

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

January 30, 2018

RECEIVED

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OFFICE OF THE MAYOR

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Robert Carroll, Chair
and Members of the Land Use Committee
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL
 1/30/18
Mayor Date

Dear Chair Carroll and Members:

**SUBJECT: AMENDING ORDINANCE 4295 (2016), TO ALLOW MAUI
DRAGON FRUIT FARM, LLC TO ALSO OPERATE A
TRANSIENT VACATION RENTAL IN A TWO (2) BEDROOM
FARM DWELLING AT 833 PUNAKEA LOOP, UNIT 1, LAHAINA
(LU-53), ISLAND OF MAUI, HAWAII; TMK (2) 4-7-001-044:0001
(CP 2014/0005) (SUP2 2014/0011)**

The Department of Planning (Department) is in receipt of your letter dated January 22, 2018, regarding the above-referenced application from Maui Dragon Fruit Farm, LLC.

By way of background, on March 24, 2015, the Maui Planning Commission (Commission) approved the original Land Use Commission Special Permit (SUP2) to allow the sale of non-agricultural items, agricultural products not grown on the property, and to conduct special events, for a two (2) year duration, the term of which was to begin upon approval of the Conditional Permit (CP). The SUP2 was subject to twenty three (23) conditions. Condition 1, pertaining to the duration of the permit, reads:

*"That the SUP shall be valid for two (2) years from the date of approval of the CP, subject to further extension by the Maui Planning Director (Director) upon a timely request for extension filed at least ninety (90) days prior to its expiration. The Director may forward the time extension request to the Commission for review and approval and may require a public hearing on the time extension by the Commission. See **Exhibit "1,"** attached.*

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On February 28, 2017, the Commission reviewed the amendment to allow for Transient Vacation Rental (TVR) use, and approved the TVR amendment subject to an additional eighteen (18) conditions, and included language referencing the original twenty three (23) conditions without repeating them. See **Exhibit "2,"** attached.

Question #1, as stated in your letter reads, "Ordinance 4295 went into effect on March 4, 2016, and granted Maui Dragon Fruit Farm, LLC a Conditional Permit to conduct agricultural-related activities and certain special events on the property. The application to operate a transient vacation rental ("TVR") on the property is dated, February 17, 2016, two weeks prior to the effective date of the ordinance, and date-stamped as received by the Department of Planning on February 24, 2016. Part of the justification for the operation of a TVR on the property, as set forth in Crystal Schmitt's undated letter attached as Exhibit "1," to the Department's Report, is as follows:

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.

Please outline the chronology of the TVR application, starting with your Department's receipt of the application. Include the date the applicant's letter quoted above was received by your Department and when the friend's wedding noted in the letter was held. Note any additional special events booked by the applicant since that time and any other dates or circumstances that would be germane to this statement and the TVR application generally."

Department Response to Question 1:

The Department has been unable to determine when Applicant Crystal Schmitt's undated letter, attached as Exhibit "1," to the Department's Report ("Report") dated February 28, 2017, was submitted. Because the letter was included as an exhibit to the Report, and the amendment application form was date-stamped February 24, 2016, the Department concludes the undated letter was submitted at the same time as the amendment application.

The chronology of the TVR application is as follows:

1. February 24, 2016 – The Department received the TVR application as a request to amend Ordinance 4295.
2. June 6, 2016 – According to the Applicant, the date on which the event referred to as "a friend's wedding," in the undated letter was held.

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3. December 22, 2016 – The TVR application was transmitted to the Land Use Commission and the Office of Planning for comment. No comments were provided.
4. According to the Applicant, nineteen (19) special events were held at the property from May 7, 2016 through December 12, 2017. See List of Events provided by the Applicant, and included as **Exhibit “3.”**
5. February 28, 2017 – The Commission approved the TVR amendment to the SUP2 and recommended Council approve the TVR amendment to the CP.

Question #2, as stated in your letter reads, “Has your Department received any complaints concerning Conditional Permit activities allowed by Ordinance 4295? If so, were those complaints investigated and how were they resolved? Please explain.”

Department Response to Question 2:

On September 9, 2017, a Request for Service (RFS 17-0001133) was entered into the County’s land use and permitting database. A copy of the RFS is included as **Exhibit “4.”** The complaint was submitted by an owner of property within 500 feet (ft.) of the Dragon Fruit Farm. The complaint alleges that on September 2, 2017, a wedding was held, and that it continued to at least 10:00 p.m., whereas Condition 10 of Ordinance 4295 specifies that all special events shall be concluded by 8:00 p.m. Furthermore, the condition requires that event clean-up shall conclude, and all exterior lighting be extinguished, by 8:30 p.m. To date, the RFS remains open; however, the Zoning Administration and Enforcement Division (ZAED) advised that because the complaint was made seven (7) days after the alleged event, a timely investigation could not take place, and thus no enforcement is being carried out. The RFS will remain open as a reference, should additional complaints be submitted.

Question #3, as stated in your letter reads, “What is the Department's understanding of the duration of the Conditional Permit as set forth in the proposed bill to amend Ordinance 4295? Is the Department's intent to have the Conditional Permit remain valid for two years from the effective date of Ordinance 4295, or until March 3, 2018; or for two years from enactment of the proposed bill to amend Ordinance 4295? (There does not appear to be a duration set forth in the letter approving the Special Use Permit, dated March 9, 2017, and it is unclear from the documents provided.)

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Department Response to Question 3:

The Department's understanding of the duration of the CP, as set forth in the proposed bill to amend Ordinance 4295, was to leave the durational term untouched. The permit duration language was unchanged when the Commission approved the TVR amendment to the SUP2, and likewise when it recommended Council approval of the TVR amendment to the CP. Refer to **Exhibits 1 and 2**.

Question #3(a), as stated in your letter reads, "If the latter, did your Department receive a timely request for an extension of the existing Conditional Permit? If so, please provide the Committee with a copy of the request."

Department Response to Question 3(a):

On January 5, 2018, a timely request for a ten-year extension of the CP permit was submitted to the Department. A copy of this request is included as **"Exhibit "5,"** of this letter. A compliance report submitted on January 12, 2018, is included as **"Exhibit "6."** The Director has the authority to approve time extensions of the SUP2; whereas the Council is the approving authority for extensions of the CP.

Question #3(b), as stated in your letter reads, Was notification of the proposed time extension of the Conditional Permit uses authorized by Ordinance 4295 provided in accordance with Section 19.40.090(8), Maui County Code, and Condition 2 of Ordinance 4295? Or will the proposed time extension be the subject of a separate application to be transmitted at a later date? (It appears from the Maui Planning Commission's meeting agenda that the public hearing held on February 28, 2017, related to the proposed transient vacation rental use only. The Committee has not received any minutes of a Maui Planning Commission meeting on a time extension.) Please explain.

Department Response to Question 3(b):

The Department transmitted the signed *Notice of Filing of an Application for Conditional Permit Time Extension* (the "Notice") to the Applicant on January 12, 2018. Also on January 12, 2018, the Applicant sent the Notice to all owners of property within 500 feet (ft.) of the subject property by certified mail, in accordance with Section 19.40.090(B), Maui County Code (MCC), and Condition 2 of Ordinance 4295. The 45-day comment period ends on February 26, 2018. The CP expires on March 4, 2018. When the Department prepared its recommendation to the Commission for its February 28, 2017 meeting on the TVR amendment, a request to amend to the duration of the CP permit had not yet been received. Thus, the Commission did not review an extension request. However, the Applicant has requested to the Department that Council take up the request for extension at the same time as it considers the TVR amendment.

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Question #3(c), as stated in your letter reads, *"Based on your responses above, please revise the proposed bill if appropriate to address the duration of the proposed TVR operation and any proposed time extension of the existing Conditional Permit uses."*

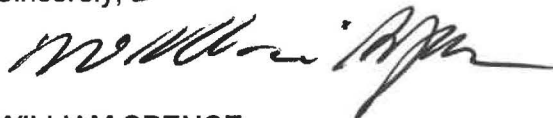
Department Response to Question 3(c):

The Department advises that extension of the subject CP requires review and recommendation by the Commission prior to the Council amending the CP, due to the language in Ordinance 4295 that Council alone has the authority to approve extensions of this CP, and the noticing requirements in Section 19.40.090 (B) and (C), MCC. (Normally, Section 19.40.090, MCC, allows the Director to approve CP extensions if certain conditions are met.)

If the Council was able to review and approve the time extension request concurrent with the TVR amendment request, the Department would recommend a duration of two (2) years from the effective date of Ordinance 4295, or until March 4, 2020, to allow for a test period for the TVR use.

Thank you for the opportunity to respond. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely, -



WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Livi U. Callentine, AICP, Staff Planner (PDF)
Maui Planning Commission Members (PDF)

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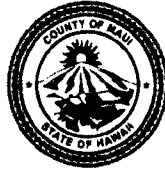
Project File

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Correspondence\Dept_Response_LU-53.docx

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

May 4, 2015

Ms. Crystal Schmitt
100 Waipuhia Place
Haiku, Hawaii 96708

Dear Ms. Schmitt:

SUBJECT: CONDITIONAL PERMIT (CP) AND STATE LAND USE COMMISSION SPECIAL USE PERMIT (SUP) APPLICATIONS TO CONDUCT AGRICULTURAL RELATED ACTIVITIES, SELL NON-AGRICULTURAL RELATED ITEMS, AND AGRICULTURAL PRODUCTS NOT GROWN ON THE PROPERTY, AND TO CONDUCT SPECIAL EVENTS IN THE STATE AGRICULTURAL DISTRICT ON AN APPROXIMATELY 3.0 ACRE PORTION OF A 27.528 PARCEL OF LAND, LOCATED AT 833 PUNAKEA LOOP, LAHAINA, MAUI; TMK: 4-7-001: 044 (POR.) (CP 2014/0005) (SUP2 2014/0011)

At its regular meeting on March 24, 2015, the Maui Planning Commission (Commission) took public testimony and reviewed the above requests and, after due deliberation, the Commission voted to approve the SUP and to recommend approval of the CP to the Maui County Council (Council) subject to the conditions listed below. The Council has the final review and approval authority for the CP.

CONDITIONAL PERMIT CONDITIONS:

1. That the CP shall be valid until two (2) years from the effective date of the ordinance; provided that an extension of this permit beyond this period may be granted pursuant to Section 19.40.090, Maui County Code (MCC).
2. That the CP shall be nontransferable unless the Council approves the transfer by ordinance.
3. That Crystal and Lawrence Schmitt and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject CP and shall procure at its own cost and expense, and shall maintain during the entire period of this CP, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui as an additional-named insured, insuring and defending Crystal and Lawrence Schmitt and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this CP, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance

EXHIBIT "I"

made or suffered in connection with the permitted use in the exercise by Crystal and Lawrence Schmitt of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this CP. A copy of the certificate of insurance naming County of Maui as an additional-named insured shall be submitted to the Department within ninety (90) calendar days from the date of approval of this CP.

4. That Crystal and Lawrence Schmitt shall develop and use the property in substantial compliance with the representations made to the Council in obtaining the CP. Failure to so develop the property may result in the revocation of the CP pursuant to Section 19.40.080, MCC.
5. That full compliance with all applicable governmental requirements shall be rendered in a timely manner.
6. That the gift shop shall open no earlier than 9:00 a.m. and close by 8:00 p.m.
7. That special events shall be limited to fifty (50) guests and be limited to two (2) times a calendar month, provided that one (1) special local agriculture event may be held once a year from 9:00 a.m. until 5:00 p.m., with traffic and safety measures as recommended by the Maui Police Department be provided.
8. That amplified sound is prohibited.
9. That the Applicant or a professional event planner shall be required to be present during all events and same-day event clean-up. If a professional planner is used, then the Applicant shall be accessible during all events. Being accessible means being able to answer the telephone at all times, and being able to be physically present at the property within one (1) hour following a request by a guest, neighbor, or County agency.
10. That all special events shall be concluded by 8:00 p.m. in the evening.
11. That event clean-up shall be concluded and all exterior lighting shall be shut off by 8:30 p.m.
12. That all exterior lighting shall be downward shielded.
13. That all parking related to the gift shop and events shall be on-site; no street parking allowed.
14. That the maximum onsite parking be limited to seventy-six (76) stalls.
15. That for events requiring more than seventy-six (76) parking stalls, a shuttle service will be provided for guests.

16. That the Applicant shall provide an information sheet providing neighbors with a contact telephone number and a copy of the SUP2 and CP approvals listing permit conditions.
17. That a sign shall be placed at the entrance of the property with the farm name and a contact telephone number.
18. That all Department of Health applicable requirements shall be met. (Compliance shall be determined by the Department of Health.)
19. That review and approval is required by the Fire Prevention Bureau for events open to the public with fifty (50) or more people in attendance and/or when temporary tents or canopies in excess of 700 square feet in size are utilized.
20. That a compliance report be submitted by the Applicant and approved by the Department prior to starting operations.
21. That upon renewal the Applicant shall submit a list of all events including the dates, times, type, and number of attendees.

STATE LAND USE COMMISSION SPECIAL USE PERMIT:

1. That the SUP shall be valid for two (2) years from the date of approval of the CP, subject to further extension by the Maui Planning Director (Director) upon a timely request for extension filed at least ninety (90) days prior to its expiration. The Director may forward the time-extension request to the Commission for review and approval and may require a public hearing on the time extension by the Commission.
2. That the SUP shall not be transferred without the prior written approval of the Commission. However, in the event that a contested case hearing preceded issuance of said SUP, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.
3. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject SUP and shall procure at its own cost and expense, and shall maintain during the entire period of this SUP, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) per occurrence and a THREE MILLION AND NO/100 DOLLARS (\$3,000,000.00) in aggregate naming the County of Maui as an additional-named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or

made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional-named insured shall be submitted to the Department of Planning (Department) within ninety (90) calendar days from the date of transmittal of the decision and order.

4. That the conditions of this SUP shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii Revised Statutes (HRS). Failure to comply with one (1) or more of the conditions herein shall result in a notice of violation issued by the appropriate enforcement agency, notifying the permit holder of the violation and providing the permit holder no more than sixty (60) days to cure the violation. If the permit holder fails to cure the violation within sixty (60) days of said notice, the appropriate enforcement agency shall issue an order which may require one (1) or more of the following: that the violative activity cease; that the violative development be removed; that a civil fine be paid not to exceed ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) per violation; that a civil fine not to exceed FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) shall be issued if violation not cured within six (6) months of the issuance of the order. The order shall become final thirty (30) days after the date of its mailing or hand-delivery unless written request for a hearing is mailed or delivered to the Department within said thirty (30) days. Upon receipt of a request for a hearing, the Department shall specify a time and place for the permit holder to appear and be heard. The hearing shall be conducted by the Director or the Director's designee in accordance with the provisions of Chapter 91, HRS, as amended.
5. That the Applicant shall submit to the Department three (3) copies of a detailed report addressing compliance with the conditions established with the subject SUP. The compliance report shall be reviewed and approved by the Department prior to renewal of the SUP. The report shall be in the format where the condition is listed followed by a response from the Applicant. A copy of the original approval and a current copy of the certificate of insurance shall also be included with the compliance report.
6. That the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the SUP. Failure to so develop the property may result in the revocation of the permit.
7. That full compliance with all applicable governmental requirements shall be rendered in a timely mode.
8. That the gift shop shall open no earlier than 9:00 a.m. and close by 8:00 p.m.
9. That special events shall be limited to fifty (50) guests and be limited to two (2) events a calendar month, provided that one (1) special local agriculture event may be held once a year from 9:00 a.m. until 5:00 p.m., with traffic and safety measures as recommended by the Maui Police Department be provided.
10. That amplified sound is prohibited.

11. That the Applicant or a professional event planner shall be required to be present during all events and same-day event clean-up. If a professional planner is used, then the Applicant shall be accessible during all events. Being accessible means being able to answer the telephone at all times, and being able to be physically present at the property within one (1) hour following a request by a guest, neighbor, or County agency.
12. That all special events shall be concluded by 8:00 p.m. in the evening.
13. That event clean-up shall be concluded and all exterior lighting shall be shut off by 8:30 p.m.
14. That all exterior lighting shall be downward shielded.
15. That all parking related to the gift shop and events shall be on-site; no street parking allowed.
16. That the maximum on-site parking be limited to seventy-six (76) stalls.
17. That for events requiring more than seventy-six (76) parking stalls, a shuttle service will be provided for guests.
18. That the Applicant shall provide an information sheet providing neighbors with a contact telephone number and a copy of the SUP2 and CP approvals listing permit conditions.
19. That a sign shall be placed at the entrance of the property with the farm name and a contact telephone number.
20. That all Department of Health applicable requirements shall be met. (Compliance shall be determined by the Department of Health.)
21. That review and approval is required by the Fire Prevention Bureau for events open to the public with fifty (50) or more people in attendance, and/or when temporary tents or canopies in excess of 700 square feet in size are utilized.
22. That a compliance report be submitted by the Applicant and approved by the Department prior to starting operations.
23. That upon renewal the Applicant shall submit a list of all events including the dates, times, type, and number of attendees.

Ms. Crystal Schmitt
May 4, 2015
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Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Gina Flammer at gina.flammer@mauicounty.gov or at (808) 270-5780.

Sincerely,



 WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Gina M. Flammer, Staff Planner (PDF)
Department of Public Works
Department of Fire and Public Safety, Fire Prevention Bureau
Office of Planning
Department of Health, Maui District Office
Project File
General File

WRS:GMF:sn

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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

March 9, 2017

Ms. Crystal Schmitt
100 Waipuhia Place
Haiku, Hawaii 96708

Dear Ms. Schmitt:

SUBJECT: AMENDMENT TO A CONDITIONAL PERMIT (CP) AND A STATE LAND USE COMMISSION SPECIAL USE PERMIT (SUP) TO ALLOW TRANSIENT VACATION RENTAL (TVR) OF A TWO (2) BEDROOM FARM DWELLING IN THE COUNTY AND STATE AGRICULTURAL DISTRICTS ON APPROXIMATELY 3.0 ACRE PORTION OF A 27.528 PARCEL OF LAND, LOCATED AT 833 PUNAKEA LOOP, LAHAINA, MAUI; TMK: 4-7-001:044 (POR.) (CP 2014/0005) (SUP2 2014/0011)

At its regular meeting on February 28, 2017, the Maui Planning Commission (Commission) took public testimony and reviewed the above requests, and, after due deliberation, the Commission voted to approve the TVR amendment to the SUP and to recommend approval of the TVR amendment to CP to the Maui County Council (Council) subject to the additional conditions listed below. The original 23 permit conditions remain intact. The Council has the final review and approval authority for the CP.

CONDITIONAL PERMIT CONDITIONS:

1. That permit holder shall have a current transient accommodations tax license and general excise tax license for the rental operation.
2. That a manager shall be designated for transient vacation rental. The manager name and contact information shall be provided to the Department prior to starting TVR operations or special events and when a change in the manager or contact information occurs.
3. That the manager shall enforce the house policies and also be accessible to guests, neighbors, and County agencies. For purposes of this section, "accessible" means being able to answer the telephone at all times, being

physically present at the property within one (1) hour following a request by a TVR guest, a neighbor, or a County agency.

4. That the TVR home shall only be rented when the manager is accessible.
5. That the Applicant shall hold no more than one (1) CP for TVR home use or a Short-Term Rental Home (STRH) permit.
6. That upon approval of the amendment to the CP, the Applicant shall send a copy of the new signed Ordinance, a copy of the House Rules, and twenty-four (24) hour contact information to the owners and lessees of abutting properties and properties directly across the street from the TVR home.
7. That the Applicant shall notify the Department and the owners and lessees of abutting properties and properties directly across the street from the TVR home of any changes in the manager's addresses or telephone numbers. Such notification shall be sent prior to, or immediately after, the change in contact information occurs.
8. The house policies shall include, at a minimum, the following provisions:
 - a. Quiet hours from 9:00 p.m. to 8:00 a.m., during which time the noise from the home shall not unreasonably disturb adjacent neighbors. Sound that is audible beyond the property boundaries during non-quiet hours shall not be more excessive than would be otherwise associated with a residential area;
 - b. Amplified sound is prohibited; and
 - c. Vehicles shall be parked in the designated onsite parking area and shall not be parked on the street.

The House policies shall be prominently displayed in the dwelling and shall be included in the rental agreement, which shall be signed by each registered adult guest.

9. That all advertising shall include the permit number. Reservation websites shall include the house policies or a working link to the house policies. Reservation websites shall also include the maximum occupancy as no more than two (2) persons per bedroom, including children over the age of two (2) years old.
10. That the TVR home shall be rented to only one (1) group.
11. That the maximum occupancy shall be no more than two (2) guests per bedroom, including children over the age of two (2) years old.

12. That quiet hours for the TVR shall be from 9:00 p.m. to 8:00 a.m., during which time the noise from the home shall not disturb adjacent neighbors.
13. That a fire escape plan shall be posted in the interior of each sleeping room. The exit plan(s) are unique to each bedroom and shall include, at a minimum, the following:
 - a. Complete floor plan of STRH;
 - b. "You are here" marked on the exit plan;
 - c. Arrows indicating the exit path for only that sleeping room;
 - d. Meeting place to assemble after exiting building; and
 - e. Location(s) of all fire extinguishers.
14. That a fire extinguisher with a minimum rating of 2A10B:C shall be installed within a seventy-five feet (75') travel distance of all interior portions of the facility. The fire extinguisher(s) shall be mounted in a clearly visible and accessible location to potential users.
15. That all smoke detectors shall be operable and tested monthly. A smoke detector shall be installed in each sleeping area. A log of the monthly testing shall be maintained by the Applicant and submitted as part of the renewal request.
16. That the TVR home operation shall be available for bi-annual fire inspections.
17. That the TVR home operation shall be subject to periodic inspections by County enforcement personnel at reasonable times upon presentation of appropriate credentials.
18. That the Applicant shall provide written verification of tax payments when filing a CP renewal request. The written verification shall be the State of Hawaii Department of Taxation, Form A-6, "Tax Clearance Application."

STATE LAND USE COMMISSION SPECIAL USE PERMIT:

1. The permit holder shall have a current transient accommodations tax license and general excise tax license for the rental operation.
2. That a manager shall be designated for transient vacation rental. The manager name and contact information shall be provided to the Department prior to starting TVR operations or special events and when a change in the manager or contact information occurs.

3. That the manager shall enforce the house policies and also be accessible to guests, neighbors, and County agencies. For purposes of this section, "accessible" means being able to answer the telephone at all times, being physically present at the property within one (1) hour following a request by a TVR guest, a neighbor, or a County agency.
4. That the TVR home shall only be rented when the manager is accessible.
5. That the Applicant shall hold no more than one (1) CP for TVR home use or a STRH permit.
6. That upon approval of the amendment to the CP, the Applicant shall send a copy of the new signed Ordinance, a copy of the House Rules, and twenty-four (24) hour contact information to the owners and lessees of abutting properties and properties directly across the street from the TVR home.
7. That the Applicant shall notify the Department and the owners and lessees of abutting properties and properties directly across the street from the TVR home of any changes in the manager's addresses or telephone numbers. Such notification shall be sent prior to, or immediately after, the change in contact information occurs.
8. The house policies shall include, at a minimum, the following provisions:
 - d. Quiet hours from 9:00 p.m. to 8:00 a.m., during which time the noise from the home shall not unreasonably disturb adjacent neighbors. Sound that is audible beyond the property boundaries during non-quiet hours shall not be more excessive than would be otherwise associated with a residential area;
 - e. Amplified sound is prohibited; and
 - f. Vehicles shall be parked in the designated onsite parking area and shall not be parked on the street.

The House policies shall be prominently displayed in the dwelling and shall be included in the rental agreement, which shall be signed by each registered adult guest.

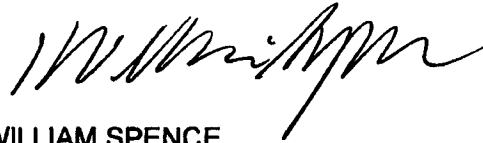
9. That all advertising shall include the permit number. Reservation websites shall include the house policies or a working link to the house policies. Reservation websites shall also include the maximum occupancy as no more than two (2) persons per bedroom, including children over the age of two (2) years old.
10. That the TVR home shall be rented to only one (1) group.

11. That the maximum occupancy shall be no more than two (2) guests per bedroom, including children over the age of two (2) years old.
12. That quiet hours for the TVR shall be from 9:00 p.m. to 8:00 a.m., during which time the noise from the home shall not disturb adjacent neighbors.
13. That a fire escape plan shall be posted in the interior of each sleeping room. The exit plan(s) are unique to each bedroom and shall include, at a minimum, the following:
 - f. Complete floor plan of short-term rental home;
 - g. "You are here" marked on the exit plan;
 - h. Arrows indicating the exit path for only that sleeping room;
 - i. Meeting place to assemble after exiting building; and
 - j. Location(s) of all fire extinguishers.
14. That a fire extinguisher with a minimum rating of 2A10B:C shall be installed within a seventy-five feet (75') travel distance of all interior portions of the facility. The fire extinguisher(s) shall be mounted in a clearly visible and accessible location to potential users.
15. That all smoke detectors shall be operable and tested monthly. A smoke detector shall be installed in each sleeping area. A log of the monthly testing shall be maintained by the Applicant and submitted as part of the renewal request.
16. That the TVR home operation shall be available for bi-annual fire inspections.
17. That the TVR home operation shall be subject to periodic inspections by County enforcement personnel at reasonable times upon presentation of appropriate credentials.
18. That the Applicant shall provide written verification of tax payments when filing a CP renewal request. The written verification shall be the State of Hawaii Department of Taxation, Form A-6, "Tax Clearance Application."

Ms. Crystal Schmitt
March 9, 2017
Page 6

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Gina Flammer by email at gina.flammer@mauicounty.gov or by telephone at (808) 270-5780.

Sincerely, -



WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Gina M. Flammer, Staff Planner (PDF)
Project File
General File

WRS:GMF:ela

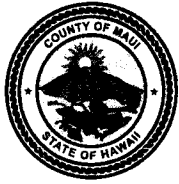
K:\WP_DOCS\PLANNING\CP\2014\0005_MaulDragonFruit\2016 amendment for TVR use\Staff Report\MPC_Rec
Approval_Letter.doc

List of Events at the Maui Dragon Fruit Farm

Date	Time	Type	Number of Attendees
05/07/16	3:00pm to 6:00pm	Wedding	25
05/28/16	3:30pm to 6:30pm	Wedding	35
06/06/16	4:00pm to 8:00pm	Wedding	28
12/2016	2:00pm to 7:00pm	Wedding	38
01/21/17	2:30pm to 7:30pm	Wedding	45
03/14/17	3:30pm to 6:30pm	Wedding	6
04/02/17	3:30pm to 6:00pm	Wedding	40
04/22/17	2:30pm to 5:30pm	Wedding	20
06/21/17	4:00pm to 6:30pm	Wedding	27
07/08/17	4:00pm to 6:30pm	Wedding	32
07/25/17	2:30pm to 6:00pm	Wedding	6
09/01/17	4:30pm to 8:00pm	Appreciation Party	40
09/02/17	1:00pm to 8:00pm	Wedding	42
10/04/17	4:00pm to 6:30pm	Wedding	30
10/10/17	2:00pm to 5:30pm	Wedding	35
11/01/17	4:00pm to 6:30pm	Wedding	25
11/25/17	3:00pm to 5:30pm	Wedding	37
12/02/17	8:30am to 2:00pm	Wedding	42
12/08/17	8:30am to 2:30pm	Wedding	45

DEPT. OF PLANNING
COUNTY OF MAUI
JAN 11 2018
RECEIVED

EXHIBIT "3"



County of Maui
Kalana O Maui Building
200 South High Street,
Wailuku, HI 96793-2155

01/12/2018

RFS Information for 17-0001133

Call Information

Status	Received Date	Completed Date	Duration (Days)	Entered By	How Taken	Source
OPEN	09/06/2017		128	SUNDERWOOD	REMOTE	INTERNET

Requestor Information

Name: TOM WILLIAMS Address: 779 PUNAKEA LOOP , LAHAINA, HI 96761
Company: (H) Phone: 408-896-5953 (W) Phone:
E-Mail: tawill0624@vahoo.com

Event Location

Address: 833 PUNAKEA LOOP
LAHAINA, HI 96761
TMK: 2470010440001
Subdivision: MAKILA PLANTATION - PHASE III
Intersection:
Common Place:
Other Location: MAUI DRAGON FRUIT FARM

Owner(s):

MAUI DRAGON FRUIT FARM LLC

Memo(s)

On Saturday night, September 2, 2017, there was a wedding event held at the site in violation of the Conditional Use Permit. (Ordinance # 4295) Specifically, the event went on until at least 10pm and featured amplified music that was extremely loud. The MC or DJ, was literally screaming through the loudspeakers as he led the first dance, bouquet toss, etc. As I understand the Permit, no amplified music is permitted and the event is supposed to be over by 8pm. A neighbor also told me that she met a wedding planner at the site after the event, and so it appears this is not a one time event. I am also concerned about the requested amendment to the Use Permit for transient rentals at the cottage located at the site. It appears that they are already renting the cottage.

Additional Addresses

Address	TMK
---------	-----

Related Permit(s)

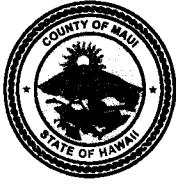
Permit	Permit Name	Status
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Inspection Information

<u>Problem</u>	<u>Type</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Inspector</u>	<u>Result</u>
NB02CUP	NBINITIAL	09/18/2017		CWRIGHT	
Comments:					

RFS#: 17-0001133

TMK#: 2470010440001



County of Maui
Kalana O Maui Building
200 South High Street,
Wailuku, HI 96793-2155

01/12/2018

RFS Information for 17-0001133

Problem/Service Action Information

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
NA01ADMIN	09/14/2017	SUNDERWOOD	JRAPACZ	DONE
*REASSIGN	09/14/2017	09/15/2017	JARAKAWA	DONE
Comments: Assigned to C. Wright.				

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
NB02CUP	09/15/2017	JARAKAWA	JARAKAWA	OPEN
NBINSPECT	09/19/2017	09/15/2017	JARAKAWA	DONE
Comments: Assigned to C. Wright.				
NBVERIFY	09/21/2017			OPEN
Comments:				
NBFINAL	10/21/2017			OPEN
Comments:				

RFS#: 17-0001133

TMK#: 2470010440001

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:

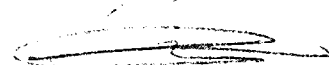
We would like to request a renewal of our special use and conditional use permits for Maui Dragon Fruit Farm located at 833 Punakea Loop, Lahaina, HI 96761. The TMK for the property is 2-4-7-001:044. The original application number is SUP2 2014/0011 and CP 2014/0005. The ordinance number for the permit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

EXHIBIT "5"

Compliance Reports for Conditional Permit No. CP 2014/0005 & SUP2 2014/0011

COUNTY OF MAUI
DEPT. OF PLANNING
CURRENTLY RECEIVED

CONDITIONAL PERMIT (CP 2014/0005)

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

RESPONSE: Maui Dragon Fruit Farm is submitting the full compliance report as below.

2. That the Conditional Permit shall be valid for a period of two years from the effective date of this ordinance; provided that, notwithstanding Section 19.40.090(C), Maui County Code, only the Council may grant an extension of this Conditional Permit beyond this two-year period, provided Maui Dragon Fruit Farm LLC complies with the application requirements of Section 19.04.090(A), Maui County Code, and the notice requirements of Section 19.04.090(B), Maui County Code.

RESPONSE: Maui Dragon Fruit Farm is submitting an application to extend the conditional use permit for 10 years from 2018 to 2028.

3. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance.

RESPONSE: Maui Dragon Fruit Farm understands that the permit is nontransferable unless the council approves the transfer by ordinance.

4. That Maui Dragon Fruit Farm LLC shall exercise reasonable due care as to third parties with respect to all areas affected by this subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of \$1,000,000 per occurrence and \$3,000,000 in the aggregate naming the County of Maui as an additional insured, insuring and defending Maui Dragon Fruit Farm LLC and the County of Maui against any and all claims or demands for property damage, personal injury, and/ or death arising out of this Conditional Permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Maui Dragon Fruit Farm LLC of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming the County of Maui as an additional insured shall be submitted to the Department of Planning within ninety calendar days from the effective date of this ordinance.

RESPONSE: Please see attached Certificate of Insurance naming Maui County as additional insured.

5. That Maui Dragon Fruit Farm LLC shall develop and use the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.

EXHIBIT "6"

RESPONSE: Maui Dragon Fruit Farm has developed and used the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit.

6. That the gift shop shall open no earlier than 9:00 a.m. and shall close by 8:00 p.m.

RESPONSE: The gift shop has been open no earlier than 9:00 a.m. and has close by 5:00 p.m.

7. That special events shall be limited to fifty guests and be limited to two times per calendar month; provided, that one special local agriculture event may be held once a year with traffic and safety measures as recommended by the Maui Police Department to be provided.

RESPONSE: All special events have been limited to fifty guests and have been limited to two times per calendar month; Please see the attached list of events.

8. That amplified sound is prohibited.

RESPONSE: No amplified sound has been or will be used in the above events.

9. That an owner of Maui Dragon Fruit Farm LLC or a professional event planner shall be required to be present during all events and same-day event clean-up. If a professional planner is used, then an owner of Maui Dragon Fruit Farm LLC shall be accessible during all events. Being accessible means being able to answer the telephone at all times, and being able to be physically present at the property within one hour following a request by a guest, neighbor, or County agency.

RESPONSE: A Professional event planner has been present in all the events. The owners of the Maui Dragon Fruit Farm are accessible in all events. Their phone number is listed on site and has been provided to all the event planners.

10. That all special events shall be concluded by 8:00 p.m.; provided, that a special local agriculture event may begin no earlier than 9:00 a.m. and shall be concluded by 5:00 p.m.

RESPONSE: That all special events will begin no earlier than 9:00 a.m. and conclude by 8:00 p.m.

11. That event clean-up shall be concluded and all exterior lighting shall be shut off by 8:30 p.m.

RESPONSE: All event clean-up shall be concluded and all exterior lighting have been shut off by 8:30 p.m.

12. That all exterior lighting shall be downward shielded.

RESPONSE: All exterior lighting have been downward shielded.

13. That all parking related to the gift shop and events shall be onsite; no street parking is allowed.

RESPONSE: All parking related to the gift shop and events have been on site. No street parking is present during any events.

14. That the maximum onsite parking shall be limited to seventy-six stalls.

RESPONSE: Maximum onsite parking have been limited to seventy-six stalls.

15. That for events requiring more than seventy-six parking stalls, a shuttle service shall be provided for guests.

RESPONSE: There have never been any events require more than 76 parking stalls, but if there are, shuttle service shall be provided for guests.

16. That Maui Dragon Fruit Farm LLC shall provide an information sheet providing neighbors with a contact telephone number and a copy of the Conditional Permit listing permit conditions.

RESPONSE: Information has been provided to all neighbors including phone numbers.

17. That a sign shall be placed at the entrance of the property with the farm name and a contact telephone number.

RESPONSE: A sign shall has been placed at the entrance of the property with the farm name and a contact telephone number.

18. That all State of Hawaii Department of Health applicable requirements shall be met. (Compliance shall be determined by the Department of Health.)

RESPONSE: All Department of Health applicable requirements have been met. No requirements were identified.

19. That review and approval are required by the Fire Prevention Bureau for events open to the public with fifty or more people in attendance, when temporary tents or canopies in excess of 700 square feet in size are utilized, or when open flames, such as lanterns or bonfires or other potential fire hazards will be used.

RESPONSE: There have no event held on site so far that open to public that meets the above described conditions, but should an event be planned that meets the conditions, the Fire Prevention Bureau will be contacted.

20. That a compliance report shall be submitted by Maui Dragon Fruit Farm LLC and approved by the Department of Planning prior to starting operations.

RESPONSE: A compliance report was submitted when Maui Dragon Fruit Farm applied for its permits and started its operations.

21. That upon renewal of this Conditional Permit, Maui Dragon Fruit Farm LLC shall submit a list of all events including the dates, times, type, and number of attendees.

RESPONSE: See attached List of Events.

STATE LAND USE COMMISSION SPECIAL USE PERMIT (SUP2 2014/0011):

1. That the SUP shall be valid for two (2) years from the date of approval of the CP, subject to further extension by the Maui Planning Director (Director) upon a timely request for extension filed at least ninety (90) days prior to its expiration. The Director may forward the time-extension request to the Commission for review and approval and may require a public hearing on the time extension by the Commission.

RESPONSE: The Maui Dragon Fruit Farm has applied to extend the special use permit.

2. That the SUP shall not be transferred without the prior written approval of the Commission. However, in the event that a contested case hearing preceded issuance of said SUP, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

RESPONSE: Maui Dragon Fruit Farm understands that the SUP shall not be transferred without the prior written approval of the Commission.

3. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject SUP and shall procure at its own cost and expense, and shall maintain during the entire period of this SUP, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) per occurrence and a THREE MILLION AND NO/100 DOLLARS (\$3,000,000.00) in aggregate naming the County of Maui as an additional-named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of

said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional-named insured shall be submitted to the Department of Planning (Department) within ninety (90) calendar days from the date of transmittal of the decision and order.

RESPONSE: Please see attached Certificate of Insurance.

4. That the conditions of this SUP shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii Revised Statutes (HRS). Failure to comply with one (1) or more of the conditions herein shall result in a notice of violation issued by the appropriate enforcement agency, notifying the permit holder of the violation and providing the permit holder no more than sixty (60) days to cure the violation. If the permit holder fails to cure the violation within sixty (60) days of said notice, the appropriate enforcement agency shall issue an order which may require one (1) or more of the following: that the violative activity cease; that the violative development be removed; that a civil fine be paid not to exceed ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) per violation; that a civil fine not to exceed FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) shall be issued if violation not cured within six (6) months of the issuance of the order. The order shall become final thirty (30) days after the date of its mailing or hand-delivery unless written request for a hearing is mailed or delivered to the Department within said thirty (30) days. Upon receipt of a request for a hearing, the Department shall specify a time and place for the permit holder to appear and be heard. The hearing shall be conducted by the Director or the Director's designee in accordance with the provisions of Chapter 91, HRS, as amended.

RESPONSE: No notice of Violation has been issued.

5. That the Applicant shall submit to the Department three (3) copies of a detailed report addressing compliance with the conditions established with the subject SUP. The compliance report shall be reviewed and approved by the Department prior to renewal of the SUP. The report shall be in the format where the condition is listed followed by a response from the Applicant. A copy of the original approval and a current copy of the certificate of insurance shall also be included with the compliance report.

RESPONSE: The compliance report is being submitted herein.

6. That the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the SUP. Failure to so develop the property may result in the revocation of the permit.

RESPONSE: Maui Dragon Fruit Farm has developed the property in substantial compliance with the representations made to the Commission in obtaining the SUP.

7. That full compliance with all applicable governmental requirements shall be rendered in a timely mode.

RESPONSE: Full compliance with all applicable governmental requirements have been rendered in a timely mode.

8. That the gift shop shall open no earlier than 9:00 a.m. and close by 8:00 p.m.

RESPONSE: The gift shop has been opened no earlier than 9:00 a.m. and closed by 5:00 p.m.

9. That special events shall be limited to fifty (50) guests and be limited to two (2) events a calendar month, provided that one (1) special local agriculture event may be held once a year from 9:00 a.m. until 5:00 p.m., with traffic and safety measures as recommended by the Maui Police Department be provided.

RESPONSE: All special events have been limited to fifty guests and have been limited to two times per calendar month; Please see the attached list of events.

10. That amplified sound is prohibited.

RESPONSE: No amplified sound has been used in the above events.

11. That the Applicant or a professional event planner shall be required to be present during all events and same-day event clean-up. If a professional planner is used, then the Applicant shall be accessible during all events. Being accessible means being able to answer the telephone at all times, and being able to be physically present at the property within one (1) hour following a request by a guest, neighbor, or County agency.

RESPONSE: A Professional event planner has been present in all the events. The owners of the Maui Dragon Fruit Farm are accessible in all events. Their phone number is listed on site and has been provided to all the event planners.

12. That all special events shall be concluded by 8:00 p.m. in the evening.

RESPONSE: All special events shall be concluded by 8:00 p.m. in the evening.

13. That event clean-up shall be concluded and all exterior lighting shall be shut off by 8:30 p.m.

RESPONSE: All event clean-ups had been concluded and all exterior lighting had been shut off by 8:30 p.m.

14. That all exterior lighting shall be downward shielded.

RESPONSE: All exterior lighting have been downward shielded.

15. That all parking related to the gift shop and events shall be on-site; no street parking allowed.

RESPONSE: All parking related to the gift shop and events shall be on-site; no street parking has been present during any event.

16. That the maximum on-site parking be limited to seventy-six (76) stalls.

RESPONSE: There have never been any events require more than 76 parking stalls.

17. That for events requiring more than seventy-six (76) parking stalls, a shuttle service will be provided for guests.

RESPONSE: There have never been any events require more than 76 parking stalls.

18. That the Applicant shall provide an information sheet providing neighbors with a contact telephone number and a copy of the SUP2 and CP approvals listing permit conditions.

RESPONSE: The above information has been sent to all neighbors including contact phone numbers.

19. That a sign shall be placed at the entrance of the property with the farm name and a contact telephone number.

RESPONSE: A sign has been placed at the entrance of the property with the farm name and a contact telephone number.

20. That all Department of Health applicable requirements shall be met. (Compliance shall be determined by the Department of Health.)

RESPONSE: All Department of Health applicable requirement are met.

21. That review and approval is required by the Fire Prevention Bureau for events open to the public with fifty (50) or more people in attendance, and/or when temporary tents or canopies in excess of 700 square feet in size are utilized.

RESPONSE: There were no events so far met the above criteria on site.

22. That a compliance report be submitted by the Applicant and approved by the Department prior to starting operations.

RESPONSE: A compliance report was submitted when Maui Dragon Fruit Farm applied for its permits and started its operations.

23. That upon renewal the Applicant shall submit a list of all events including the dates, times, type, and number of attendees.

RESPONSE: Please see attached "List of Events".

24. The permit holder shall have a current transient accommodations tax license and general excise tax license for the rental operation.

RESPONSE: See the attached GE license.

25. That a manager shall be designated for transient vacation rental. The manager name and contact information shall be provided to the Department prior to starting TVR operations or special events and when a change in the manager or contact information occurs.

RESPONSE: Maui Dragon Fruit Farm will provide a manager's name and contact information prior to starting its TVR operations. It will also report any changes if it happens.

26. That the manager shall enforce the house policies and also be accessible to guests, neighbors, and County agencies. For purposes of this section, "accessible" means being able to answer the telephone at all times, being physically present at the property within one (1) hour following a request by a TVR guest, a neighbor, or a County agency.

RESPONSE: A manager will enforce all the house rules and be accessible at all time within one hour following a request.

27. That the TVR home shall only be rented when the manager is accessible.

RESPONSE: The home will only be rented when a manager is accessible.

28. That the Applicant shall hold no more than one (1) CP for TVR home use or a STRH permit.

RESPONSE: Maui Dragon Fruit Farm will only hold 1 CP for its STRH permit.

29. That upon approval of the amendment to the CP, the Applicant shall send a copy of the new signed Ordinance, a copy of the House Rules, and twenty-four (24) hour contact information to the owners and lessees of abutting properties and properties directly across the street from the TVR home.

RESPONSE: Upon approval of the amendment, Maui Dragon Fruit Farm will send a copy and contact information to abutting properties and properties directly across the street.

30. That the Applicant shall notify the Department and the owners and lessees of abutting properties and properties directly across the street from the TVR home of any changes in the manager's addresses or telephone numbers. Such notification shall be sent prior to, or immediately after, the change in contact information occurs.

RESPONSE: Maui Dragon Fruit Farm will notify the Department and the owners and lessees of abutting properties and properties directly across the street from the TVR home of any changes in the manager's addresses or telephone numbers. Such notification will be sent prior to, or immediately after, the change in contact information occurs.

31. The house policies shall include, at a minimum, the following provisions:
- a. Quiet hours from 9:00 p.m. to 8:00 a.m., during which time the noise from the home shall not unreasonably disturb adjacent neighbors. Sound that is audible beyond the property boundaries during non-quiet hours shall not be more excessive than would be otherwise associated with a residential area;
 - b. Amplified sound is prohibited; and
 - c. Vehicles shall be parked in the designated on site parking area and shall not be parked on the street.

The House policies shall be prominently displayed in the dwelling and shall be included in the rental agreement, which shall be signed by each registered adult guest.

RESPONSE: The above house rules will be observed and enforced.

32. That all advertising shall include the permit number. Reservation websites shall include the house policies or a working link to the house policies. Reservation websites shall also include the maximum occupancy as no more than two (2) persons per bedroom, including children over the age of two (2) years old.

RESPONSE: Maui Dragon Fruit Farm will obey the above advertising rules.

33. That the TVR home shall be rented to only one (1) group.

RESPONSE: The TVR home at the Maui Dragon Fruit Farm will be rented to only one (1) group.

34. That the maximum occupancy shall be no more than two (2) guests per bedroom, including children over the age of two (2) years old.

RESPONSE: The maximum occupancy will be no more than two (2) guests per bedroom, including children over the age of two (2) years old.

35. That quiet hours for the TVR shall be from 9:00 p.m. to 8:00 a.m., during which time the noise from the home shall not disturb adjacent neighbors.

RESPONSE: That quiet hours for the TVR will be from 9:00 p.m. to 8:00 a.m., during which time the noise from the home shall not disturb adjacent neighbors.

36. That a fire escape plan shall be posted in the interior of each sleeping room. The exit plan(s) are unique to each bedroom and shall include, at a minimum, the following:

- a. Complete floor plan of short-term rental home;
- b. "You are here" marked on the exit plan;
- c. Arrows indicating the exit path for only that sleeping room;
- d. Meeting place to assemble after exiting building; and
- e. Location(s) of all fire extinguishers.

RESPONSE: The above fire and safety rules will be complied.

37. That a fire extinguisher with a minimum rating of 2A10B:C shall be installed within a seventy-five feet (75') travel distance of all interior portions of the facility. The fire extinguisher(s) shall be mounted in a clearly visible and accessible location to potential users.

RESPONSE: A fire extinguisher will be mounted as required.

38. That all smoke detectors shall be operable and tested monthly. A smoke detector shall be installed in each sleeping area. A log of the monthly testing shall be maintained by the Applicant and submitted as part of the renewal request.

RESPONSE: The smoke detectors will be installed and tested as required and a testing log will be kept and submitted.

39. That the TVR home operation shall be available for bi-annual fire inspections.

RESPONSE: The TVR home operation will be available for bi-annual fire inspections.

40. That the TVR home operation shall be subject to periodic inspections by County enforcement personnel at reasonable times upon presentation of appropriate credentials.

RESPONSE: The TVR home operation will be made available to periodic inspections by County enforcement personnel at reasonable times upon presentation of appropriate credentials.

41. That the Applicant shall provide written verification of tax payments when filing a CP renewal request. The written verification shall be the State of Hawaii Department of Taxation, Form A-6, "Tax Clearance Application."

RESPONSE: Please see attached "Tax Clearance" from the State Tax Office.

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			
* 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			
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 Shop sale of some Non-Ag related items and special events			
Describe the proposed use: Same as above			
DEPT. OF PLANNING COUNTY OF MAUI			
LAND USE DESIGNATIONS			
State Land Use District Boundary:			JAN 12 2018
Maui Island Plan:			RECEIVED
Community Plan:			
Zoning:			
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):	(bus) 808-264-6127	(hm) 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):	Lanny & 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):			Date: 1/5/2018



PARAECO-01

GBARRAZA

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

01/11/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hibbs - Hallmark & Co PO Box 8357 Tyler, TX 75711	CONTACT Gail Barraza		
	PHONE (A/C, No, Ext): (903) 561-8484 5654	FAX (A/C, No):	
	E-MAIL ADDRESS: gail.barraza@hibbshallmark.com		
INSURED Maui Dragon Fruit Farm 833 Punakea Loop Lahaina, HI 96761	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Everest Indemnity Ins Co		10851
	INSURER B : Mutual of Omaha		
	INSURER C :		
	INSURER D :		
	INSURER E :		
	INSURER F :		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L SUBR INSD. Y/N	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER		SI8GL00661171	12/08/2017	12/08/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 0 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 EMPLOYEE BENEFIT \$ 2,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$ EACH OCCURRENCE \$ AGGREGATE \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Accident		SR2014MOP051706188	12/08/2017	12/08/2018	Accident Med \$ 5,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
ECG 20 600(05/2009) Additional Insured - Automatic Status When Required In A Written Agreement With You

CERTIFICATE HOLDER

CANCELLATION

County of Maui 200 S High Street Kalana O Maui Building, 6th Floor Wailuku, HI 96793	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

ACORD 25 (2016/03)

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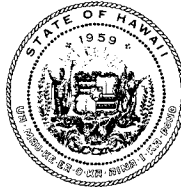
The ACORD name and logo are registered marks of ACORD

List of Events at the Maui Dragon Fruit Farm

Date	Time	Type	Number of Attendees
05/07/16	3:00pm to 6:00pm	Wedding	25
05/28/16	3:30pm to 6:30pm	Wedding	35
06/06/16	4:00pm to 8:00pm	Wedding	28
12/2016	2:00pm to 7:00pm	Wedding	38
01/21/17	2:30pm to 7:30pm	Wedding	45
03/14/17	3:30pm to 6:30pm	Wedding	6
04/02/17	3:30pm to 6:00pm	Wedding	40
04/22/17	2:30pm to 5:30pm	Wedding	20
06/21/17	4:00pm to 6:30pm	Wedding	27
07/08/17	4:00pm to 6:30pm	Wedding	32
07/25/17	2:30pm to 6:00pm	Wedding	6
09/01/17	4:30pm to 8:00pm	Appreciation Party	40
09/02/17	1:00pm to 8:00pm	Wedding	42
10/04/17	4:00pm to 6:30pm	Wedding	30
10/10/17	2:00pm to 5:30pm	Wedding	35
11/01/17	4:00pm to 6:30pm	Wedding	25
11/25/17	3:00pm to 5:30pm	Wedding	37
12/02/17	8:30am to 2:00pm	Wedding	42
12/08/17	8:30am to 2:30pm	Wedding	45

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION

MARIA E. ZIELINSKI
DIRECTOR OF TAXATION

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

MAUI DRAGON FRUIT FARM LLC
100 WAIPUHIA PL
HAIKU HI 96708-5457



September 29, 2016

L0041482240

Customer ID:

T-160-224-6656

DEPT. OF PLANNING
COUNTY OF MAUI

JAN 16, 2018

RECEIVED

Re: License Letter

Dear Taxpayer:

This letter contains your General Excise Tax License for Hawaii Tax ID Number: GE-160-224-6656-01. Please display this license conspicuously at MAUI DRAGON FRUIT FARM LLC's place of business.

If you require further information, please contact us at the address and phone number listed below. Reference the letter ID found at the top of the page on any correspondence or phone calls to expedite the process.

Sincerely,

Department of Taxation
Taxpayer Services Branch
PO Box 259
Honolulu, HI 96809-0259
Phone: (808) 587-4242
Neighbor Islands / Continental U.S.
Toll Free: 1 (800) 222-3229

BUSINESS START DATE: 02/12/2009

STATE OF HAWAII
DEPARTMENT OF TAXATION

L0041482240
FORM G-44A
(REV. 2016)

LICENSE ISSUED FOR THE PRIVILEGE OF ENGAGING IN BUSINESS AND OTHER ACTIVITIES UPON THE CONDITION THAT THE LICENSEE SHALL PAY THE TAXES ACCRUING TO THE STATE OF HAWAII UNDER THE PROVISIONS OF CHAPTER 237, HRS, AS AMENDED. LICENSEE'S ACTIVITIES ARE LISTED ON THE APPLICATION ON FILE WITH THE DIRECTOR OF TAXATION.

GENERAL EXCISE TAX LICENSE

THIS LICENSE IS NOT TRANSFERABLE.
TO BE DISPLAYED CONSPICUOUSLY AT THE
PLACE OF BUSINESS FOR WHICH ISSUED.



HAWAII TAX ID NUMBER: GE-160-224-6656-01
MAUI DRAGON FRUIT FARM LLC
100 WAIPUHIA PL
HAIKU HI 96708-5457

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION

LINDA CHU TAKAYAMA
DIRECTOR OF TAXATION

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

MAUI DRAGON FRUIT FARM LLC
100 WAIPUHIA PL
HAIKU HI 96708-5457



Date: January 16, 2018
Letter ID: L0910965760
Customer ID: T-160-224-6656

DEPT. OF PLANNING
COUNTY OF MAUI
JAN 16, 2018
RECEIVED

Re: License Letter

Dear Taxpayer:

This letter contains your Transient Accommodations Tax Certificate of Registration for Hawaii Tax ID Number: TA-160-224-6656-01. Please display this certificate of registration conspicuously at MAUI DRAGON FRUIT FARM LLC's place of business.

If you require further information, please contact us at the address and phone number listed below. Reference the letter ID found at the top of the page on any correspondence or phone calls to expedite the process.

Sincerely,

Department of Taxation
Taxpayer Services Branch
PO Box 259
Honolulu, HI 96809-0259
Phone: (808) 587-4242
Neighbor Islands/Continental U.S.
Toll Free: 1 (800) 222-3229

BUSINESS START DATE: 03/01/2018

STATE OF HAWAII
DEPARTMENT OF TAXATION

L0910965760
FORM TA-4A
(REV. 2016)

This Certificate is permanent evidence of your registration under the provisions of Hawaii's Transient Accommodations Tax Law, Chapter 237D, HRS, and must be conspicuously displayed at each place of business where the transient accommodations is located or a notice may be posted in each room, apartment, suite or the like, informing the reader of the location, where this certificate may be inspected and examined. A copy of your registration application and any amendments thereto should be attached to this Certificate.

**TRANSIENT ACCOMMODATIONS TAX CERTIFICATE OF
REGISTRATION**

THIS CERTIFICATE OF REGISTRATION IS NOT TRANSFERABLE

HAWAII TAX ID NUMBER: TA-160-224-6656-01
MAUI DRAGON FRUIT FARM LLC
833 PUNAKEA LOOP
LAHAINA HI 96761-5788



STATE OF HAWAII — DEPARTMENT OF TAXATION

TAX CLEARANCE APPLICATION

Form A-6 can be filed electronically OR for all state, city, or county government contracts, may be obtained through Hawaii Compliance Express. See Instructions.

(NOTE: References to "married" and "spouse" are also references to "in a civil union" and "civil union partner," respectively.)

LETTER ID: L1466399744

CASE ID: 91918

1. APPLICANT INFORMATION:

Applicant's Name MAUI DRAGON FRUIT FARM LLC

Address 100 WAIPUHIA PL HAIKU HI 96708-5457

DBA/Trade Name

2. TAX IDENTIFICATION NUMBER:

HAWAII TAX I.D. # T-160-224-6656

FEDERAL EMPLOYER I.D. # (FEIN) 26-4245806

SOCIAL SECURITY # (SSN)

3. APPLICANT IS A/AN: (Check only ONE box)☐ CORPORATION ☐ S CORPORATION ☐ TAX EXEMPT ORGANIZATION☐ INDIVIDUAL ☐ PARTNERSHIP ☐ ESTATE ☐ TRUST☒ LIMITED LIABILITY COMPANY ☐ LIMITED LIABILITY PARTNERSHIP ☐ OTHER☐ SINGLE MEMBER LLC☐ SUBSIDIARY CORPORATION**4. THE TAX CLEARANCE IS REQUIRED FOR: (MUST check at least ONE box)**☐ CITY, COUNTY, OR STATE GOVERNMENT CONTRACT IN HAWAII *☐ REAL ESTATE LICENSE ☐ CONTRACTOR LICENSE ☐ LIQUOR LICENSE*☐ FINANCIAL CLOSING ☐ PROGRESS PAYMENT ☐ BULK SALES¹☐ HAWAII STATE RESIDENCY ☐ FEDERAL CONTRACT ☐ PERSONAL☐ SUBCONTRACT ☐ COMPLETION/FINAL PAYMENT ☐ LOAN☒ OTHER - COUNTY SPECIAL & CONDITIONAL USE PERMIT

* IRS APPROVAL STAMP IS ONLY REQUIRED FOR PURPOSES INDICATED BY AN ASTERISK.

¹ ATTACH FORM G-8A, REPORT OF BULK SALE OR TRANSFER.**5. NO. OF CERTIFIED COPIES REQUESTED:**

1

6. DECLARATION - I declare that I am either the taxpayer whose name is shown on line 1, or a person authorized under section 231-15.6 or 231-15.7, HRS, to sign on behalf of the taxpayer. If the request applies to a joint return, at least one spouse must sign. I declare to the best of my knowledge and belief, that this is a true, correct, and complete form, made in good faith pursuant to Title 14 of the HRS, and the rules issued thereunder.

Original Signature On File

SIGNATURE

TELEPHONE

FAX

Jan-12-2018

DATE

MAUI DRAGON FRUIT FARM LLC

PRINT NAME

PRINT TITLE: Corporate Officer, General Partner or Member, Individual
(Sole Proprietor), Trustee, Executor

POWER OF ATTORNEY. If submitted by someone other than a Corporate Officer, General Partner or Member, Individual (Sole Proprietor), Trustee, or Executor, a power of attorney (State of Hawaii, Department of Taxation, Form N-848) must be submitted with this application. If a Tax Clearance is required from the Internal Revenue Service, IRS Form 8821, or IRS Form 2848 is also required. Applications submitted without proper authorization will be sent to the address of record with the taxing authority. UNSIGNED APPLICATIONS WILL NOT BE PROCESSED. PLEASE TYPE OR PRINT CLEARLY — THE FRONT PAGE OF THIS APPLICATION BECOMES THE CERTIFICATE UPON APPROVAL. SEE PAGE 2 ON REVERSE & SEPARATE INSTRUCTIONS. Failure to provide required information on page 2 of this application or as required in the separate instructions to this application will result in a denial of the Tax Clearance request.

FOR OFFICE USE ONLYBUSINESS START DATE IN HAWAII
IF APPLICABLE

2/12/2009

HAWAII RETURNS FILED
IF APPLICABLESTATE APPROVAL STAMP
(Not valid unless stamped)

*IRS APPROVAL STAMP

CERTIFIED COPY STAMP

