

PLANNING COMMITTEE

Council of the County of Maui

MINUTES

November 14, 2013

Council Chamber, 8th floor

CONVENE: 9:05 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Donald G. Couch, Jr., Chair
Councilmember Michael P. Victorino, Vice-Chair (out 9:25 a.m., in 9:29 a.m.)
Councilmember Gladys C. Baisa (out 10:30 a.m., in 10:52 a.m., out 11:16 a.m.)
Councilmember Stacy Crivello
Councilmember Don S. Guzman
Councilmember Mike White (in 9:20 a.m., out 10:30 a.m., in 11:06 a.m.)

EXCUSED: VOTING MEMBERS:

Councilmember Elle Cochran

STAFF: Kimberley Willenbrink, Legislative Attorney
Yvette Bouthillier, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Michele McLean, Deputy Director, Department of Planning
Joseph Alueta, Administrative Planning Officer, Department of Planning
Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: William Jacintho, President, Maui Cattlemen's Association
Eve Hogan
Catherine Clark, Maui Vacation Rental Association
David Greenberg
Tom Croly, Maui Vacation Rental Association
Sydney Smith, Maui Coffee Association
Darren Strand, Maui County Farm Bureau
Others (3)

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PRESS: Akaku: Maui Community Television, Inc.

CHAIR COUCH: ...*(gavel)*... Will the Planning Committee meeting of November 14, 2013 please come to order. My name is Don Couch. I'm the Chairman of the Committee. I'd like to introduce our Vice-Chairman of the Committee, Mike Victorino.

VICE-CHAIR VICTORINO: Good morning, Mr. Chair.

CHAIR COUCH: Good morning, Mr. Victorino.

VICE-CHAIR VICTORINO: Alrighty.

CHAIR COUCH: And Council Chair Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR COUCH: Good morning, Madam Chair. And then Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR COUCH: Good morning. And Councilmember Don Guzman.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR COUCH: Good morning. Excused at this time are Councilmember Mike White and Elle Cochran. Okay. Also from the Administration is Michele McLean, Planning Deputy Director; Joe Alueta from the Planning Department.

MS. McLEAN: Good morning.

CHAIR COUCH: Good morning.

MR. ALUETA: Good morning.

CHAIR COUCH: And from Corp. Counsel, Deputy Corp. Counsel Michael Hopper, good morning.

MR. HOPPER: Good morning, Chair.

CHAIR COUCH: And then Staff, of course we have Legislative Analyst Kim Willenbrink, good morning.

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MS. WILLENBRINK: Good morning, Chair.

CHAIR COUCH: And Committee Secretary Yvette Bouthillier, good morning. All right. Can I remind, ask everybody to turn off your cell phones or turn them onto the vibrate or silent mode before we get started. Let's see, today we're talking about PC, Item PC-23 which is Establishing Short-term Rental Homes as an Agricultural Tourism Activity in Agricultural Districts. Members, we're going to start taking testimony here in just a minute. Testifiers, just want to let you know that you can talk, we're going to talk about this item only and if you would like to testify, please sign up in the back. You'll be given three minutes to testify. We're going to be using the lighting system. The light will be green for three minutes. It goes to yellow for one more minute and when it turns red, please wrap up your remarks.

...BEGIN PUBLIC TESTIMONY...

CHAIR COUCH: All right. Let's first start out at the remote offices. Let's see, let's start with Hana. Hana District Office?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and I have no one waiting to testify.

CHAIR COUCH: Okay. Thank you. Lanai District Office?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez at Lanai and there is no one waiting to testify.

CHAIR COUCH: Okay. Thank you. And Molokai District Office?

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there's no one here waiting to testify.

CHAIR COUCH: Okay. Thank you, ladies. We'll get back to you at the end of testimony. Members, we have three people signed up to testify. First to testify is William Jacintho, followed by Eve Hogan.

MR. JACINTHO: Good morning, Maui County Council members. My name is William Jacintho, president of the Maui Cattlemen's Association. The Maui Cattlemen's Association is an organization representing small and large livestock producers in Maui including Molokai and Lanai. The Association fully supports the proposed bill and encourages the Members of the Committee to support the bill as well. We're in full support of any additional options that provide income to ranchers and farmers in order to make it in this challenging business. This is a niche that only certain amount of types of

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tourists are interested in. Abuse would hurt the intent and the experience would not be the same for the visitors. Yes, there will be challenges and cheats in a bill like this, but please don't jeopardize the opportunity for those who truly are farmers and can utilize this form of additional income to sustain their business. Thank you for the opportunity to testify.

CHAIR COUCH: Thank you, Mr. Jacintho. Members, any questions to the testifier? Seeing none, thank you.

MR. JACINTHO: Thank you.

CHAIR COUCH: Next up to testify is Eve Hogan followed by Catherine Clark.

MS. HOGAN: Good morning. Thank you so much for the opportunity to testify. My name is Eve Hogan and I'm the owner of The Sacred Garden in Makawao. And I'm in favor of eliminating the Special Use Permit for short-term vacation rental, rental homes; however, I want to also say that I am also in favor of having a comprehensive agricultural tourism ordinance in place in order to eliminate the Special Use Permit. My first reason for eliminating the Special Use Permit is that it's completely redundant to all the other steps already in place. I've printed out the vacation, the Special Use Permit checklist this morning and every single item on here is also on the vacation rental checklist so you're repeating yourself completely in doing this process. My other reason is that it doesn't, I don't believe it actually does what the intent of the Special Use Permit is, which in my understanding is to eliminate the abuse of agricultural land uses. We've had the Special Use Permit requirement in place for a very long time and the agricultural, abuse of agricultural land is still taking place so I don't think the Special Use Permit is actually achieving the goal that we had in mind. And the third, excuse me, the third thing is that a friend or a colleague of mine was saying that the importance of the Special Use Permit is that it has an inspector who comes out every three years to make sure that the land is being used properly, but there's so many other inspections in place, and one of the things we're really passionate about is making sure that we look at the possibility of having a centralized farm plan process for the County, because right now the landowner who wants to do anything on their ag land has to file a farm plan with the Planning Department. That requires an inspection. I have to file a farm plan with the Water Department that requires an inspection annually and I have to file a farm plan with the Tax Department in order to get agricultural rates that also requires an inspection. So the duplicity going on is cost, you know, not cost effective at all or time efficient for anybody so I really want to encourage everyone to look at a way to make that centralized so it's not so redundant and then the Special Use Permit wouldn't be required, wouldn't be even necessary at all. I'd also like to address the misconception that vacation rentals compete with the use of, or with doing agriculture on ag land. In my experience, my vacation rental is what supports my ability to do ag on my farm and to farm. I have a nursery that's open seven days a week, seven to eight hours a day and I cannot or rarely make as

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much in one day selling plants as I can in one night selling, selling a room. And what people think is that the, that the agriculture is competing with the vacation rental but in actuality, my agriculture is competing with Home Depot, Lowe's and Walmart because they do not mark up the cost of their plants at all because people can come in to buy plants and buy all the other things there. That doesn't happen in my nursery and so consequently, when I sell a plant, it, you know, it has to compete with all of that and it's not, it's not possible, not to mention the tourists cannot buy plants and take them with them and so it's a very limiting situation. In terms of ag tourism I think it's critical that we recognize that farmers are entrepreneurs and if entrepreneurs are not thinking outside of the box and creatively at the multiple streams of income that they need in order to be able to continue farming and stay on their land that we are really missing the boat. And I have a whole lot more to say about this but only 30 seconds to say so, I'm going to just say that, you know, someone mentioned that we want younger farmers to come into farming and we want to bring in our young people and keep our young people on the island. And I can tell you right now 'cause I'm an educator that young people want sustainable farms and they don't want to have to wade through a lot rules and red tape in order to be creative and to be able to do things on their farm that allow them to actually farm and if we don't streamline this process and make it feasible it's not going to attract the young people to this, to this industry. So, I have so much more to say but thank you for the red light.

CHAIR COUCH: Okay. Thank you, Ms. Hogan. Members, any questions for the testifier?
Mr. Victorino.

VICE-CHAIR VICTORINO: Thank you, Ms. Hogan, for your testimony. I do appreciate it. And I thank you for that comment about the redundancy with all of the various departments, you know, we should, and I think Mr. Guzman's Committee is trying to work on an economic...where ag would be defined in one sentence which-

MS. HOGAN: Uh-huh. Yes.

VICE-CHAIR VICTORINO: -oh, and I don't know if it could ever be one sentence, you know, I don't think so. But I wanted to ask you what do you anticipate, I mean, you're doing this right now with a Special Management Permit?

MS. HOGAN: The, the vacation rental?

VICE-CHAIR VICTORINO: The vacation rental, yes.

MS. HOGAN: I had to do the Special Use Permit...*(inaudible)*...

VICE-CHAIR VICTORINO: Yeah, yeah, no, okay, okay, yeah. That's right.

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MS. HOGAN: It's not going to help me; I'm just looking at the process-

VICE-CHAIR VICTORINO: All right.

MS. HOGAN: -'cause I'm really wanting to help other farmers be able to keep their farms and this is a viable way to do it.

VICE-CHAIR VICTORINO: So give me an idea since you're already participating and doing this, how many nights, let's say, and I won't even use 365 days. Let's use 270 days, you know, there's some months you just ain't going to do it or whatever, how many nights do you average a year as far as your property's concerned?

MS. HOGAN: On a vacation rental?

VICE-CHAIR VICTORINO: Yeah. On a vacation rental side, yes.

MS. HOGAN: Okay. Well, this particular vacation rental is, has a large house on it so it doesn't get as many people as a small unit might. It's probably rented two weeks out of the year, I mean out of the month.

VICE-CHAIR VICTORINO: Out of the month.

MS. HOGAN: One to two weeks out of the month.

VICE-CHAIR VICTORINO: One to two weeks out of the month. Okay. And then these are people that come specifically for ag tour?

MS. HOGAN: They come for agricultural tourism; they come because it's a small farm and they come because it's in the country, and they come because they want to learn about agricultural tourism, and they come because it's away from the beaten path. They don't want to stay where the rocks are fake and the ponds are fake. They want to stay where that's all real.

VICE-CHAIR VICTORINO: Last question. Are many of these, or are some of these actual farmers or people who are in agricultural businesses other places throughout the United States?

MS. HOGAN: I have not experienced that to be the case.

VICE-CHAIR VICTORINO: Okay. I was just curious because, you know, I know other states have agricultural tourism so I was wondering if some of them would come here just to see what we're like and... *(inaudible)*...

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MS. HOGAN: I'm sure they do. I'm sure they do. The people who've come to my, my personal property are coming, you know, often just for the peace and serenity of getting away from the...you know, they want to see a farm; they want to learn about it, and they want to be in an environment that's real Hawaii.

VICE-CHAIR VICTORINO: One more question, Mr. Chair, if I may?

CHAIR COUCH: Sure.

VICE-CHAIR VICTORINO: I heard and you just said "learn about".

MS. HOGAN: Uh-huh.

VICE-CHAIR VICTORINO: When you say "learn about" what are you referring to? Do they go out there and dig with you and help plant?

MS. HOGAN: We take 'em on, you know, we offer them a tour if they're interested-

VICE-CHAIR VICTORINO: Okay.

MS. HOGAN: -we walk around and tell 'em about the different plants, show 'em what, which ones are native, which ones are not.

VICE-CHAIR VICTORINO: Uh-huh.

MS. HOGAN: You know, we have lots of fruit trees growing. They don't know what they all are so we show 'em what they look like, what a mac nut tree looks like, what a jackfruit tree looks like, what lilikois are, you know, we share all of those things with them. You know, it's an interesting thing, I used to teach school and I taught a gifted and talented summer school program on the mainland and I, and the topic was future...the theme for that that summer school was "future communities". And I assigned all the kids to doing a model of their future world and I told them they had to include a food source in their future world and all of these gifted and talented children put a market in their community. And they had no awareness that food actually comes from a farm. They thought it came from Safeway or Costco or, you know, Foodland or something like that. And so one of the things that I'm passionate about is even when an average Joe tourist who doesn't even know that they want to know about farming shows up on a small farm, they learn and they see where food comes from, and they see what an organic veggie start farm looks like, and they see what these different...where fruit comes from and where mac nuts that they usually only get in a can come from and it changes them. So whether they're coming for farming or whether they're just leaving with a greater expansion of awareness about farming it is an invaluable service to the world.

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VICE-CHAIR VICTORINO: Oh, thank you. And I think you hit the nail on the head. We've had two generations that have been urbanized and have learned that Safeway, Albertson, and Foodland, and all the other names I can put out, is where food comes from.

MS. HOGAN: Right. Even our, you know, even one of our people testifying yesterday thinks that where food comes from.

VICE-CHAIR VICTORINO: That's right. So, so, it is what it is, but thank you very much. I'm sorry, Mr. Chair-

CHAIR COUCH: No.

VICE-CHAIR VICTORINO: -we went a little bit longer, but thank you for the information. I appreciate that.

MS. HOGAN: Thank you. Thank you.

CHAIR COUCH: Thank you. Members, any other questions of the testifier? Thank you, Ms. Hogan.

MS. HOGAN: Thank you.

CHAIR COUCH: Next testifier is Catherine Clark followed by David Greenberg.

MS. CLARK: Aloha. My name is Catherine Clark. I'm a board member of the Maui Vacation Rental Association. And I'd have to say that I would definitely be in favor of reducing any amount of paperwork or processing time that we could possibly do. Removal of the SUP would definitely be a step in the right direction. Our concern with PC-23 is that in actual fact it might make the process much more difficult for many of the smaller ag parcels and it could actually raise more questions than it answers. So years ago the County allowed subdivision down to as small as two acres and at the time I wonder what they expect ag to look like. What would ag on a two acre parcel be? If you want to use the area that I live in as an example, Haiku Hill is really windy and we're on old pineapple soil so what, what could we be expected to grow in our area? Talking to a master farmer from the Kula Extension Program, he says, well, you're not going to grow this, you're not going to grow this, you're not going to grow this. He goes, well, I guess you could try fruit trees. And he's right because you do need something where the roots would sink below the top two to three feet of soil. Not all areas, of course, are like that. But even in HRS 205, it acknowledges that some areas aren't suited to agricultural in terms of soil topography, et cetera. So my concern with PC-23 is that it talks about the "bona fide farm". What is the "bona fide" farm and how does that relate to the small two-acre parcel? I don't think it's one-size-fits-all and until "bona fide" is defined for all different types of ag parcels be it size, be it soil, be it topography, then it's difficult to say

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that this measure going forward would be of any assistance. I do believe that we would need a more comprehensive ag tourism bill that would answer the criteria laid out in out 205-5 before we would actually be able to remove the SUP. Any change is welcome as long it will benefit the broad range of small ag parcels that are out there. Thank you.

CHAIR COUCH: Thank you. Members, any questions to the testifier? I have one. Are you saying that you think that the two-acre, your two-acre smaller farms are going to have a problem with this?

MS. CLARK: I think many of them would.

CHAIR COUCH: Okay.

MS. CLARK: Many of the areas that were divided into smaller ag parcels weren't considered great ag land to start with so.

CHAIR COUCH: Okay. The question I have is, are you getting Special Use Permit now?

MS. CLARK: Yes.

CHAIR COUCH: Okay.

MS. CLARK: Every ag parcel needs a Special Use Permit.

CHAIR COUCH: Right. And in this, in this bill what we're saying is that if you have bona fide ag you don't need a Special Use Permit. If you don't, you still do need.

MS. CLARK: Exactly. But when you've said that with bona fide ag you don't need it everybody else that ends up going to Commission could have a difficult time getting through Commission because then they would say well, you're not bona fide ag. But what is "bona fide ag" on that parcel?

CHAIR COUCH: Okay. Well, I guess that's what we're going to have our discussion with down here because-

MS. CLARK: Right.

CHAIR COUCH: -it's not changing the process that currently exists. It's just allowing a group to not have to go through the process.

MS. CLARK: Right. But it's the group that would have such an easy time going through that process and then everybody else that is on the smaller acreage perhaps with the less suitable soil would be held to this higher standard.

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CHAIR COUCH: Okay. Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you, Cathy. We may not have the opportunity to ask you again so I figured I'll ask you now. This definition of "bona fide ag", do you have any suggestions as to where you think that might go, some of the criteria?

MS. CLARK: I just don't think that it's one-size-fits-all. I think for a larger producing farm bona fide ag is pretty clear. It's the commercial activity that they're doing but there are parcels that will never be able to do that. If you look at a two acre parcel and assume that one acre of it is ag even A&B would have a hard time producing any sizeable amount of income off of that.

COUNCILMEMBER BAISA: So do you think maybe the income limit might be an issue also?

MS. CLARK: Income limit is definitely-

COUNCILMEMBER BAISA: You know, the requirement that-

MS. CLARK: -an issue.

COUNCILMEMBER BAISA: -you have to sell so many thousand dollars' worth of stuff to be in bona fide ag.

MS. CLARK: Absolutely, because even look at the farm that's just starting out. How many years before they would be able to sell anything?

COUNCILMEMBER BAISA: I see where you're going. Thank you.

MS. CLARK: You're welcome.

CHAIR COUCH: Okay. Members, any further questions? Okay, seeing none, thank you. Next testifier and the last person to sign up to testify is David Greenberg.

MR. GREENBERG: Hi. Very happy to be here. Just drove out all the way from Hana where I have this little farm so I'm a little dizzy but I'll try to do my best, lot of curves, got here a little late. My background is architecture and urban design. I have degrees in both from California. And I bought a beautiful piece of ag land in 1977 in Hana, 20 acres at the time and I had a partner who was a farmer and we did a flower farm, started in '79 and did really well for about 10 years until things changed. A lot of other people had flower farms and what's worse a lot of people had flower farms in Costa Rica and South America and would underbid us for all our sales to...so we had this beautiful 5-acre

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flower farm but not making a lot of money and we were having trouble paying the mortgage. So it's kind of like you can get in a little trouble with agriculture depending upon markets and things like that. As an urban designer it was my job to re-build South Central Los Angeles after the riots. I got burnt out of that, burnt, it burnt me out and I ran back to Maui and I didn't know what to do here, and the flower farm business wasn't much good so I started at the very time, infant time, in about 1995, a vacation rental, kind of a, obviously illegal vacation rental for about three different reasons. First of all, there was, it was a treehouse. Secondly, it was, vacation rentals were not legal at the time, and the governor of the State of Hawaii, Cayetano and the Mayor Apana, you know, tried to get rid of me so they sent me to China. They thought I should do treehouses in China. And as it turns out, that year Hainan Island, a tropical island in the South China Sea, became the sister province of the State of Hawaii and Sanya County was a sister county to Maui County. So I was welcomed with open hands and I built some successful treehouses there, really beautiful ones, I can show you a picture later, really nice. Then I changed my occupation from urban design to rural design because I was working the rural areas of China which needed a lot of help to be sustainable. They had the same problems with their agriculture that we have on Maui. It's not sustainable to be a farmer, you know, what do you do? After 15 years working in Asia, in China, I developed a system called "sustainable ruralism" and that's an integrated approach to making agriculture and the local culture sustainable. You can't just make it on the agriculture; you have to have some other source. China has a big business in tourism, very small business in ecotourism. It was my job then to bring a small, little eco-tourist projects to these farmers, having little huts made out of bamboo. I wrote a book on bamboo and the use of bamboo for the Chinese and other people. Actually, bamboo recently in the State of Hawaii became legal for some building purposes and I learned you can eat bamboo; you can even drink bamboo. In China they make drinks out of bamboo; it's very yummy. Bamboo grows really well here. Six years ago I got smart, planted a lot of bamboo, edible bamboo, structural bamboo, and everything. And now five and a half years later it's almost ready to harvest. The problem is it cost me a lot of money to put all these bamboo plants and to keep them up over the years, and I made no money so I'm not a legitimate farmer 'cause I don't show the receipts but I've been trying to do sustainable, rural projects. I've applied for a permit; I should get it in a few months, a permit for my vacation rental and it's not a treehouse anymore. It's kind of a regular house that I built and, and so what the answer is very complicated. What we want to do is we want to make our, our, our rural areas sustainable for the farmers. Well, I can tell you the only way to do that is an integrated approach, cannot be just farming. You have to give them other ideas like a small vacation rental helps and I have many other ideas that I've been working on. And so I'm for kind of the integrated approach and, and, and if it's too difficult for me to get this permit in the end I'm going to have a big trouble. And I do use the flowers to put in the vacation rentals and they love it, \$150 worth of flowers that I have five acres of flowers and the vacation rental has allowed me to keep the flowers going because there's a demand for it and also all the bananas I give them and the other

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things. So it's an integrated approach and it's my job to figure out all the good ways to do that.

CHAIR COUCH: Okay.

MR. GREENBERG: Ecotourism is one of them and agricultural tourism. Thank you.

CHAIR COUCH: Thank you, Mr. Greenberg. Members, any questions of the testifier? Seeing none, thank you. All right. I'd also like to recognize the presence of Mr. White. Thank you.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR COUCH: Good morning. All right. So, Hana Office, anybody come in to testify?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR COUCH: Okay. Lanai Office?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR COUCH: And the Molokai Office?

MS. ALCON: There is no one here on Molokai waiting to testify.

CHAIR COUCH: Okay. Thank you, ladies. We will talk to you tonight, I guess.

UNIDENTIFIED SPEAKER: Chair, can I address a question...*(inaudible)*...

CHAIR COUCH: Not yet. No, thank you. Members, without, without objection we'll close public testimony since nobody has come down to testify and you can't testify a second time.

COUNCILMEMBER BAISA: No objections.

CHAIR COUCH: No objections? Okay. Public testimony is closed.

...END OF PUBLIC TESTIMONY...

CHAIR COUCH: Just to thank you, Mr. Greenberg for coming all the way from Hana but we do have remote testimony capability if you, if you need to do that, if you...

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MR. GREENBERG: ...*(Inaudible)*...

CHAIR COUCH: So we can get back to some of the things that you may have to talk to us so.

UNIDENTIFIED SPEAKER: ...*(Inaudible)*...

CHAIR COUCH: That's okay.

**ITEM NO. 23: ESTABLISHING SHORT-TERM RENTAL HOMES AS
AN AGRICULTURAL TOURISM ACTIVITY IN
AGRICULTURAL DISTRICTS (CC 13-207)**

CHAIR COUCH All right, Members, we're here, we're going to be talking about what you heard today about ag tourism, short-term rentals in an agricultural area. Just to remind everybody, we started discussion on PC-23 at our last Planning Committee meeting on October 31st and want to continue the discussion today. Part of that meeting we discussed having some panel members here to go back and forth with questions that you may have for the people who are actually having to deal with this issue on both, on all sides of the issue so I've invited Tom Croly from the Maui Vacation Rental Association. Good morning, Tom.

MR. CROLY: Good morning.

CHAIR COUCH: And Sydney Smith from the Maui Coffee Association.

MS. SMITH: Good morning.

CHAIR COUCH: Good morning. And Darren Strand from the Maui County Farm Bureau.

MR. STRAND: Good morning.

CHAIR COUCH: Darren, can you grab this.

MR. STRAND: Yeah. Yeah. Thank you.

CHAIR COUCH: Okay. I would like to talk to the Planning Department first to see if you have any further comments on what we're going to talk about today.

MS. McLEAN: Thank you, Chair. Well, as you know, we met with you a week or so ago just for some preliminary dialogue on the bill and we think it's a very good start for this discussion. In terms of really creating an agricultural tourism ordinance so that these uses would fall under that State provision we would like to see the discussion broaden beyond just short-term rentals and overnight accommodations, because there are other

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activities that the County might want to discuss allowing as part of agricultural tourism. And another couple comments just in general, the, because the bill amends only the County Agricultural District, we do have lands that are in the State Agricultural District but aren't County Ag and so agricultural tourism we would want to apply to other districts as well so that if there's that sort of mismatch, if you will, it would be clear that the State Special Use Permit wouldn't be required for those uses either. And we would want to look at just on the Planning Department side we can look into this, looking at all the districts where short-term rental homes are allowed and just making sure that there's consistency relating to the overall ag tourism picture.

CHAIR COUCH: Okay.

MS. McLEAN: So those are just our preliminary comments.

CHAIR COUCH: Okay. Any preliminary comments from Corp. Counsel?

MR. HOPPER: Mr. Chair, I think the Planning Department's comments are essentially a good idea for, for looking at the agricultural tourism as a whole as far as the, you know, as far as the State law is concerned, because they, they do say that agricultural tourism activities that's the permitted use provided that, provided that the, basically it says "Maui County", but they apply only to a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities pursuant to Section 205-5. So that's, that would be a good recommendation, I think, to pass this along with an agricultural tourism ordinance that's, you know, more comprehensive.

CHAIR COUCH: Okay. Members, any questions to the Department or Corp. Counsel first before we get going on this? Or not? Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. I think there's an interest to move this along to the Commission. How important do you feel, I guess this goes to the Department and Corp. Counsel, how important do you feel it is for us to combine this with an ag tourism bill which is obviously going to address more items and be more comprehensive but take probably a significant amount of time to craft?

MS. McLEAN: I think it would be more helpful for the Planning Commissioners to see a fuller picture.

COUNCILMEMBER WHITE: Uh-huh.

MS. McLEAN: And I also think just in general that the bill is very, very narrow to be considered a true ag tourism ordinance.

COUNCILMEMBER WHITE: No question.

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MS. McLEAN: So for it to be able to link up with that provision in State law I would think that it would need to be a little bit more broad besides just addressing overnight accommodations and making the reference to the definition of bona fide agriculture.

COUNCILMEMBER WHITE: Do you have a suggested list of items that you feel...you mentioned you have other items that you would like to have addressed. Do you...

MS. McLEAN: Well, we...it wouldn't take...we didn't prepare that for this meeting but I don't think it would take long for us to brainstorm with staff and look at other State Special Use Permits or County Special Use Permits that have been issued. You know, we have zip lines; we have...Councilmember Guzman just mentioned petting zoos, and even looking at the existing Special Uses that are listed in 19.30A and seeing if maybe those we want to switch over to combine with ag tourism, so I don't think we're talking months and months or anything like that and, and I think there are probably ready examples out there that we can tap into. We've recently issued permits for the lavender farm and a couple different botanical gardens wanting to do a little bit more than the Code currently allows as an outright permitted use so those would be the kinds of things we'd look to, we'd look to add.

COUNCILMEMBER WHITE: Okay. Thank you, Chair.

CHAIR COUCH: Okay. Members, any other questions? All right. Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I have a question maybe for Corporation Counsel and for some reason my Wi-Fi is not working on my computer so can you give me the definition of the bona fide agricultural activities as cited in Section 165-2 HRS?

MR. HOPPER: Yes, I can. Thank you, Mr. Chair. I can read it for you. This was, this is the definition that's in the Hawaii Right-to-Farm Act. That's actually where it's cited from. And so in the, in the agricultural State law we have the permitted use and that is listed as, agricultural tourism activities including overnight accommodations of 21 days or less for any one stay within a county provided that this paragraph shall apply only to a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities pursuant to Section 205-5, provided further, that the agricultural tourism activities coexist with a bona fide agricultural activity. For the purposes of this paragraph "bona fide agricultural activity" means a farming operation as defined in Section 165-2. And that section, so it's a bit of a long definition, but it says, as used in this chapter unless the context otherwise requires, "farming operation" means a commercial, agricultural, silvicultural, or aquacultural facility or pursuit conducted in whole or in part, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for non-food uses, the planting, cultivating, harvesting, and processing of crops and the

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farming or ranching of any plant or animal species in a controlled, salt, brackish or fresh water environment. Farming operation includes, but shall not be limited to, agricultural-based commercial operations as described in 205-2 (d) (15); noises, odors, dust, and fumes emanating from a commercial, agricultural, and aquacultural facility or permit; operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor. Now, of course, those last few are clearly, they're intended to be part of the Hawaii Right-to-Farm Act, which is a protection from nuisance, and so that's why you see the list of all the kind of the noxious activities so I think it's really going to be the first paragraph that you're going to be looking at there. Now whether or not applicants will be able to meet this test, I'm not sure, and I'm not sure how the Department's, how comfortable the Department is with enforcing this, but this is the only way that the counties are allowed to allow overnight accommodations as an ag tourism use without a Special Use Permit as a permitted use, 'cause the State law limits the counties as to what they can allow so that's why the draft ordinance tracks this definition. Because as of now it's the only thing that's permitted as a, as an outright permitted use, in this case an accessory use, because it has to coexist with a bona fide agricultural activity. But in the future, the State may, you know, broaden this or narrow it or do something else in which case the County ordinances, again, would have to comply with the State law. But a Special Use Permit in this draft ordinance would still be allowed for operations that cannot meet this test, of course they'd have to meet the criteria for a Special Use Permit as required by the Planning Commission.

COUNCILMEMBER GUZMAN: Okay. Thank you, Mr. Hopper. So just to clarify, I mean I'm...it, that statute is kind of circular because it actually points back to 205 in—what was it-165-2 points back to 205 for the definition of ag tourism, while in 205 doesn't really give you a definition of ag tourism, which is kind of circular in one way. But that being said, the definition, correct me if I'm wrong, the definition of the bona fide operations of a farm basically it's got to be commercial. Is that...

MR. HOPPER: Well, it says a commercial agricultural, silvicultural, and then gives a lot of examples but it, I mean it does say commercial. It does not have an income limit so...

COUNCILMEMBER GUZMAN: Right. That's what I was getting to. So it does say commercial but then when we look at our Maui County Code ordinances then for the permitted uses on agriculture to prove that it is a legitimate agriculture business farm, we're requiring gross income to like, I think here, 35,000 or gross sale of agriculture products, we do have, you know, maybe 35,000 or 10,000, whatever it may be but there is some type of proof that you've got to be producing agriculture on those lands, right?

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MR. HOPPER: Well, the income limits, and the Department can correct me if I'm wrong, but I believe the income limits would only come in if you wanted to do your third farm dwelling or you wanted to-

COUNCILMEMBER GUZMAN: Right.

MR. HOPPER: -do a bed and breakfast that did not meet certain criteria in the Bed and Breakfast Ordinance which has several criteria. I think that's the only situations where the income limits come in but the Department has worked with this ordinance more often than I have, but it's not, I don't think it's a general requirement. It's only if you want your first, your third farm dwelling, basically, on your property that you need to actually show 35,000 or if you want a bed and breakfast and don't meet certain criteria. But you're correct, there is an income limit for those cases and there's not one in the State law here. It just, it gives this definition and then the Legislature, I guess, thought this would be an appropriate definition to reference for a bona fide agricultural activity.

COUNCILMEMBER GUZMAN: So if you look at both jurisdictions, I mean the laws, the State law and our County Codes, if, if we're talking about the income, minimum income levels of a, an existing dwelling, does that also apply to this short-term rental home which would be-I don't know-an existing building, as well. Is it...I'm kind of confused on that because there's a...in order to get, in order to have a dwelling on agriculture lands you have to show somehow a percentage of your gross income of products produced so is that the same thing as having a short-term rental on your lands as well? Will you have to show that you have a certain amount of income as part of the requirement?

MS. McLEAN: Okay. For a vacant piece of ag land, if someone wants to build their first farm dwelling, they need to show us a farm plan.

COUNCILMEMBER GUZMAN: Right.

MS. McLEAN: And then to get the second farm dwelling, we would need to go and see that that farm plan has been implemented. For a short-term rental home, the structure needs to be there for at least five years already, so established farm dwelling, someone wants to do a short-term rental home permit on ag land, we also try, we look to see that the farm plan has been implemented. There's no income requirement. An income requirement comes into play if someone wants to build a farm labor dwelling. There's criteria in the law for...one of the ways to get the farm labor dwelling is to show that income has been produced so if you want to build an additional farm dwelling beyond the two then income requirement is one way to get approval for that.

COUNCILMEMBER GUZMAN: Okay. Okay. So basically what you're saying is anyone who has a farm plan would be able to legitimately have a short-term rental home business under this new proposed section that Mr. Couch is proposing.

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MS. McLEAN: Well, the new, under the, under the proposal is we would need verification that the home meets the definition Mike read, that the operation meets the definition that Mike read.

COUNCILMEMBER GUZMAN: Yeah, but then that turns to, if it meets the definition under 165-2 of HRS which is a commercial farm.

MR. HOPPER: Just to clarify, it has to "coexist" is what it says, that's what the State law says so it's, it's basically, your home has to coexist with the, with the defined farming operation which is commercial agricultural, silvicultural, et cetera, so you would need to coexist with that. I'm not sure how much many owners would be able to meet that test, to be honest with you, but that is the test. You would have to coexist with, and this is the State law requirement that we're reading verbatim, basically, but you'd have to, the short-term rental home operation would have to coexist with a bona fide agricultural activity as defined in 165-2. The Department would need to be able to do that review and say you, in addition to your short-term rental home you are coexisting with a, with a farming operation as defined in 165-2.

COUNCILMEMBER GUZMAN: Yeah, and it's funny you mention that, Mr. Hopper, because in my notes I have in big print "coexist". I don't know how that is actually defined. What does that mean to "coexist"? Because to me if we're talking agricultural tourism activities it's not just one activity and that's in this definition they're saying it's just short-term rentals, 21 days, or how many days it's saying that that's all that we have to identify what is ag tourism before us. So to me we don't even have an ag tourism definition in the County level, let alone an ag tourism definition at the State level. I, it's circular to me so this, basically, this, the State level statute basically is a pass through for those people who really want to have short-term rentals. They disguise it as saying it's ag tourism because I really don't know what "coexist" means. Until they can define what "coexist"...they're basically saying the ag tourism activity is just one element and which is, basically, rental, short-term rentals. Yeah. The State doesn't define "ag tourism". We don't define "ag tourism" so what is it? Basically, one element, the...and I don't believe that that's correct, I don't think it should just be short-term rentals as one activity, because if you, if you hear what the Department's saying, there's zip lines, there's-what is that?-the lavender farm, there's the goat dairy farm, there's the petting zoos out there. There's a lot of people who are, are doing these ag tourism activities not knowing whether it's legal or illegal. You know I just had a meeting with a lady that owns a, some agricultural farm that has a petting zoo on it and she got the permit to do that but when she then goes an extra step by advertising birthday parties for kids, it's not permitted. Well, to me that's ag tourism but because it's, because she's trying to do a commercial thing in conjunction with her petting zoo, hey, there's...it's illegal because it's...I think it's part of ag tourism. It just hasn't been defined but that's just my two cents. Thank you.

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CHAIR COUCH: I just want to remind the Members, thank you, Mr. Guzman, that this, this is a, this is a beginning and this is the first, I mean this is the first attempt at going after ag tourism, and I know you're working on it and I think we need to kind of combine the efforts but the only way we can do it is kind of in this, in this forum without violating the Sunshine Law. So this is kind of where we're going is to see...we want to add those kind of things and in your Committee that might be the place to set up the definition. We're, we're doing this right now to satisfy the State Legislature. The State Legislature wants...they put that, that language in and they want us to, they want to see somebody actually making an effort to then, okay, then start working on ag tourism so it's going to be a process. It's, as you well know, it's going to be a slow process but a process nonetheless that we're working on and moving forward with. So Mr. Victorino.

VICE-CHAIR VICTORINO: Thank you. We seem to have a lot of slow processes in this Chamber.

CHAIR COUCH: Oh, I know.

VICE-CHAIR VICTORINO: I mean yesterday I went through some slow processes; today I'm going through some slow processes. Do we have anything else left to do except for slow processes? Mr. White, do you have anything? No, I'm sorry. I just looked at you and you're the only name I could think of at the moment. And again, what you're saying and what the farmers are saying, you know, ag tourism really is a viable way of keeping farmers alive and you guys all --

CHAIR COUCH: Yeah.

VICE-CHAIR VICTORINO: --definitely, you know, be ...*(inaudible)*... that. And I'm working on the water issue which is another thing that will keep farmers alive, and then there's RPT, and on and on and on so there's an endless process and, again, I always say I hope we can find one definition in one line for what farming, ag farming and all this is but I think that's impossible 'cause there's a, there's so many versions of it. What I wanted to ask Corporation Counsel, I guess this whole process is to align ourselves with the State, if I'm correct, Mr. Chair. This is what this process is starting-

CHAIR COUCH: Right.

VICE-CHAIR VICTORINO: -to line us up with the State.

CHAIR COUCH: Yes.

VICE-CHAIR VICTORINO: And so Corporation Counsel, my esteemed colleague here, who's an attorney, and gets all these words snipping, you know, he's really good at catching

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words, him and Couch, I'm not so good at these things. "Coexist" I'd like a little more, little more discussion on what you believe "coexists" means because I think that's an interesting statement, you know, an interesting way of saying. Can water coexist with RPT? I would like to know that. No, never mind, never mind. I'm getting off track again but Mr. Hopper, I mean, just a little bit more clarification on "coexist". How does that play in this and future legislation we may be looking at? If that's a tough question, I'm sorry, I didn't mean to do that to you.

MR. HOPPER: Thank you, Mr. Chair. This is the language that the Hawaii State Legislature chose.

VICE-CHAIR VICTORINO: Yeah.

MR. HOPPER: They defined "bona fide agricultural activity" but they didn't define "coexist" so I think it's going to be for the Department to do an analysis, case-by-case, if a proposal comes before them showing, here's our short-term rental home operation and here's our bona fide agricultural activity that coexists with it. So I think you'd be looking for perhaps something like a short-term, you know, rental home activity that also has, you know some type of a maybe working commercial farm on it at the same time and maybe the guests can observe at the farm, something like that but just as a general example, I think that's what you'd be talking about. But to make that determination that something coexists with the activity would have to be an analysis of what's in the application and to see actually, all right, here's your application; here's your short-term rental home, and your plans and your farm dwelling and you'd also need to show where's your bona fide agricultural activity going on on the property at the same time. Where's your, you know, commercial agricultural activity? And we don't though have guidance as to, in the State law, as to if there's an income limit or what percentage of the property would need to be in the, you know, the bona fide agricultural activity so that's something, as far as enforcement is concerned, I think Planning may have comments on, but the term "coexist" is, I think, as you're getting at, is can be broad and the State Legislature doesn't have a specific definition. We could perhaps look up the Legislative history of the State law and try to see what they were getting at but the language they used is what they used and so the Department's allowing this as an accessory use without requiring a Special Use Permit would need to be able to, you know, require the applicant to show you are coexisting with it at the same time, where it's a part of the property at the same time as the short-term rental home and it's not only the short-term rental home use on the property, there's also this bona fide agricultural activity. But I can't give a whole lot of specifics because I would-

VICE-CHAIR VICTORINO: Yeah.

MR. HOPPER: -you know, the Department would need to evaluate the application that would say, I'm requesting to not have to get a Special Use Permit under this portion of the

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ordinance and here is my bona fide agricultural activity that is coexisting with my short-term rental home use and evaluate that, and I don't think there's been any, you know, tests of this in the courts that could happen potentially in the future. Maui is actually the only island that has this ag tourism, this type of ag tourism that overnight accommodation is allowed so there's really no case law for me to go to in order to find kind of a interpretation of that so that's what I can give you at this point, that it's very highly dependent on, you know, what's being proposed and it would have to just, it would have to be something in addition to just the short-term rental home at the very least.

VICE-CHAIR VICTORINO: So in what I'm hearing from you it would behoove us to maybe put specific definition of what is...or would you still rather leave it open? Again, I'm trying to, trying to get to a point where if we can put and make it more simple for these people to qualify by having specifics so that the Department doesn't have to make what I call arbitrary decisions or based on a case-by-case basis 'cause that, again, here we go again, you know, making more work for not only the Department but for the applicants and keeping things from moving along in a productive manner. So I guess my question to you is if we were to put specific uses or specific points that they can be used as guidelines would that be applicable? I mean would that be something that you think would be better for us to do?

MR. HOPPER: Thank you, Mr. Chair. I think the difficulty with this is that State law has a definition that they're giving us and if we start to tinker with that definition or, you know, try to give our own interpretation, there could be an argument that we're trying to change what State law says without the authority to do that. I can understand the need for, you know, us wanting to have clarity, but the State law says what it, what it says and maybe it would be nice if the Legislature were more specific on what the requirements were, and if there are efforts this term to do that, that would, I think, perhaps be welcome, but for us to start to, I think we could do that in the Short-term Rental Home Ordinance itself to deal with when you've just got a short-term rental home, your requirements for doing it on County Ag zoned land perhaps. But we're talking about specifically what you, what, if there is a State Agricultural designation not a County zoning, but a State Agricultural designation, how you can do a short-term rental home use without a Special Use Permit, and the State law in the past never allowed that at all; you always had to do a State Special Use Permit.

VICE-CHAIR VICTORINO: Right.

MR. HOPPER: They've recently carved out one exception that we're mirroring here, but to, to do, it's hard for me to advise to do anything other than, at least in the ordinance, to mirror the State law is difficult, because if we, there'd be a risk that we would, could do something that would be seen as broadening perhaps what's allowed by the State law in an effort to be more specific so I'd have a hesitancy about doing that in general. If, if the

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State law gives us a specific definition then I think, a) we would at least need to follow it, and b) I think, I think that's what we should refer to in the ordinance, is what my advice would be to you, I think, at this point.

VICE-CHAIR VICTORINO: You know, I don't often disagree with you, Mr. Hopper, but I think in this case I do because it's very broad in what they said we can do and now you're saying, well, let's not put any specifics in there because you don't want to eliminate or change or make it broader. I don't know how we'd make it broader by putting in specifics, you know.

UNIDENTIFIED SPEAKER: Yeah.

VICE-CHAIR VICTORINO: Yeah. I mean, I'm not an attorney. You know, I get my colleague take care of those things but I think commonsense says, and I'm not knocking you, Mr. Hopper, please, please, don't get angry, you know, I know the Steelers are not doing well this year so I don't want to anger you. No, just calm down, just calming down the...I just trying to say that I think that if we had specifics in there 'cause they gave it very broadly, I think we're doing a big service to the people that need the service and that's what I'm trying to get to. The State, thank God, they've opened it up a little. They've put a crack in the door and we can step in now, but they still leave it so broad that it's left to the Department to figure out every time and whether a birthday party can be inclusive or not and you know, I mean, that's what I'm saying. No offense to you, Mr. Hopper, I understand where you're coming from but commonsense tells me so, so much differently and I think, I think I'd like to see us work somewhere along the lines of putting specifics that don't broaden but would fall under those categories in the first place. But you go ahead, Mr. Hopper, I apologize.

MR. HOPPER: No need to apologize. I, there may be a bit of confusion. I'm not talking about that the County doesn't have the ability to specify what agricultural tourism activities are. I'm talking about defining what a farming operation for the purposes of determining what a bona fide agricultural use is in conjunction with the short-term rental home. The County definitely has the ability to define and specify agricultural tourism uses. What the County cannot tinker with in this case is the definition of "bona fide agricultural use", which is a specific State definition, that if we attempt to tinker with I would advise that we ask an opinion from the Attorney General on whatever draft ordinance we have and see do they believe that this is violating the State law in allowing short-term rental homes in cases in defining what a farming operation is. I'm certainly not saying or suggesting that the County does not have the authority to define other agricultural tourism uses, which the State law actually specifically says we have the authority to do, but when it comes to overnight accommodations, it says you can only do this if you coexist with a bona fide agricultural activity and it tells us what a bona fide agricultural activity is. And if we try to say well, we see that there's this definition but we don't like the definition, it's too broad, so we're going to be more specific and we're going to say what the State

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law means by defining it in our County ordinance, that's where I have some hesitancy. It's not that we can't define what "ag tourism" is it's that defining what a "bona fide agricultural operation in conjunction with a short-term rental home permit is, is the area I'm having difficulty with.

VICE-CHAIR VICTORINO: Thank you. And I'm glad you clarified that 'cause I was really talking more about agricultural tourism than a bona fide farm. I think, I think that's okay with me. You know, I think that's not something I want to go into. And you know, "coexist", I'm talking the ag tourism coexisting with the bona fide agricultural business and I apologize. We got a little confused, I crossed wires on that one but that's what I was leading to, and I thought that's what you meant we couldn't do, and that's what I think we, I want to do and see us do more of. And the other parts, well, we'll live with that because I think...and I don't want to mess with the State although I think sometime the State is wrong and you know, well -

CHAIR COUCH: Sometimes.

VICE-CHAIR VICTORINO: --I say it publically and they know that, but on the other side, let's move on, so I thank you very much, Mr. Hopper, for your clarification. Thank you, Mr. Chair for allowing me.

CHAIR COUCH: Certainly. Members, we just had passed out two things. One is the 165-2 which is the definition of bona fide ag.

COUNCILMEMBER GUZMAN: Where's that at?

VICE-CHAIR VICTORINO: Right here. She just gave it.

CHAIR COUCH: And the other...it's the single page. We just passed 'em out.

COUNCILMEMBER GUZMAN: Oh...*(inaudible)*...

CHAIR COUCH: And then the six page is 205, HRS 205-4.5 which is permissible uses within the Agricultural Districts and if you look at Page 2, number 14, that's the definition that the State put in there for us so just you have it in front of you. Okay. Chair Baisa.

COUNCILMEMBER BAISA: Thank you very much. This is of course always difficult and I want to hark back to the slow process. I'll tell you how slow it is. When I first came to the Council in 2007 that first year I was Planning Chair and I was working with Lani Weigert on trying to do something in ag tourism. Well, here we are, 2013 is almost saying goodbye and we're still at this. I'm a big advocate of some kind of ag tourism. I'm also a big advocate of allowing people that are trying to honestly do farming some way to make additional money so that they can stay in farming. I'm born and raised

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Upcountry, I have lived all my life with farmers who are no longer farming and they are no longer farming 'cause they can't make a living at it. It doesn't pay the bills so in my opinion if they had a farm labor cottage that was open and they want to put some tourists in there, I have no problem if it means they can still grow onions or cabbages or whatever people have done for generations. Then we got to the short-tem rentals and we get into this definition of commercial farming and that's why I don't like going near that bona fide farming definition because it talks about "commercial" and requires "commercial" and when we get into commercial farming in my opinion that's a whole other, you know, that's a whole other bag. These folks are commercial farmers, large acreage, different kinds of things. What I've been hearing more and more of in the last few years it's really interesting the trend that we see, there's more and more trends to small farmers, and backyard farmers, and people that want to farm, but it's difficult for them to farm because it costs too much and the, you know, we all know the story of about the farmers, no water, competition with prices and all the issues that we have here in farming in Maui so I want to make it easy for them. I don't want to make it hard and so if we're going to talk about ag tourism I definitely don't want to link it with commercial farming. I think that's too big or we got to have two levels, or maybe there'd be one level where you do commercial farming and ag tourism but also a lesser level where people can have the little petting zoo in their backyard or whatever it is that they're doing and trying to earn a living. I agree with my colleagues that have said that maybe we need to work on the ag tourism bill.

CHAIR COUCH: Uh-huh.

COUNCILMEMBER BAISA: I think that's really important because maybe once we have that we'll have the guideline so that we can make a better, a better decision in what we're trying to do here. Otherwise, we're going to spin our wheels and spin our wheels.

CHAIR COUCH: Right.

COUNCILMEMBER BAISA: And you know, I just want us to produce something. You know, it's just...

CHAIR COUCH: But the right the thing.

COUNCILMEMBER BAISA: Yeah, the right thing. And you know, for me, eight years of thinking about something is really much too long, so I think the task for us is we ought to deal with this ag tourism definition and get that done and then maybe we can go forward. And another thing that's, of course, essential, and that is poor Member Guzman, who is a freshman, got the rotten assignment of trying to define agriculture and I will be ever grateful to him for saying okay, I'm going to give it a try, but you know, he's been doing a yeoman's job in meeting with an agricultural working group and really putting a lot of time and effort into that, but that's not easy, that's been going on again for many, many

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years. There's been groups and task forces, and all kinds of things, and it's time, we need that definition and so, I think, let's put some real solid energy into getting that definition of ag and the ag tourism and then maybe we can solve some of these other issues; otherwise, we get lost in all of the permutations of these laws and whatever and we can't change the State. The State, we, we can go and we can try and God bless Senator English who keeps trying to help us make this a little more sensible and we can continue to work with him because he lives on Maui and he understands the economic situation here and the challenges, but Chair, I think that we have our work cut out for us and we know what it is.

CHAIR COUCH: We do.

COUNCILMEMBER BAISA: Thank you.

CHAIR COUCH: I want to give Ms. McLean one chance to talk, then we're going to invite our panelists to have a chat.

MS. BAISA: Yeah. Let them talk.

CHAIR COUCH: Ms. McLean.

MS. McLEAN: Thank you, Chair. Sometimes I need these meetings to really get my brain focused in the right direction. I have a couple comments that I hope would be helpful. With regards to commercial agriculture, all of the ag tourism activities allowed under State law tie back to that term "commercial" so even if we allowed it on the County level that it wouldn't have to be related to a commercial farming operation, State law would still require that. The only way someone who would not be doing commercial ag could do ag tourism on their property, they would still need to get a State Special Use Permit; however, the State doesn't define "commercial" so we could come up with a County definition that somehow defines "commercial" or "working farm" is the other term that they use so that's, that's one comment. The other comment is I was fortunate enough to be the Council analyst who worked on the ag bill on 19...when it was Chapter 19.30 that was adopted in 1998, and I was just commenting with Joe that at that time State law was much more restrictive in the State Ag District and so at that time 19.30 was rather parallel with 205. Looking right now at the uses allowed under 205-2, in the Ag District, it is so much more permissive than what is now 19.30A is, so particularly when it comes to the ag tourism provisions of 205-2, there are several in there that, I mean this could be sort of an easy way to get to where we want to go, is to just reference those sections of 205-2 and make them permitted in County Ag, and so that way if the definitions change or those provisions get tweaked on the State level then the same change would automatically be reflected in the County level. We would just defer to 205-2 so if the State allows it then the County could allow it and then the only thing left to the County would be how to further define "commercial", how to narrow down

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some of those things, because it allows ag tourism conducted on a working farm, overnight accommodations as the Chair has focused on, open area recreational facilities, so there are a number of things that, that we can, as Mike was saying, we can narrow down and define for County purposes. But jeez, the State is allowing a lot more stuff than 19.30A allows today related specifically to ag tourism so it might be easy to just to link the two and define commercial and define a few more things and then we'd have an ag tourism ordinance.

CHAIR COUCH: Okay. Mr. Alueta.

MR. ALUETA: Just for your information, we currently have a definition for "commercial agriculture", meaning the selling of an agricultural products or byproducts for monetary consideration with annual gross sales of \$2,500 or more. So just to, I mean, that was in there, that was thrown in there when we amended 19.02, the Interim District, because agricultural uses are allowed within the Interim District, but it restricts where commercial agricultural was allowed based on the lot sizes. So just to throw that...there is a number out there for valuation and the Planning Commission had recommended at the time and input also came from the Farm Bureau at that time.

CHAIR COUCH: More notes for your Committee, Mr. Guzman. All right. Let me, let me get the panel going here. I'd like you each to introduce yourself maybe going from Mr. Croly to Mr. Strand and give your, give a, you know, an opening presentation if you will, and tell us why you're here and what your thoughts are.

MR. CROLY: Okay. I'm Tom Croly and I'm here on behalf of the Maui...

CHAIR COUCH: You have to get closer to the mic unfortunately.

MR. CROLY: Oh, okay. You know what, I'll hold it. I'm Tom Croly. I'm here on behalf of the Maui Vacation Rental Association and I guess I've become the expert on the short-term rentals and the bed and breakfast. Before I define that, I want to define what an expert is. We know from math class that X is the unknown, right? And I know from my plumber who came by and was fixing a leak that a "spurt" is a drip under pressure. So the "expert" would be the unknown drip under pressure and I guess that's me at this point, but seriously, a lot of people come to me and they ask me, what are the rules? You know, can I get a Short-term Rental Permit? Can I get a Bed and Breakfast Permit? What are the rules? And they want the opportunity. They want the opportunity to use their home in this way, and then I say, where's your property? Well, it's located in the Ag District. Oh, well, now you have two sets of rules. You have State rules and you have County rules. The State rules say that you can't do this unless you go get a Special Use Permit. The County rules say you can't do this unless you get a Short-term Rental or a Bed and Breakfast Permit but you need both. And that's met with a lot of what we just heard here which is confusion. People say, well, I don't understand, why do I have to do

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both these things and it gets very confusing for the applicants. The Planning Department, very fortunate for all of us, helps guide people through this confusion. They do a great job of saying tell us what you want to do, let us help figure out how to guide you through this process. But what would really help, and I know this is what we're all aiming for, is to codify some of this stuff so that they don't even have to get to people making judgment calls about it. They know exactly, I'm allowed to do this; I'm not allowed to do this; if I meet this criteria, I can do it. What I want to take just a quick second about because maybe members of the public are not aware and there's Members on this Committee who were not present, were not on the Committee when we created the Short-term Rental Ordinance as to what the requirements are of the Short-term Rental Ordinance Countywide. When someone comes forward and says they want to get a Short-term Rental Permit, there's now a 31, 31 requirements, if you will, in the application. Some of them are very simple. They fill out their name and fill out a form. Some of them are a little more complicated; they have to go do something, go get a TAT or a GET license and some of them relate to the house itself that they want to use for short-term rental which as we already heard has to be an existing house, they're not building it from the ground up. One of the requirements in the Ag District though is that if that house exists, it exists based on, as the Deputy Director told us, an existing farm plan. So the existence of the house in the Agricultural District is there because they have a farm plan, then as a part of the process in the Bed and Breakfast Ordinance, they have to show that that farm plan has been implemented and that's, that's a part of the process there. Once they've met that requirement for the most part the agricultural part of this, of this process is done. They've got a farm plan in place; it's been implemented. The rest of the stuff that they have to meet then revolves around the safety requirements and the various requirements that we put in place for the Short-term Rental and the B&B Permits, but they still have to jump through the hoop of going to get a State Special Use Permit. Now the measure before us today would eliminate that for a small segment of the applicants, those who can meet that definition of commercial, a bona fide farm as in 165-2. Now you've made it very difficult for the Planning Department because then they have to become the arbitrators of does this meet that definition or not and if it doesn't then they're saying okay, if it doesn't then you still have to go to the Planning Commission and get a State Special Use Permit, but we've now set up something very difficult for the Planning Commissioners because we're now before them because they didn't meet this definition of commercial agriculture. So they're confused because they say okay, so now is it my job to determine whether or not they do have agriculture, which it's not, because if we then look at what the requirements of the State Special Use Permit are, there are no requirements in that that say specifically that you have to farm. There are requirements that say is the use that you're asking to do compatible with surrounding uses which typically would be farming uses; is the use that you're asking to do going to require additional services from public facilities, that type of thing. Is the use that you're going to do-oh, I forget what they all are-but they're not specific to farming. But if we say hey, the ones that are going over to the Planning Commission are just the ones that didn't qualify as bona fide farming then they're going to be confused. They're going to

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think that their job is to determine well, what are the farming efforts and it's not really. So that's the, that's the concern that I have with this particular measure, but the discussion that started that you guys have already started, I think is right to the point of what we want to do with an ag tourism ordinance. We want to broaden it and short-term accommodations would be part of it. I hope that bed and breakfast would be part of it 'cause here by County definition a short-term rental is an overnight accommodation where the owner doesn't live; a bed and breakfast is an overnight accommodation offered where the owner does live. I certainly think that where the owner does live is something that we could include in that as well, so we're going in the right direction but we're really at the infancy of it and we have to start shaping these things, and as Chair Baisa pointed out, I think it begins with this definition of agriculture, and then from there then the definition of agricultural tourism activity, and then we'll have something that is worthy of moving forward and having the commissions make their comments, and then come back up here to this Committee for something. So those are my comments from the unknown drip under pressure, okay.

CHAIR COUCH: Okay. Ms. Smith.

MS. SMITH: Thank you, Chair. You know, I got into this just for my own farm and I had a lot of trouble establishing that I had an actual farm although I have a lot of sales; I provide the coffee for Alan Wong's restaurants; I sell coffee all over the world and I'm the president of the Maui Coffee Association. So I was, I thought this is a piece of cake, you know, I don't even have to worry about this part. My neighbor Eve Hogan has a, you know, huge greenhouse. She's open seven days a week as you've all heard many times and both of us could not qualify as a commercial farm, you know, through the Planning Department and so we, we had to go through a lot to get, you know, our farms approved when it could've been really simple if we could've just turned in our Schedule F or something like that but it just wasn't set up that way. And, but because I was going through this I had a lot of other, you know, actual farmers, people from the Cattlemen's Association, and people that grow tea, and people that are actual commercial farmers that had not undertaken this process because they were afraid to start it. They were afraid of getting into something and like quicksand getting sucked under and they knew it was very time consuming and difficult. Some of my farmers that come to me don't have e-mail so when they say well, first you, you, you know, download the PDF and upload some pictures, they go we don't even know what they're talking about. And so it's been my job that I got to help talk to them about how they can do this, and they don't have \$20,000 to hire a consultant to do this for them, and I don't feel that they should have to. I think that this should be a process they should be able to do without, you know, having such deep pockets, and so Eve and I have, have set ourselves up, basically, to be the go-to people that are actual commercial farmers that can help the other, sometimes third-generation farmers that really just want to create a business that their families can run and operate and have a living wage and not be the generation that sells the farm to the developer. They don't want to do that, and they love their farms, and they love their

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land, and they feel the responsibility of maintaining it, and all of them are wonderful keepers of knowledge and the heritage. The cattlemen, you know, that's where the ukulele came from, from the paniolo, and these people are wonderful people and I love them, and I want to help them. You know, I have to help myself first so I can afford to do this and it's been really an interesting journey. The Planning Department has been very helpful. When Eve and I took the first elevator ride to the Planning Department we expected it to be a terrible experience. We fully expected to just be sick when we left. We'd heard horror stories and it was very nice experience, you know, and I've tried to share that with people. No, no, no; you can go there. You can go there and it's not terrible, you know, and they're just, like I don't know, I don't know; I'm afraid. So I'm doing my best to explain to them that it's not terrible, but it is kind of expensive and it's something that does take a lot of time and effort to do. But as far as ag tourism goes, I'm fortunate enough to be on Don Guzman's ag working group and we have talked about this many times. On my own farm I offer basketry where we gather the materials and we make a basket, you know, that's a great ag tourism activity. I've had brides call me and want to do a jungle tour and gather the materials for their bride's bouquet and I've done that twice, and they had a complete different experience making their bride's bouquet from the actual plants and flowers in the jungle than buying one off the shelf, and I have lots of flowers. I just recently joined the Maui Flower Growers Association to help revitalize them and to introduce this process to the flower growers. They have not come to this table very much but what better place to stay than a flower farm? And they're all struggling because of their problems with competing with Thailand and Costa Rica so they need this income, and yesterday in the Water Resources testimony there were flower growers there that were discussing this very same thing so this, this will help them. I have a lot of respect for all of the Council in wanting to help us. I feel that without ag tourism, without these overnight accommodations, we will see the end of farming in our lifetime here on Maui, and so I feel very strongly about it and I'm willing to help and put in the time. Thank you.

CHAIR COUCH: Okay. Thank you. Mr. Strand.

MR. STRAND: All right. Thank you and good morning. When I left the house this morning I told, my wife asked me what do you have, what are you going to say? And well, not much, I don't have much to say, and she just laughed and so I get it now there's no red light in front of me so, and she knows me really well and I'm in the front of the classroom right now.

VICE-CHAIR VICTORINO: Can we get the red light, please?

MR. STRAND: Yeah. Well, I'm Darren Strand. I'm with the Farm Bureau and in that capacity here today, and I also manage Haliimaile Pineapple Company, and I've just recently purchased a two-and-a-half acre piece of land in Haiku that's ag land and so a lot of this stuff is just...I'm getting this on several, several levels. And so I'd first like to just say

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that, you know, I've been with the Farm Bureau for, here on Maui, about five, maybe six years and I think our position has really changed in that time, and it's been really interesting. It's been good. I still consider...I'm old now, I'm over forty, but I still consider myself one of the younger farmers on Maui, and this is a serious issue, I mean, the farmers on Maui are getting, are getting pretty old, and a lot of 'em are retiring and there's not a lot of new ones replacing them, but I think that we need to do whatever we can to help farmers make money. And I've heard other farmers say that and I think it really just comes down to that really simple statement is that it's just really hard in agriculture to make money. There's a lot of things out there that are standing in front of farmers in that pursuit, whether or not it's water issues, labor issues, pesticide issues, Right-to-Farm issues. I mean there's just so many issues that make it hard to farm. We need to just kind of keep getting over those as much as we can. And I, one of the first things we did was work on the ag definition five or six years ago, and it was the first time that I met William Jacintho and Bobby Brooks, and the definition that we came up with was, I mean it started out very simple, but every day we just complicated it and complicated it, and I think we ended up with a document that included rabbits, and cats, and dogs as livestock and then we just stopped and so I'm sorry that you're involved in that and good luck. And then I want to talk a little bit about the commercial and the word "commercial" and then the bona fide farming operation. And I think if we all, you know, we got in a bus and we drove out and we looked at somebody's farm, we would say, that's a farm, and if we looked at another one, we'd say that's not a farm, and probably 100 percent of us or at least 99 percent of us would say, yes, that's a farm or no, that's not a farm, and it just, it really boggles my mind that we get caught up in that, in that debate all the time, you know, what's not a farm. And as we're going through this on our own property, I had a friend over and he said well, what are you going to do when they say that your, this is not a farm, if you turn in your farm plan and they tell you you're not a farmer? You know, I hadn't had that thought. I thought well, that's almost ridiculous, you know, and I hate to say that and I know that's pretty arrogant of me, but I, yeah, I guess I hadn't really thought if somebody were to come out and tell me that I'm not a farmer. It would hurt my feelings. And, but commercial doesn't bother me and, I mean, it doesn't, I don't necessarily like the income limits and I think we tie those two together, the word commercial has to have a, has an income threshold, but we're all, we're all managing losses in some way or another, I think. You know, we may not be making money on our farm but we're trying not to lose as much as we possibly can, and so that we're making decisions based on that commercial aspect of that, you know, we're trying to buy our inputs and do those and get labor done efficiently and all those things. So I think that if you're not making decisions on your farm that are based on some kind underlying premise of economics then maybe you're not really farming, I mean maybe that's what it is; you really got to be making decisions based on that. I, the only concern have with these, these types of topics is that you don't change the nature of the area that you're talking about. You know, I've seen, seen areas that was an pineapple field, maybe it was, you know, 30, 40 acres of pineapple land subdivided into smaller parcels, and then subdivided, subdivided, condo-ized and all of a sudden now, you know, there might be

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somebody in the middle of all that that's trying to farm and his neighbors are complaining about the chickens, you know, and that's what can happen to, in these types of situations. And so I think that as long as we really focus on, on the criteria that are already there to keep ag in place and the people around know that they're living next to farms and they're actually on a farm then I think we'll be okay. And then finally, ag tourism is just really, really important to the farmers, you know, it's a big part of our pineapple operation right now, and without it, it would leave a big puka in our pocketbook so it's really important that we give farmers the opportunity to pursue those things. That's it.

CHAIR COUCH: Okay. Members, I'll open up the floor to questions for these folks; however, it's, we've gone beyond where we usually break so let's take a ten-minute break, biological break and whatnot and we'll be back at 10:40. This meeting is in recess. ...*(gavel)*...

RECESS: 10:30 a.m.
RECONVENE: 10:40 a.m.

CHAIR COUCH: ...*(gavel)*... Will the Planning Committee meeting of November 14th, please come back to order. All right, Members, we had our break and now hopefully you came up with some good questions for our --

UNIDENTIFIED SPEAKER: ...*(Inaudible)*... bare quorum.

CHAIR COUCH: --yeah, we got bare quorum but we're okay--for our panelists here, if anybody has some questions. Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. For Mr. Strand, I guess you as an individual farmer, basically, you wear that hat as well probably from the Farmers Bureau, would you be able to articulate the kind of, or possibly a new vision that comes into agriculture or farming? 'Cause when, personally, when I think of the, of ag, there's the subsistence farmer; there's the commercial farmer. We've got them in all kind of, you know, you have the hydroponic farmer, the aqua farmer, and on and on, but how do you see this as well, you know, now we're having the agriculture world becoming landlords or hostesses, or hostess or host for the visitors, and to tour, you know, the farm. Can you in your own words try and articulate for me, as a farmer, what do you see this vision? How do you see this vision?

MR. STRAND: Well, first off with the, you know, the farmers are so diverse it's really hard to say, I think it's harder to have an exclusive definition of what a farm is than it is to have an inclusive definition because it's very different. I mean, what we're doing on our pineapple farm is completely different than what Sydney's doing on her farm. And then you know, when you talk about the commercial aspect of it, you know, most small

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farmers are, have secondary income from somewhere, a working, a working partner or a spouse or, you know, something to get some other income there, and so that, that concept is just kind of the way it's, it's going right now. As far as the farmers becoming landlords or I guess kind of, kind of hosts for the tourism, you know, I think, certainly in, in, with, with pineapple, people expect to come to Maui and, and see, you know, pineapple and a really nice, green, lush island, and you know, we do, we do, a lot of tours on our farm. We have actually a commercial tour, you know, we have a lot of visitors that come in and we do a second one where we actually host like, we call it like I guess if you're a real farmer, you know, 'cause a lot times tourists come over and they're interested in going out and cutting the pineapple and seeing how it grows and everything, and then there's other people that call up and maybe, maybe they're a farmer from Canada and they want to see how it comes and they're going to come out and they're going to ask how much water do you use? How much money do you pay for nitrogen? You know, what, what kind of payroll taxes do you guys have here? And so we have two types of tours like that and they're both, you know, they're both here as tourists, but we do both of those things and it's just tremendously diverse. The, you know, I guess, my, my, my vision is that it's going to be a year or two from now it's going to be even harder to narrow down what farming looks like, like here. It's going probably look completely different. A lot of the, most of us probably know several farmers who have retired, stopped farming for whatever reason, and, and the ratio of new farmers isn't, isn't keeping up. The Maui College has a nice, new farmer initiative program which, which hopefully can help out, and on the same hand, I know young farmers that are, that are, there's a new farmer in the ag park and it's really neat. I mean there's a lot of excitement; they're doing things different, and he's a neat kid. I think he's motivated when people tell him you can't farm that way; you can't grow that up in Haiku; you can't do this and he's, yes, we can. You know, it's a whole different world so it's kind of exciting and I think, I think the ag tourism and the different types of things like that will be an important part of that.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR COUCH: Anything further?

COUNCILMEMBER CRIVELLO: I guess the same question, I guess would be...my question to Sydney is how much acreage do you actually farm?

MS. SMITH: My farm is in Maliko Gulch so I have about 20 acres and it would be hard to say how many of those 20 acres contain dirt because it's a very, very rocky, stony place. When I first went to Chris Hart, who was the Planning Director at that time, I think it was 1990 or 1989, and told him I wanted to farm, he didn't know where the property was and he said well, the first thing you have to do is cut down all your trees and plant something in rows. And I said, well, I don't think I have dirt that is in rows and I don't want to cut down all my trees. And he said, well, you have to cut your trees down, you know, to

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have a farm, so now you don't, because I worked very hard to change that rule because there's so many shade grown crops that you can grow. So what Darren was saying is how things are going to look in two years, look how different they are now because we have so many farmers that are growing shade grown crops now, because we changed the rules, because the Planning Department was open to changing the rules. I had to bring in agronomists from the Big Island to testify that yes, indeed things grow very well under the shade of the jungle canopy, and so I was able to save my farm and grow my crops under a canopy, so I have about five acres of, of coffee altogether. I'd like to have more but in part of my property it's sort of degraded rock and not the nice river bottom soil, and I will have to amend the soil and water in those areas. I don't have to irrigate in my lower areas because I have springs that, that water the coffee, so I have been restrained a little bit from the drought that we have had, and it's going to be, one of these days I think we'll get back into our rainy cycle, and I'm very hopeful that that will happen because if I can get those trees established then if we go into a drought again, they will be okay and they'll survive it. I'd like to have ten acres of coffee. Another thing I'd like to address here is this, this income component which you know is \$35,000 for a third dwelling but that income amount has been bandied about for many years as the threshold for what a real farm is. For a coffee farmer, all you have to do is sell two pounds of coffee a day to make that threshold as most small coffee farmers are selling their coffee direct to their customer, or someone that's growing the veggie starts and they're 25 cents to 50 cents apiece, it's impossible to do that many, and so the income component of farming because there's so many kinds of things that we do, it's just so arbitrary. Maybe a threshold of how much time you spend, you know, farming would be better, you know, but then it comes down to, you know, how do you prove how much time you spent farming, so it also is based on a certain amount of trust and the education of the farm inspector that can, like Darren was saying, you know, his feelings would be hurt if someone came and said you're not a farmer. And that happened to me and now my feelings weren't really hurt, I was just incredulous, you know, 'cause I had all this evidence that I was a farmer, but I, my farm doesn't look like they classic farm and I kind of went to a lot of effort to make it not look like a farm. But a little bit of history on my farm is it was a rubbish dump when we bought it. It's all the land right below the bridge on Kaluanui Road. Everybody for 150 years stopped on the bridge and dumped their garbage off the bridge so and they were still doing it when we bought the property, but that's why we could afford to buy it is because, you know, it was a rubbish dump. So we cleaned up the dump and then we, you know, have had to, a few little arguments with people that continue to think that that was their place where they dump their baby luau trash but we have managed to stop that. But one of the things about having a farm is people don't get into farming to be rich, they get into farming because they love farming or ranching, and so it's a little different than someone that becomes an actuary, you know, or somebody that becomes a cashier. You know, nobody as a little child says I'm going to grow up and be a cashier. You know, it's just what they fell into and they happen to do and they're just, that's what they do, but when you're a little child and you like to plant things and you just love to do that, that's, that's what you love to do, and so it's kind of like a calling, and so to prove that you're a

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farmer, it's like you're a farmer in your DNA. It's not just a vocation, and it's just a little difficult to explain that to someone who doesn't get it, but to be able to share that with a visitor, that's an important thing because there's so few of us anymore, especially in Maui County, because of the cost involved and everything but it's so important. Because when people come here, that's one of the things they love about coming to Maui and we need to maintain it. So allowing people to have things like a farm-to-table experience where they can come to the farm and see the things that are growing that they have on their plate, that's really important. One of my coffee growers that's a part of the Coffee Association is O'o Farms in Polipoli, so in between the rows of coffee they have lettuce and vegetables, and things like that, and they do a successful farm-to-table experience. And I want to see more of that.

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Chair.

CHAIR COUCH: Okay. All right. Members, any questions for the panelists?

UNIDENTIFIED SPEAKER: Chair.

CHAIR COUCH: Mr. Victorino.

VICE-CHAIR VICTORINO: No, go ahead.

CHAIR COUCH: All right, Mr. Guzman. Go for it.

VICE-CHAIR VICTORINO: ...*(Inaudible)*... go ahead.

CHAIR COUCH: Mr. Guzman.

VICE-CHAIR VICTORINO: He's going to ask the same question. Go ahead.

COUNCILMEMBER GUZMAN: Oh, yeah. You were...okay. Yeah. Thank you, Chair. Sydney, I wanted to talk, have you talk about the chart that you, you presented on the floor how Hawaii stacks up to in terms of ag tourism-

MS. SMITH: Yeah, we're...

COUNCILMEMBER GUZMAN: -comparing those to the other jurisdictions on the mainland.

MS. SMITH: We're kind of late to the game, you know, with tourism being the number one industry here. I just printed this out as a curiosity and some of these numbers are 2012 numbers you see, which is in the industries that we have in our population, but because of the, the agriculture census, which is done every ten years, these are 2007 figures for ag tourism. We do have ag tourism listed in the census for Hawaii and we had 121 farms

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participating in ag tourism Statewide, but in North Dakota they have 213 farms. Now I just thought that, that was interesting, you know, that Idaho and North Dakota have more farms participating in ag tourism than we do and we should be one of the biggest states for ag tourism. I, I just thought why are we so behind in this? And I know it's because in the, at the State level they've been slow to accept this, and I've had conversations with Mr. Kokubun about this and he's still very skeptical that ag tourism is going to help agriculture. In his opinion it's going to hurt agriculture, so it's going to take some time but, you know, he doesn't make policy; he's just the head of the Hawaii Department of Agriculture. But it is a problem with perception in a lot of people's minds that agriculture cannot be a tourist issue at all, you know, they're so completely different and I just disagree. I disagree because of the looks on the faces of people that come to my farm and get to see how coffee grows and you know, we open up a coffee cherry and show 'em there's two little coffee beans in there that they recognize as coffee beans and it's, it's just a revelation to them to see it growing. And so I think they can coexist and we have a great basis for it with our, with our tourism. Mr. White isn't here right now but he has a great connection with the hotel industry, and when people come to Maui they're looking for different things to do. They've all done everything there is to do many times because we get a lot of repeat visitors here, and when we can offer them something different that they have never done before, that's a good thing. And so I, it's changing the minds of people out there so that they understand that it all works together. It's just like one big organism that all works together and we all help each other, and it's a way to keep the, the farmers on the farm. I have a question for you, Mr. Guzman.

CHAIR COUCH: Go ahead. That's what we're here for.

COUNCILMEMBER GUZMAN: For me? The panelists can ask us questions?

CHAIR COUCH: Sure. Of course.

MS. SMITH: Yeah.

UNIDENTIFIED SPEAKER: Whoa.

COUNCILMEMBER GUZMAN: Whoa. When did that happen?

MS. SMITH: Yeah. You know, we've talked many times about this...

UNIDENTIFIED SPEAKER: ...*(Inaudible)*...

CHAIR COUCH: Outside the box-

MS. SMITH: Yeah.

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CHAIR COUCH: -as you're want of saying.

COUNCILMEMBER GUZMAN: Very good. Thank you.

MS. SMITH: Ms. Baisa and I have had this conversation about the definition of agriculture; you and I have had this definition conversation many times. I'd like to ask in tonight's meeting, we have another meeting tonight with the agriculture working group, what's wrong with just using the, the agriculture definition that's in 165-2? It seems pretty broad and we were talking about how broad it is. Could we all look at that and see if that might just be an easy thing to just adopt that definition?

COUNCILMEMBER GUZMAN: Well, as I mentioned about defining the definition of agriculture you have to, at least in my mind, because we've actually looked at all the different other groups that have tried to attempt to define it, and we, I, I, I think at some point did submit on, early on in our ag working group the difference, the different summaries or the different groups that have attempted it, and showing their analysis and basically how they failed. So my attempt was not necessarily to follow their footsteps but was to work backwards and go to each department and see how each department uses our definitions and how they apply it in their own administrative rules and policies, and so when you do it that way, you can see how the, how each department uses the agricultural definitions because each department uses it in their own, own way, in their own significant way, so you can't just take a definition out of the air and then apply it, streamline it across four different departments and expect them to follow it. You've got to be able to figure out how they use it and then incorporate a new definition that all of them can use them on a streamline so that's why it's taking so long. It's submitted to Corporation Counsel for a matrix to be conducted, but everybody thinks, and when I was handed that assignment, everybody thinks it's just like go to the *Webster's Dictionary* and define it but it's more than that because you're dealing with RPT, tax rates, you're dealing with water rates, you're...and they're using it differently and they're assessing the lands differently in their own policies and their own admin rules like, for instance, I think at one point Planning was saying 51 percent of the land needs to be farmed and RPT --

UNIDENTIFIED SPEAKER: Real property...

COUNCILMEMBER GUZMAN: --Real Property Tax was saying usable versus non-usable lands so if it was usable for farm lands then we would tax it at that percentage, non-usable lands, no. So when you get down to it it's like you have all these different uses, we've got to be able to have a broad enough definition to cover everything, and in order to get that definition, you have to study what the departments are doing, but in a nutshell, and we've had this conversation over and over.

MS. SMITH: I know.

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COUNCILMEMBER GUZMAN: Have to put it on Akaku. Yeah. Thank you.

MS. SMITH: I know we have this conversation and all the farmers have to do, you know, many different farm plans and they all have different criteria and it's so time consuming so, you know, I'm all about like trying to streamline the process.

COUNCILMEMBER GUZMAN: I feel like Mr. Victorino in the Water Committee.

CHAIR COUCH: Yeah.

VICE-CHAIR VICTORINO: Endless... 'cause it's... there's... oh, no. I'm sorry.

CHAIR COUCH: Go ahead.

VICE-CHAIR VICTORINO: I'm not. It's his turn.

CHAIR COUCH: All right.

VICE-CHAIR VICTORINO: I'll wait for my turn and then I'll go after that.

COUNCILMEMBER GUZMAN: No, but to just to assure everybody, I mean we are working on it, I have been working on it ever since I got... *(inaudible)*...

CHAIR COUCH: Yeah. It's not an easy thing. It's just...

COUNCILMEMBER GUZMAN: It's so, I mean, just like what Chair Baisa was saying, there have been other attempts in the past from various other groups and...

MS. SMITH: I read all of them, you know, and it's like Darren was saying there were dogs and cats and there was like, oh, my gosh, you know.

COUNCILMEMBER GUZMAN: Yeah. But I think trying it this way by working backwards where we, we're analyzing the departments --

MS. SMITH: Uh-huh.

COUNCILMEMBER GUZMAN: --and then making a matrix to see where the inconsistencies are, once you find the inconsistencies, maybe we can streamline it that way, procedurally-wise and then come up with a better definition that could cover everything, procedurally-wise within the departments. So internal, and I think that will work better instead of working backwards where you're taking a definition and then trying to basically make the departments swallow something that they cannot intake --

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MS. SMITH: Yeah.

COUNCILMEMBER GUZMAN: --or they cannot move through their processes.

MS. SMITH: Yeah. I agree with you there.

COUNCILMEMBER GUZMAN: But anyway, thank you, Chair.

CHAIR COUCH: Thank you. Mr. Victorino.

VICE-CHAIR VICTORINO: Now my turn. Well, first of all, I will say that I am very proud of what we put together for water, 'cause that has been one the simplest ones to understand as far as definition of ag and if you look at all the other ones that was the simplest one. And I've heard many other groups, the farmers especially, saying why don't they adopt that for the rest of the...but again, they have different criteria so I don't, you know, like he's trying to do, it's a work in progress but there's different aspects of farming, and I think that's where the problem comes up is we don't have a word "farming" 'cause what is a farmer? Who's a farmer? What's a farmer? I go to your place, you just said Sydney, I would not see a farm, right? Darren said earlier if it looks like a farm, it's a farm. If it doesn't, it doesn't. Well, I go to Sydney's place, it doesn't but it's a farm. So I mean, there's no simple answer, you know, so let's put that on the table. And I've been here like Ms. Baisa going on our eighth year trying to work a viable solution to water situations throughout the County especially Upcountry, and it ain't been easy because like Mr. Strand said earlier we were talking and he can verify what he said, everybody has their little finger and when you touch 'em and you try to maybe take something they think is good for them away, oh my God, they come out swinging. You think Ali and Frazier was bad, they look very tame compared to what people come at you with. You are worse than Attila the Hun. I've been called many names and not, sometimes not good ones, but yet the whole premise is water is a public trust that we have to take care of. But getting back to this, you know --

CHAIR COUCH: Yeah.

VICE-CHAIR VICTORINO: --I don't want to be, I apologize, Chair, because you know, you know. My question to you, Sydney, and then I'll go with Tom, and the question would actually be for all of you, by putting this together, having ag tourism, would, do you think in your mind this will be a, probably the best way to ensure survivability and maybe even to the point of now having people wanting to get into farming? And you can start with Sydney and go right down the row. Do you believe by making this agricultural tourism a part of farming in Maui County, and I'll start with Maui County 'cause I'll let the other guys figure it out, do you believe that will help ensure or to give a stronger probability of survival of our farmers and young ones willing to get into this?

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MS. SMITH: I absolutely do and I cannot think of another thing that we can do that will assure the survivability of farmers 'cause I've thought about it a lot. What else can we do? What other income stream could we do that involves farming that would bring income to the farmer and would allow some of my farmers that work a full-time job, both the husband and the wife work a full-time job and come home and herd cattle at night because they work two, two jobs some of them all day. This would enable them to stay on the farm too and not be away from their animals and their property, and to be able to have their children stay on the farm and be able to manage it and pay the bills, and pay the labor, and share their knowledge and their culture with the visitor, and the good thing about it is the visitor wants it. It isn't just that this is a viable way for the farmer to make a living; it's also an additional benefit for our tourist industry to provide something new and different for the visitor experience. So I think it's essential for the survivability of the farmer and the family farm.

VICE-CHAIR VICTORINO: Thank you.

CHAIR COUCH: Mr. Croly.

MR. CROLY: You know, when I lived on the mainland and I would travel a lot by car, I'd go through many small farming places; they were usually dirt poor. You'd go through the town and there wasn't much to those towns. Those towns would kill for the blessings that Maui has, for some way to get someone to come to their town and drop off money-oy-you know, that, that sounds like a really good, good idea. And thus, some of the research that Sydney put forth here about how other states and other counties throughout the country, they promote agriculture tourism because they say, hey, if we can get someone to come to our community for whatever reason, we want to promote that. But here in Maui we're blessed with so much that we have all these people who want to come here, and there's some who feel that those people should be sequestered, they should be kept in a certain area of the island and then the rest of the island is for us, the ones who live there and keep those tourists down there. But the idea of spreading the wealth, the same idea that, that applies on the mainland where someone's trying to get someone to come to their community, when someone comes out to Haiku and visits Sydney's farm and buys some coffee from her, maybe they stop off at the Haiku Cannery too and they have lunch and, and that wealth is spread throughout the island and that's what this is kind of about. Now obviously we want to protect what they're there to see, the farming and so forth, so we can't let those turn into the resort areas. We want, we want to keep it spread out but, but at the same time bringing that, that interest by our visitors to these areas, whether that interest is specific to the farming activities that are taking place or just because they want the open space, they want, they don't want to be in a great big condominium building even though that condominium building fronts a beautiful beach and an ocean, they say, you know, my idea of being on vacation is being out in the middle of nowhere and not having anyone close to me and that's ag tourism. I

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mean even though that persons may not be there specifically to learn how to grow pineapple or to learn how to harvest coffee, they may enjoy being in that space and that's some of what we need to embrace and that helps spread the wealth to these farmers and helps to keep them in business.

CHAIR COUCH: Mr. Strand.

MR. STRAND: I think the question was is, would ag tourism allow for farmers' survivability.

VICE-CHAIR VICTORINO: Uh-huh.

MR. STRAND: Yes. You know, I just, it's just, we're, on Maui especially, we're not just competing with, you know, somebody talked about food coming in from Costa Rica or agricultural products coming in from Costa Rica and South America and wherever, you know, we're also competing with our neighbors on Oahu. And yesterday somebody brought up the point, we were talking about water, that they do, they pay about 60 to 70 cents less per thousand gallons on water. They're paying a little bit less per kilowatt on electricity. They're not having to ship product to the major market to do these kind of things so again, I think it just comes down to everything we can possibly do to give our farmers on Maui some kind of competitive advantage to be sustainable, I think it'll help.

VICE-CHAIR VICTORINO: None of you answered the second part of the question is would you believe this would help young people get involved in farming. You guys all skipped over that. Do you believe that would help?

MR. STRAND: Well, you know, I mean, I guess like are these young people, do they, are they coming over here and are they owning the land that they're farming or...I think that there's, you know again, to, to put it into a pigeonhole is very, is very hard for me. Having access to agriculture is good for, is good for young people.

VICE-CHAIR VICTORINO: Yeah.

MR. STRAND: You know, you know, having just the ability for somebody to lease land or to come out and farm a little piece of your land is how young people, I think, are going to get into farming. I mean, I don't know of very many young people that are graduating college with you know, half a million bucks to go out and buy a few acres of land, I mean it's just not the reality but they, they might have some money and a good idea and a lot of work ethic and if they can get access to that land, they'll farm.

VICE-CHAIR VICTORINO: Well, again, a key there is in the next generation, your children, would they be able to farm now because the survivability is more prominent then, I guess that's what I'm looking for, our next generation. New farmers, you know, you get different derivatives, but your children and Sydney's children, and Tom's children, I

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mean whoever has children, one of the reasons why they raise their children not to be farmers is because they know how hard it is to survive.

MR. STRAND: Right.

VICE-CHAIR VICTORINO: Right? Okay. And I've heard this many times and I've asked this question to farmers are you raising your children to become farmers, and they say well, if they choose to but it's really a vaguely saying "no" because most of those farms Upcountry today whether they're Koga's, Otani's, Yamamura's, I'll go right through the list, second and third generation are, no offense to lawyers, but they are lawyers, dentists, they found other occupations because their families knew how hard it is to survive.

COUNCILMEMBER BAISA: Right.

VICE-CHAIR VICTORINO: You know. And that's what I'm asking, would this put a little piece, a real carrot in front of them, to say, oh, Mom and Dad, or Grandma and Grandpa, I'll take over the farm because now I know we can, we can survive and that was my question. And I'm sure I didn't go specific about youth but really I'm talking the next generation, the few aberrations we have that are out there that are doing farming that are young and aggressive. I know it's the love but how can we make that love spread even to your children's children and keep the generational bind, or bond in farming?

MS. SMITH: Well, I'll try to answer that but because this is so new and we haven't had it, you know, to have any actual evidence that it's going to work, but I'll use the Annette Niles as an example because you're all familiar with her. She's, you know, the second or third generation farmer herself. She raised her children and they all moved to the mainland to make their living, but they all sent their grandchildren, you know, their children to be raised by Annette and Kimo on the farm so that they would have a connection with their culture, and then the last grandchild has gone to college now on the mainland, and she tearfully told her I don't think I can come back here and work on the farm 'cause I don't think I can make it. So for Annette this is the only answer for getting her grandchildren back to the farm because they want to come back to the farm. It's not that they don't want to come back, they do want to come back but they see how hard Annette and Kimo work. They work so hard that they get maybe four hours of sleep a day and the rest of time they're working jobs away. Annette's driving a school bus and Kimo's working in concrete, and then they come back and they herd cattle and they plant and prune the Mamaki trees and they're just working all the time. They have all kinds of you know, special lighting equipment because they have to work at night so often. So this is the only way her farm is going to go into the next generation and so that I know for sure is going to work. Others may have become educated in fields that they won't want to come back to the farm but it's hypothetical now. Of course I can say yes, I think they are. I think for some of the farmers that have children in going into school now, they may take advantage of our wonderful hospitality education industry and then be able to operate the

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vacation rental on the property and not have to go away to school, because we have great hospitality education opportunities right here on Maui. So I'm very hopeful that, that will happen, but without being able to see the future, I don't want to promise you that that's going to, that's going to work.

VICE-CHAIR VICTORINO: And I'm not asking for promises. I just want to see if, because I think the public has to understand this could be the big piece that helps us ensure the viability, especially our small farmers, especially our small farmers. You know, the large farmer may not be quite as in need of, but let's put it this way, everybody needs help. And you know, you mentioned, Darren mentioned water rates, and RTP [*sic*] rates in Oahu. Well, part of the reason is it's getting smaller and smaller and there's less and less farmers anywhere, and unless they do something, there'll be no farming in Oahu in the very near future. We have an opportunity here to preserve everything we have. We have a chance to make farming a viable part of our community so I just wanted to know what your guys' thoughts on that. And one more thing I wanted to say to you, Sydney, thank you very much for this matrix because you have now put down in black and white what I've said many times. You know, we always talk about maybe we don't need the rest of the State; we don't need Oahu to be a part of our, our whole spectrum of what we do here, but there's one big element, and you show it here, defense. Our tourism is 14 billion but our defense is 12.2 billion dollars and then this was as of 2012 and obviously it's growing because now you all know that, you know, Okinawa is closed up and Guam and Hawaii becoming, and other areas, we're becoming the regional center and we don't have much, if any, military on this island.

MS. SMITH: Right.

VICE-CHAIR VICTORINO: All of it is located on Oahu and on the Big Island, but yet, and then some on Kauai with Barking Sands and all that, but we benefit tax-wise \$12.2 billion and more. So...

MS. SMITH: Yeah. That was a surprise to me.

VICE-CHAIR VICTORINO: Yeah. No, no. That, you know, when I ask what is the second largest industry in Hawaii nobody in Maui says that. You go to Oahu, they all know it.

MS. SMITH: Uh-huh.

VICE-CHAIR VICTORINO: Bam...they'll say military. They say defense 'cause they know the amount that comes into the State, Chair.

MS. SMITH: We don't get the benefit of that here on Maui. Well, tax dollars...

VICE-CHAIR VICTORINO: We do because that goes into the General Funds.

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MS. SMITH: Yeah. It's tax dollars.

VICE-CHAIR VICTORINO: And yes, we do.

MS. SMITH: Yeah.

VICE-CHAIR VICTORINO: So do not forget that. Our schools are supported by the General Fund. Our judicial system, in many ways, is supported by the General Fund. So anyhow, I'm sorry, you're telling me shut up already or be quiet.

CHAIR COUCH: No, just get back into this.

VICE-CHAIR VICTORINO: Yeah. Yeah, but no, this is part of her presentation --

CHAIR COUCH: Yeah. Yeah.

VICE-CHAIR VICTORINO: --and very important, you know, but thank you, guys, very much. I just wanted to make sure that the next generation, you know, this will give an opportunity for those farmers like you, Darren, who are buying your own land and you have, that your children, if they choose to, there's viability for them to survive in that industry. And I think that's what I was trying to get across to because this may be that link that we've been missing for such a long time, and more and more farmers now can look at their children and say, you got a chance. We had this; you got a chance to survive and maybe even, you know, be more than just survival so thank you guys. Thank you, Mr. Chair, for allowing me that.

CHAIR COUCH: Thank you. Members, any other comments, questions of the panelists?

VICE-CHAIR VICTORINO: Oh, Mister...

CHAIR COUCH: Yeah. I'll get...One of the things that you know, I haven't had a chance to really talk to them too much but one of the things that I want to stress to the Committee and to the Department is that the whole idea of this bill and in bigger picture the ag tourism bill is not to change the nature of the area of the farm. We want to make sure that the farm is the primary use of the land, not necessarily the primary moneymaker of the land, I mean, you know. If, if you're growing whatever, Mister...one of the testifiers said, it took him five years to even get his crop to where it now is harvestable, and in those five years if he had a short-term rental or a bed and breakfast, or some other form of tourism it certainly would have made more money than the crop. So we don't want to...we want to be careful not to limit that aspect of the situation, but we do want to make sure that agriculture is the primary use in the land and that's, and if we need to change the language somehow, but I think with the ag tourism definition with Mr. Guzman's

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Committee he's got a lot more input now from us and from other perspectives so, you know, hopefully this will help. Mr. Croly, you had some comment you want to make.

MR. CROLY: There was a testifier who called me just before the meeting began and said it rained last night, and as a result I had a lot of farming issues that I had to go attend to so I can't make the meeting today, so I just, on her behalf, I wanted to bring forward some of what she was going to bring forward in testimony. And that was in her case she has a agricultural use on her property, a petting zoo. She's raising chickens; she's raising, you know, all kinds of animals and taking care of their needs, but she'd like to utilize her property to do weddings and to do parties and this type of thing, but under current Code for her to do that she would have to get a State Special Use Permit. That's the State end of things but from the County perspective she would have to get a Conditional Permit, and pretty much nobody wants to go down that road of the Conditional Permit just because it's so arduous. It gets reviewed by everyone that you can imagine in both State and County government, and then they make comments and then all those comments have to be responded to, and they might have specific requirements and meeting those requirements is difficult. And that's just one of the ag tourism uses that I've been made aware of, people wanting to hold some type of a gathering on their property. Another one that she and someone else had brought up to me, and Sydney mentioned it, was the idea of farm-to-table. Now I'm not sure where the line gets drawn, where that becomes a restaurant at some point, right.

CHAIR COUCH: Right.

MR. CROLY: But, but clearly the idea of hosting something on the farm where people are eating the foods that were grown nearby. They obviously can't eat the meats and so forth 'cause they can't even get it slaughtered here. It can't even be done properly right here on the island. They have...they can? Okay, but there's, we couldn't make it so restrictive as to say everything you eat must be grown on this farm. Obviously that wouldn't work. There would be, there would be very thin meals if, if they did that, but the idea that, that the farmers could host this type of thing is a wonderful idea. Now, how you, you know, put the regulations around this and how you fit it in to ag tourism, I don't know but those are some of the ideas that have been brought forward to me as far as here's what I'd like to be able to do on my ag land, but State law and County law right now keep me from doing that short of getting a Special, State Special Use Permit and a County Conditional Permit. And the process, as this body well knows because it runs through the County Council in order to grant those Conditional Permits, it's a minimum of a year and oftentimes hundreds of thousands of dollars to, in compliance to get there. And the question is does it need to be? Can we, can we come up with some uses that we say, this is okay and as long as you meet these criteria, you can do it and you don't have to have to get this permit. So those are some, some ideas that I'd just like the Committee thinking about in terms of agriculture tourism. Thank you.

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CHAIR COUCH: Okay. Thank you. Members, any further questions or comments for the panel? Mr. White, you look like you want to say something.

COUNCILMEMBER WHITE: Well, I'll just reiterate what I said at an earlier meeting and that is that this is something I think we need to move forward on-

CHAIR COUCH: Uh-huh.

COUNCILMEMBER WHITE: -as expeditiously as we can. And to take it beyond just farming, I think the case has been made that we need to support our farmers and we need to not just support them with respect to having the ability to do short-term rentals but also with having the ability to easily get into associated activities, you know, like a petting farm, my wife ran one for a number of years. She was, you know, inspected by a, you know, the vets from the Department of Agriculture and I'm not sure that she knew she had to get a Special Use Permit or a Conditional Use Permit. I certainly didn't know and --

CHAIR COUCH: You got that down, Planning Department?

COUNCILMEMBER WHITE: --so you know, in some respects it, it harkens back to the same things we're dealing with, with the home-based business bill. You know, if, if things are being done on ag lands that help people make ends meet, to what degree should we make them go through a horrendous process to get there if it's not bothering anybody? And I realize it puts us in a difficult situation for enforcement and those kinds of things, but we've gotta figure out a way to make it easier by outlining what's acceptable and allowing it outright rather than making everyone go through a protracted permit process. And I'll say again that, you know, as a hotel guy, I'm fine with this because my main concern is having the flights arriving in Maui full. That helps me, it helps the economy, it helps everybody and to have, you know, the one nice thing about tourism is that it, it can and does expand throughout the entire island. People go, you know, whether they stay in Kaanapali or Wailea, they end up going to Hana; they end up going to Paia, Makawao, all over the place, so it's, it allows entrepreneurs access to the dollars that are coming here anyway, and as long as we keep the focus on, as long as they're coming to Maui, that's what's important. Whether they're staying in a hotel or a condo in Wailea, Kapalua, or, you know, Makena isn't important. The important thing is they're coming here on vacation because we're offering a wide variety of experiences. Not everybody that comes here is going to want to stay at a hotel and not everyone wants to stay on the beach. Everybody's looking for different experiences and the more that we can do to afford them that choice just helps Maui.

CHAIR COUCH: Uh-huh. Agreed. All right. Ms. Crivello.

COUNCILMEMBER CRIVELLO: I just have a comment that may not be relevant to this, but I've heard a testifier say that they've got two acres of ag land that really cannot do ag. I

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hear Sydney saying 20 acres but maybe 5 to 10 acres are usable, and I'm not really knowledgeable about this but perhaps we too have to look at how we're grading or what type of ag lands. Is it type A, the best ag lands that, you know, it's real or is it just because it's ag, zoned Ag because of what was many years ago? And if it's, if you can't really farm it then we should identify it as maybe not even Ag for that reason and identify it as such, you know, and then maybe the property tax would differ. I think those kind of things need to be considered when we say what can we farm on this land and, and can you designate the full five acres, two acres or what have you Ag land, you know, and of course, no matter how much you try to define ag, it's to make use of the land for farming whether it's livestock or whether it's the cultivation of the soil for some plant or even for where technology's moving today in some sort of different type of farming. So I think it, it would be something that as policymakers we may want to consider looking into. Thank you.

CHAIR COUCH: Yeah. Definitely. Thank you. All right, Members, looks like everybody's wrapping it up. What I'd like to do is, certainly, defer this at this point just because we, a lot of stuff has been brought up, and I want to work with Mr. Guzman's Committee and see if we can come up with something that can define ag tourism and what activities are available and maybe combine this bill with that, but I'm hoping we can do it sooner rather than later. You know, we got a lot of stuff on our, on our books so this is just another one that we need to kind of squeeze in there. So I will commit to this Committee to be, work with Mr. Guzman's Committee and the working group and see what we can come up as a definition and so much so that maybe we even go to see how other states and other municipalities deal with ag tourism. We have a great resource in our National Association of Counties so we can take a look at that and see what they're doing too. So if there's no further comments or anything and no objections, I want to defer this item.

COUNCIL MEMBERS: No objections.

ACTION: DEFER pending further discussion.

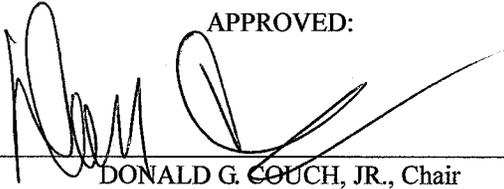
CHAIR COUCH: Okay. That being said, if nothing else I want to thank the, I really want to thank the panelists for coming up here and giving us their thoughts and even asking us questions which is really good; I like that. Thank you. And just to let you know, I know you guys want to have some urgency in getting this done but we want to do it right. We don't necessarily, we definitely want to do it quick but we don't want to do it quick and wrong, I think. We're going to go for the 80 percent and see what we can do. So that being said, this meeting is adjourned. Thank you. . . .(*gavel*) . . .

ADJOURN: 11:34 a.m.

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APPROVED:

A handwritten signature in black ink, appearing to read 'Donald G. Couch, Jr.', written over a horizontal line.

DONALD G. COUCH, JR., Chair
Planning Committee

pc:min:131114;jz

Transcribed by: Julie Zaner

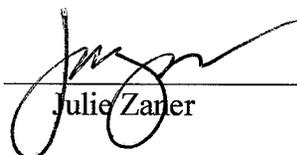
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CERTIFICATE

I, Julie, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 5th day of December, 2013, in Wailuku, Hawaii.



Julie Zaner