place
Haiku, HI 96708
January 2nd, 2018

Mr. William Spencer
2200 Main Street
One Main Plaza, Suite 315
Wailuku, HI 96793

Dear Mr. Spencer:

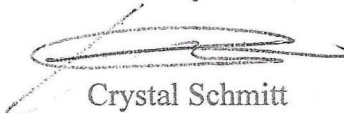
We would like to request a renewal of our special use and conditional use permits for the Maui Dragon Fruit Farm located at 833 Punakea Loop, Lahaina, HI 96761. The TMK for the property is 2-4-7-001:044. The original application number is SUP2 2014/0011 and CP 2014/0005. The ordinance number for the permit is #4295.

We would like to request the permits to be renewed on the same terms for another 10 years.

Maui Dragon Fruit Farm has made great progress in promoting dragon fruit as a viable commercial crop in Hawaii. We have seen dragon fruit now being grown in a lot of places on the island of Maui and in the State of Hawaii. Not only there are more people grow them commercially in the state, dragon fruit have also sprung up in people's back yards, even in areas of Maui where the lots are relatively small and crowded. That is one of the best things about dragon fruit. Anybody with a small yard can plant them and benefit from the fruits. Our vision is for more and more people to engage in producing food, especially healthy and tasty fruits like dragon fruit. That is one way to achieve food self-sufficiency in Hawaii. Our land is very limited. We need to take care of our Aina. We need to make sure that our agricultural lands are preserved and used as productively as possible.

We thus respectfully request your support of our renewal application. By granting our request, you are providing a safety net for us to continue to survive as full-time farmers. Thank you very much!

Sincerely Yours,


Crystal Schmitt
Member
Maui Dragon Fruit Farm

REQUIRED SUBMITTALS CHECKLIST

- ☒ 1. Completed **Conditional Permit Time Extension Application** form
- ☒ 2. Submit a **500-Foot Boundary Notification Map**. This is a map drawn to scale, clearly identifying the 500-Foot Boundary surrounding the subject parcel and the parcels within the notification boundary. Refer to *500-Foot Boundary Notification List & Map Instructions* for more information on how to complete this item (19.65.050(B)).

On this 500-Foot Boundary Notification Map:

Clearly identify the subject property;

Draw a line indicating the 500-foot boundary;

Clearly identify all lots within 500 feet of the subject property's boundaries; and

Include all the Tax Map Key (TMK) numbers within that area or have a clear systematic method to match each lot on the map with the list of owners within 500 feet of the subject property.

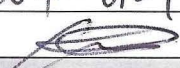

- ☒ 3. A **500-Foot Boundary Notification List**. The 500-Foot List is a list of Tax Map Key (TMK) numbers, names, and addresses of all the owners and lessees of record within 500 feet of the subject property's boundaries. The list shall be compiled from the most current list available at the Real Property Tax Division of the Department of Finance at the time of application. (Located in Kahului at 70 East Kaahumanu Ave, Suite A-16) Refer to Checklist Item 14 for instructions (19.65.050(A)(6)).
- ☒ 4. A signed **Notice of Filing of an Application for Conditional Permit Time Extension** form
- ☒ 5. An **electronic copy in PDF format** of the completed application packet on a compact disk.
- ☒ 6. **Non-refundable filing fee** (see Fee Schedule, Table A), payable to 'County of Maui, Director of Finance.'
- ☒ 7. **Zoning & Flood Confirmation form** (pg 6) completed and signed by Planning Department

CONDITIONAL PERMIT TIME EXTENSION APPLICATION (CP)

County Use Only

Permit Number: CP 2014/0005

Please print legibly or type the following.

PROPERTY ADDRESS & INFORMATION			
Project Name:	Maui Dragon Fruit Farm		Valuation*
			\$1000 or less
Tax Map Key No.:	(2) 4-7-001:044	CPR/HPR No.:	Lot Size:
			27 acres
Physical Address/Location of Project: 833 Punakea loop, Lahaina, HI 96761			
Additional Location Information: West Maui			
<small>* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs; or, by the administrator of Dept. of Public Works, Development Services Administration</small>			
DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT			
<small>Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed.</small>			
Describe the existing use: Retail Shop Sale of some non-Ag related items and special events			
Describe the proposed use: Same as above			
LAND USE DESIGNATIONS			
State Land Use District Boundary: Agricultural			
Maui Island Plan: Agricultural			
Community Plan: Agricultural			
Zoning: Agriculture			
Other (i.e. SMA):			
CONTACT INFORMATION			
APPLICANT INFORMATION			
Name(s): Crystal Schmitt		Email: crystal@mauidragonfruit.com	
Mailing Address: 100 Waipuhia place, Haiku, HI 96708			
Phone Number(s): 808-264-6127 (bus)		808-575-7814 (cell) 808-264-6127 (fax)	
Signature(s): 		Date: 1/5/2018	
CONSULTANT INFORMATION			
Name(s): N/A		Email:	
Mailing Address:			
Phone Number(s): (bus) (hm) (cell) (fax)			
Signature(s):		Date:	
OWNER INFORMATION			
Name(s): Larry & Crystal Schmitt		Email: crystal@mauidragonfruit.com	
Mailing Address: 100 Waipuhia place, Haiku, HI 96708			
Phone Number(s): 808-264-6127 (bus)		808-575-7814 (cell) 808-264-6127 (fax)	
Signature(s): 		Date: 1/5/2018	

Application for Amendment to Permit Terms, Conditions & Time Stipulation

Please print legibly or type in the information below.

PROPERTY ADDRESS / PROJECT INFORMATION

Name of Project: (If project name is not provided, applicants name will be used) Maui Dragon Fruit Farm
Tax Map Key No: (2) 4-7-0012044 Total Lot Area: 27 acres
Physical Address / Location of Project: 833 Panakea Loop, Lahaina, HI 96761
Additional Location Information: West Maui Agricultural District
This is to extend the sup2 2014/0011 from 2018-2028.

DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed:

Describe the Existing Use: Retail sale of non-agricultural related products and special events.

Describe the Proposed Use: Same as above

Include a description of all proposed ground altering activities (e.g., area of disturbance, quantity of fill, depth of excavation, etc.).

Valuation*: \$500 or less Building Permit Application No: (if applicable) N/A

*Total cost or fair market value as estimated by an architect, engineer, or contractor licensed by the Department of Commerce and Consumer Affairs, State of Hawaii; or, by the administrator of Department of Public Works, Development Services Administration.

CONTACT INFORMATION

APPLICANT INFORMATION

Applicant's Name(s): Crystal Schmitt Email: crystal@mauidragonfruit.com
Mailing Address: 100 Waipuhia place, Haiku, HI 96708
Phone Number(s): bus 808 264 6127 hm 808 575-7814 cell 808 264 6127 fax
Signature(s): [Signature] Date: 1/11/18

CONSULTANT INFORMATION

Contact Name(s): _____ Email: _____
Mailing Address: _____
Phone Number(s): bus _____ hm _____ cell _____ fax _____
Signature(s): _____ Date: _____

OWNER INFORMATION

Owner's Name(s): Same as applicant Email: _____
Mailing Address: _____
Phone Number(s): bus _____ hm _____ cell _____ fax _____
Signature(s): [Signature] Date: 1/11/18



Tmk #	Owners	Mailing Address			
4-7-012-008-0000	Teresa Waters Trust	14747 N Northsight Blv #111-335	Scottsdale	AZ	85260
4-7-012-009-0000	Jan A Hendrix	PO Box 957	Lahaina	HI	96767
4-7-012-010-0000	Hjalmar & Susanne Anderson	75 South Lauhoe Pl	Lahaina	HI	96761
4-7-012-015-0000	Michael Lombardi Trust	PO Box 12741	Lahaina	HI	96761
4-7-012-017-0000	Sredanovic Cheshire Trust	959 Punakea Loop	Lahaina	HI	96761
4-7-012-011-0000	Patrick L Verhagen Trust	1133 Punakea Loop	Lahaina	HI	96761
4-7-012-018-0000	Biscayne Trust	1101 Fifth Ave Ste 325	San Rafael	CA	94901
4-7-012-019-0000	Laurent M Joly	3225 N Grapevine Mills Blvd Apt 3215	Grapewine	TX	76051
4-7-012-016-0000	Tan Nhat Doan & Nga Thi Trust	387 Kamano Pl	Lahaina	HI	96761
4-7-011-019-0000	Kenneth & Michele Moore Trust	88 102nd Ave NE Unit 313	Bellevue	WA	98004
4-7-011-011-0000	James G Ward	PO Box 10291	Lahaina	H	96761
4-7-001-018-0001	Kenneth E & Michele L Moore Trust	88 102nd Ave NE Unit 313	Bellevue	WA	98004
4-7-011-018-0002	Michael T Morrison	2064 Reagan Dr	Rochester Hills	MI	48309
4-7-001-054-0001	Shawn E McLaughlin Trust	PO Box 282	Lahaina	HI	96767
4-7-001-054-0002	Fuqua Living Trust	PO Box 37	Lahaina	HI	96767
4-7-001-042-0001	Cassidy Family 1990 Trust	19465 Montevina Rd	Los Gatos	CA	95033
4-7-001-042-0002	Williams Family Trust	PO Box 72	Lahaina	HI	96767
4-7-001-043-0000	Sanford & Irma Katz Trust	75 Oak View Dr	San Rafael	CA	94903
4-7-011-017-0000	Kenneth B McPhee Trust	PO Box 127	Lahaina	HI	96767
4-7-013-006-0000	Peter Klint Martin Trust	590-A Old Stable Road	Paia	HI	96779
4-7-013-003-0000	Coco Palms LLC	PO Box 1060	Lahaina	HI	96767
4-7-013-007-0000	Makila Ekolu Investment LLC	305 E Wakea Ave Suite 100	Kahului	HI	96732
4-7-012-007-0000	Sea Grace LLC	PO Box 1060	Lahaina	HI	96767
4-7-012-006-0000	George I Brown	82 S Lauhoe Pl	Lahaina	HI	96761

**NOTICE OF FILING OF AN APPLICATION FOR
CONDITIONAL PERMIT TIME EXTENSION**

DATE: 1/8/2018

TO: Owners and Lessees of Record within 500 feet of the parcel on which the Conditional Permit use is located

Please be informed that the undersigned has applied to the County of Maui Department of Planning (Department) for a time extension of a **Conditional Permit** for the following project:

1. TAX MAP KEY NO: (2) 4-7-001:044
2. LOCATION (Street Address): 833 Panakea Loop
(*Location Map Attached)
3. LOCATION (Town, Island): Lahaina, HI 96701
4. CONDITIONAL PERMIT NO.: CP 2014/0005
5. USES PERMITTED BY THE
CONDITIONAL PERMIT: Retail shop sale of some non-Ag related items
& special events. & possible vacation rental
if approved by county council.

* Enclosed with this notice is a **500-Foot Boundary Notification Map** identifying the specific parcel being considered for the time extension of the **Conditional Permit** and showing the location of all parcels within 500 feet of the boundaries of the subject property.

Information relative to the application is available for review at the Department of Planning, 2200 Main Street, Suite 619, Wailuku, Maui, Hawaii, or telephone: 270-8205; Toll- Free from Molokai 1-800-272-0117, extension 7735; and Toll-Free from Lanai 1-800-272-0125, extension 7735.

Testimony relative to this request may be submitted in writing to the Department of Planning, 2200 Main Street, Suite 619, Wailuku, Maui, Hawaii 96793. The noticed owners and lessees of record may file a written protest against the proposed **Conditional Permit Time Extension** with the Planning Director, provided that all protests must be postmarked or received within forty-five days of the mailing of this notice of application. The protest must include (1) name and mailing address of the noticed owner or lessee of record (the protestor), and (2) the parcel number (TMK) of the property held by the protestor that is within 500 feet of the proposed conditional permit. Further, it is recommended that a phone number is provided with the protest so that Department staff can efficiently confirm the contents and origin of the protest.

Anyone wishing to receive the Department's action or information of the public hearing, if required, may remit a written request to the Department of Planning within 45 days of the mailing of this notice of filing of application.

*Signature of Applicant: _____

*Applicant's Printed Name: _____

Approved as to form by the Department of Planning: _____

Dated: _____

NOTARIZED AFFIDAVIT OF MAILING OF NOTICE OF APPLICATION

* Crystal Schmitt, being first duly sworn on oath, deposes and says that:
(Name of Applicant or Consultant)

1. Affiant is the applicant for a Conditional Permit Time Extension for property located at
* 833 Punahele Loop, Kahala HI 96761 In the
* West Maui Community Plan District on
* Tax Map Key No.: (2) 4-7-001:044
2. Affiant did on _____, deposit in the United States Mail, postage paid, by Certified Mail and delivered to addressee, a copy of a *Notice of Filing of an Application for Conditional Permit Time Extension, a 500-Foot Boundary Notification Map* _____, a copy of is attached hereto and made a part hereof.

Further Affiant sayeth naught:

(Signature of Applicant or Consultant)

STATE OF HAWAII)
COUNTY OF MAUI) SS.

On this 12th day of JANUARY, 2018, before me personally appeared CRYSTAL SCHMITT to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

15
NOTARY PUBLIC, State of HAWAII

Print Name Esther P. Altura

My commission expires: 6/4/2020

NOTARY PUBLIC CERTIFICATION

Doc. Date: 1/12/2018 # Pages: 1
Notary Name: Esther P. Altura Judicial
Doc. Description: APPLICATION OF MAILING Circuit:
OF NOTICE OF APPLICATION
Notary Signature: [Signature]
Date: 1/12/2018

[Stamp or Seal]

RECEIVED

18/201 SK

JAN 12 2018

COUNTY OF MAUI
DEPT. OF PLANNING

COUNTY OF MAUI
DEPARTMENT OF PLANNING
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawaii 96793



Zoning Administration and
Enforcement Division (ZAED)
Telephone: (808) 270-7253
Facsimile: (808) 270-7634
E-mail: planning@mauicounty.gov

ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Crystal Schwartz TELEPHONE 808 264 6127
PROJECT NAME Maui Dragon Fruit Farm E-MAIL crystal@mauidragonfruit.com
PROPERTY ADDRESS 833 Punakea Loop, Wailuku, HI 96791 TAX MAP KEY (2) 4-7-001-044

- ☐ Yes ☒ No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:
A) ☐ Yes ☒ No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) _____
B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law): _____

- INSTRUCTIONS:
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
 - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
 - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: ¹

STATE DISTRICT: <input type="checkbox"/> Urban <input type="checkbox"/> Rural <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Conservation	<input type="checkbox"/> (SMA) Special Management Area
MAUI ISLAND PLAN Growth Boundary: <input type="checkbox"/> Urban <input type="checkbox"/> Small Town <input type="checkbox"/> Rural <input type="checkbox"/> Planned Growth Area <input checked="" type="checkbox"/> Outside Growth Boundaries	
Protected Area: <input type="checkbox"/> Preservation <input type="checkbox"/> Park <input type="checkbox"/> Greenbelt <input type="checkbox"/> Greenway <input checked="" type="checkbox"/> Sensitive Land <input checked="" type="checkbox"/> Outside Protected Areas	
COMMUNITY PLAN: <u>Agriculture</u>	<input type="checkbox"/> (PD) Planned Development
COUNTY ZONING: <u>Agricultural</u>	<input type="checkbox"/> (PH) Project District
OTHER/COMMENTS:	<input type="checkbox"/> See Additional Comments (Pg.2)
FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.	<input type="checkbox"/> See Attached LUD Map
FLOOD HAZARD AREA ZONES ³ <u>Zone X</u> & BASE FLOOD ELEVATIONS:	
<input type="checkbox"/> FEMA DESIGNATED FLOODWAY	For Flood Zone AO, FLOOD DEPTH:

- SUBDIVISION LAND USE CONSISTENCY: ☐ Not Consistent, (LUDs appear to have NO permitted uses in common).
☐ Not Applicable, (Due to processing under consistency exemption No. ☐ 1, ☐ 2, ☐ 3, ☐ 4, ☐ 5).
(Signature) ☐ Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).
☐ Consistent, (LUDs appear to have ALL permitted uses in common).
☐ Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.
☐ Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

NOTES:

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

REVIEWED & CONFIRMED BY:

Shelly M. Kan-Hai (Signature) Shelly M. Kan-Hai (Date) 1/23/18
For: John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division