

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,  
AND RECREATION COMMITTEE**

**Council of the County of Maui**

**MINUTES**

**Council Chamber**

**December 2, 2014**

**CONVENE: 1:37 p.m.**

**PRESENT: VOTING MEMBERS:**

Councilmember Don S. Guzman, Chair  
Councilmember Robert Carroll, Vice-Chair  
Councilmember Gladys C. Baisa  
Councilmember Elle Cochran  
Councilmember Stacy Crivello (left at 2:53 p.m.)  
Councilmember Michael P. Victorino (left at 2:42 p.m.)

**EXCUSED:** Councilmember Mike White

**STAFF:** Sharon Brooks, Legislative Attorney  
Jordan Molina, Legislative Analyst  
Pauline Martins, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via voice conference)  
Denise Fernandez, Council Aide, Lanai Council Office (via voice conference)

Dawn Lono, Council Aide, Hana Council Office (via voice conference)

Gerald Keoni Enriques, Executive Assistant to Councilmember Guzman

**ADMIN.:** Jerrie Sheppard, Deputy Corporation Counsel, Department of the Corporation Counsel  
Brianna Savage, Interim Director, Department of Parks and Recreation

**OTHERS:** Bobbie Patnode  
Hugh Starr  
Annette Niles  
Sydney Smith  
Eve Hogan  
William Jacintho  
Gerry Ross

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Bill Greenleaf  
Plus (2) other people

**PRESS:** *Akaku Maui Community Television, Inc.*

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CHAIR GUZMAN: . . . (*gavel*) . . . Happy holidays and good afternoon. The meeting of the Economic Development, Energy, Agriculture, and Recreation Committee shall now come to order. I'm Councilmember Don Guzman, the Committee Chair. Before we begin I would like to remind everyone to turn off your cell phones or please put it on silence mode. I would like to introduce our Members for today. On our Committee is Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: Good afternoon, Chair.

CHAIR GUZMAN: Good afternoon, Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR GUZMAN: Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha. Happy holidays, Chair.

CHAIR GUZMAN: Happy holidays to you too. Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR GUZMAN: And Mike Victorino.

COUNCILMEMBER VICTORINO: Good afternoon, Chair.

CHAIR GUZMAN: Good afternoon. And excused momentarily is Mike White. I'd also like to introduce from our administrative side, the Deputy Corporation Counsel, Jerrie Sheppard. Good afternoon. Also on our Staff we have Legislative Attorney, Sharon Brooks. Good afternoon and Committee Secretary, Pauline Martins. And from my office, Executive Assistant, Gerald Enriques. Members, if there's any individual that is wanting to testify in the Chambers, please sign up at the lobby area. A few announcements, today's agenda will be strictly limited to today's agenda. Pursuant to the Rules of the Council, you'll have up to three minutes to testify and one minute to conclude. When you testify, please state your name for the record and, or the organization which you represent. I'd like to now check in with our District Offices starting with Hana Office, can you please identify yourself?

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office.

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CHAIR GUZMAN: Good afternoon, Ms. Lono. And Lanai Office, please identify yourself.

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez, on Lani.

CHAIR GUZMAN: Good afternoon, Ms. Fernandez. And on Molokai Office, can you please identify yourself? I believe that momentarily they will be online. So we'll check in with Molokai Office at a later time. Thank you, and we'll go ahead and proceed with the Chambers. Can you please call the first testifier, Ms. Brooks?

MS. BROOKS: They're no testifiers in the Chambers.

CHAIR GUZMAN: Seeing that there's no testifiers in the Chambers, I'm gonna report back to Molokai Office, can you please identify yourself? Still not there, okay, we'll go ahead and...

MS. ALCON: Good afternoon, Chair. This is Ella Alcon, on Molokai.

CHAIR GUZMAN: Very good, Ms. Alcon. Thank you for being there. We'll move forward. Is there anyone willing to testify or wanting to testify in Hana Office?

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

CHAIR GUZMAN: Is there anyone wishing to testify in Lanai Office?

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

CHAIR GUZMAN: Is there anyone wishing to testify in Molokai Office?

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

CHAIR GUZMAN: Oh very good. Thank you so much, ladies. I will, you can go ahead and get off-line at this point. So I'm gonna go back to the Chambers. Is there anyone in the gallery? Seeing none without objections, Members, I'd like to close public testimony.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

**EAR-38 RESOLUTION URGING THE ADMINISTRATION TO ADOPT A UNIFIED  
DEFINITION OF AGRICULTURE (CC 14-60)**

CHAIR GUZMAN: Thank you. Members, we have two items on our, today's agenda. The first one is the EAR-38 RESOLUTION URGING THE ADMINISTRATION TO ADOPT A UNIFIED

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DEFINITION OF AGRICULTURE. The Committees in receipt with County Communication 14-60, from me, transmitting a proposed resolution entitled URGING THE ADMINISTRATION TO ADOPT A UNIFIED DEFINITION OF AGRICULTURE AND A SINGLE PROCESS TO VERIFY A PROPERTY'S AGRICULTURAL USE. The purpose of the proposed resolution is to urge the administration to develop a single definition of agriculture and a single process for verifying agricultural uses to be applied by all applicable departments. The Committee will receive a presentation from an informal community agriculture working group. The Committee may also consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider whether to recommend the County Communication 14-60 be referred to the County Chair for the term beginning January 2, 2015, pursuant to Rule 23 of the Rules of the Council, or be filed, and/or other related actions. The agriculture in Maui County is not easy. The industry already faces a number of challenges, such as drought and invasive species. Unfortunately, it is further burdened by complicated and inconsistent County regulations which employ varied standards and definitions of agriculture. Over time, each department has also developed its own internal rules that interpret the Code in different ways, especially the Planning Department, the Real Property Tax Division of the Finance Department, and Water Department. These require farmers to spend extra time and money to comply with the varying regulations and the County to spend County resources in unnecessarily complicated processes. This Committee has recognized the problem and informally tasked a voluntary community group with examining, to examine the current regulations utilizing the definitions of agriculture and making recommendations to streamline County processes by developing a single definition of agriculture to be applied by all departments. I'd like to introduce to you a few members of the agricultural working group that we have put together for the last I guess year and a half or so. And introducing from my right side would be the moderator of the ag working group, Bobbie Patnode, and also we have Hugh Starr, Annette Niles, Sydney Smith, Eve Hogan, William Jacintho, Gerry Ross, Bill Greenleaf and from my office Gerald Enriques. And they will present to you, Members, what they have been working on for the last almost two years in our ag working group. Of the presenter will be Ms. Patnode if you would please go ahead and comment on any opening statements that you have.

MS. PATNODE: Thank you. I'd like to, my name is Bobbie Patnode. And as many of you know I am also vice-president of the Kula Community Association. Here today I am representing my family farm which is the Patnode family farm, and I'd like each of the people on the panel today to introduce themselves and their agricultural affiliation.

MR. STARR: Hugh Starr, I live in Olinda and we have a family farm there, Momona farm and I'm a land consultant, primarily ag land.

MS. SMITH: Sydney Smith, I'm the president of the Maui Coffee Association. I also own Maliko Estate Coffee in Makawao.

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MR. ROSS: I'm Gerry Ross, one half of Kupaa Farms up in Kula. We grow organic vegetables with my wife Janet Simpson.

MR. JACINTHO: Hi I'm William Jacintho. I wear several hats. I'm the president of the Maui Cattleman's Association, and we also have two farms that we run, Naalae Beef Company and Beef and Blooms which also does a little bit of nursery. I also work at the community college in the ag program. I'm the guy between the teachers and the students, kind of the gofer.

MS. HOGAN: Aloha. I'm Eve Hogan and our property has two different nurseries on it. One which is a retail nursery known as the Sacred Garden and one which is a wholesale nursery called Hoolau Nurseries where we grow organic veggie starts primarily.

MS. NILES: Aloha. My name is Annette Niles, rancher, mamaki tea grower, and also manufacturer of dressings and butters products.

MR. GREENLEAF: Aloha, Council. My name is Bill Greenleaf and I'm the president of the Maui Farmers Union, and with my wife Marta and son Russell, I'm a partner in Greenleaf farms and we grow local fruits and vegetables. Thank you.

**... BEGIN PRESENTATION ...**

MS. PATNODE: Thank you. What we have today is a short PowerPoint presentation and then we will be happy to answer any questions from the Council. So who and what is the agriculture working group? The purpose of the group was to identify and implement opportunities to enable successful agriculture in Maui County. We want to create a way to rectify the discrepancies in the existing County Code and procedures and rules. Which means we need a definition of agriculture which can be used consistently by all departments and refined when necessary. And we're also here to support the Council with community input on ag issues and create the ordinances related to agriculture to implement Maui County policies, for example, the Maui Island Plan and create the specific County ordinances which implement the State of Hawaii Legislative changes. Back in 2011, this group really got started with more than 40 farmers and ranchers who were brought together to work on a response from the ag and the community to the proposed BF-70 bill. Many of the original people were brought together again in June of 2013, and the first effort we worked on was the, what we call the farm stand bill which was to implement from Maui County the State law change that allows people to sell products that are grown in Hawaii, not just in Maui. We are comprised of farmers and ranchers, and we require that you be growing something to be part of this group. So currently we have active members the people that you see here today, as well as Brendan Balthazar, Theresa Thompson, Kenneth Yamamura, Josh Rezentes, Carver Wilson, and we also have several people who... Rob Parsons is also an active member. We also have several people who are not able to make it to all of our meetings. We meet in Makawao, every two weeks and some people don't live that close to us so

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they participate via e-mail with us and we have people like Koa Chang, Hokuao Pellegrino, Larry Onashiro, Ian Cole, and Jeff Alexander. We saw an opportunity to work on addressing the problems that farmers and ranchers experience with the County. That list includes water conservation, getting our single definition of ag and ag tourism. So why do we need this? We know that Maui County supports farming, and we subsidize farming through the Ag property tax rates and through the Ag water rates. We currently have different definitions of agriculture throughout the Maui County Code and I know that you are all aware of this. Which causes disparities in the treatment of Ag between the Finance, Water and Planning Departments. Right now farmers are required to submit farm plans separately to each department, annually to Finance and Water, and to get building permits from the Planning Department. Our Finance Department rules have not been updated since 1981. And those rules were brought over from the State rules which were created in the late '60s. We know agriculture practices have evolved and the rules should reflect this. The rules are not consistent within themselves with respect to how agriculture is viewed. The rules for the different departments are contradicting each other. As these are the, some very obvious examples. Planning right now requires that you have 51 percent of your land in ag before you can get a building permit. When there's a drought, farms should stop grazing and raising crops. But that prevents getting a permit. It also results in farmland getting taxed at highest and best use. If the inspector comes around and you have no cow in the pasture because you shouldn't, you don't get to, the Ag rate for that pasture. A farm dwelling is an approved accessory use of ag land. You can only build a house if it's for use by the farmer. Real Property excludes the home site and crops grown for the farmers use as not agricultural use. Planning does not count small-scale animal keeping, including chickens and pigs as agriculture for the purpose of issuing a building permit. But that would be considered ag use by Real Property. Planning allows for ag conservation, but this is not considered by Real Property. One department considers a nursery to be Ag and another does not. Other problems have come up such as different inspectors not understanding how crops are grown or concepts such as pasture rotation. Farmers sometimes encounter inspectors citing unwritten policies. You know, my favorite story is one member of our group had an inspector on their property, and the inspector stood in their field and said where is your crop, and they said it's all around you, and what they were growing was taro and the inspector had never seen taro before. So they had not given them credit for that as an Ag, as Ag property. So what is the definition of agriculture? Now I wanna step back here just a minute. We were able to benefit from a lot of work that was done about ten years ago by another group that the County supported, which met for about three years and from 2004 and on, and that came up with a definition of agriculture and it was presented to the County. But it didn't go anywhere. But we've had the benefit of having some of the people who were part of that effort as part of our group, and so we were able to review all that information and very quickly we were able to say it's not that we can't decide what agriculture is, it's how the definition is used within the County that creates the problem. So what we're looking for is that Maui County adopt a unified view, a single definition of agriculture across all departments and a single process to verify the property's agricultural use to be used by all departments. So this is the definition of agriculture and I'll just go head and read it for you. The cultivation of plants, animals, fungi, seeds and other life forms for food, fiber, biofuel,

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medicinals, and other products used to sustain and enhance human life. Agriculture includes, but is not limited to the cultivation or raising of fruits, vegetables, flowers, forestry, aquaculture, bee-keeping, grazing, dairying, botanical gardens, herbs, and other raw materials such as compost, which are cultivated for economic, personal, and/or educational purposes. So this is the definition that we have been using and we got this part done about June of this year. So what's in it for the County? We believe Maui County could hire one set of qualified ag inspectors to verify farming for the Planning, Water and Finance Departments, thereby simplifying County processes and saving the County money. In fact we think that with qualified ag inspectors we might actually increase tax revenues for the County, as only the verified Ag will receive the Ag tax rate. And whenever any change must be made as farming changes, it can be made in one place rather than in several, and we think that when Maui County administrative departments work together, it will provide more consistent support for agriculture. What's in it for the farmers? We would love to be able to submit our paperwork one time, once a year and the County use it for all required purposes. We would love to be able to submit a farm plan which covered multiple TMKs. Farmers could be assured that qualified inspectors would assess their property, and finally we think that when Maui County departments work together and the Code and the procedures are amended, farmers will be able to see consistency in the support Maui County provides for agriculture. So here's what the processes we've been working on. The first was to get clear on what we, what I call a 90 percent definition of ag and I say 90 percent because you know it's gonna be improved upon, some as we go forward people will see opportunities to make it better. We've gone through all the department rules, identifying where we see issues and conflicts and we have made changes that we think we should have to reflect one definition and have it consistently viewed across all the departments. We need to determine how we can get some qualified ag inspectors. And now we want to start meeting with affected departments and we not, you know, we think there's an opportunity to meet with them either separately or together. A couple of months ago several of us met with the Mayor and brought him up to speed on what was happening. We had met originally back in January with the departments, and the departments were all very much in favor of what was happening. We wanted to make sure the Mayor knew what was happening. The Mayor made a point of telling us make sure you write the rules the way they should be, not, don't feel constrained by what's there today, but make sure you write them the way they should be, and then he also said when you're ready, I'll bring the department heads in, and I'll direct them to work with you. So a couple of weeks ago we felt we were ready and we had a meeting with the department heads and we're ready to go on that and our first meeting with the Department is going to be this week, we have plan, we're starting with Planning. The next thing is to figure out what's the best way to get this implemented. There are departmental rules but there are also County ordinances, and you can change departmental rules in a much simpler way than passing an ordinance with the County. You need to have a public, you need to change them and have a public hearing but then you can get the rules updated. But we also feel it's important to have the bills written and have them passed by the County, because then you know it's the law and it wouldn't depend on differences in Administration to make sure things were going the way they should be. So the last thing is to get the bills written. So what's next? We're working on getting the changes done. We need to

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continue to advocate for a single process for farmers when interacting with the County and get the bills written. And as conclusion, I wanted to talk just a little bit about why I think the ag working group is working. We are a group of concerned citizens representing the community and various ag organizations so we have great representation. The second thing is we believe we are a neutral body. We have only one time taken a position, mostly what we do is we have a good conversation and discuss the issues amongst each other and listen to each other, and then we are able to come here and speak for ourselves when we testify to the County. We are not constrained by administrative processes. We unlike a Commission which has a lot of rules, we are able to meet as often as we need to and set our own agendas and we can get things done that way. So I think that does help us and the last of all is we've had wonderful support from the Council and the Administration and we very much appreciate all of your support for us and I think that's what helps us be successful, and that's it.

**... END OF PRESENTATION ...**

CHAIR GUZMAN: Thank you, Ms. Patnode. I wanted to also let the Members know that this group is consisting of at least 30 members and some of them are on e-mail. But this group has been so dedicated in this last term in finishing up the first two years. They've met twice a month for nearly two years and have literally gone through each and every administrative rule, and I'm, and ask anyone of them about admin rules on Planning, RPT or Water and they know it. It's an amazing process to have gone to one of their meetings 'cause they have it on PowerPoint and they'll go through each and every line. And so that was why it took such a delay in going through all of it. Because they've worked hard to really go through every specific rule and it's unfortunate that you don't have that presentation right now, but it's very lengthy the different changes that they have recommended for each of the four departments, and I'm not sure whether you presented that to each of the departments yet or not.

MS. PATNODE: No we're just in the stage now we're meeting with the departments. I think it's very important to have their input on what the changes are. Because, you know, nobody knows the job as well as the person who's actually doing it. So we wanna make sure their input is incorporated into what the changes are and so we're starting that process and it's, we're starting with the Planning Department.

CHAIR GUZMAN: Thank you. So Members, if you have any questions, I'm gonna open it up to the panel and you can ask any type of question you feel is appropriate at this point. I also have Gerald Enriquez whose been with the group from day one, and he's been the technician that drafts a lot of the ordinances and revisions of the rules so he may have the technical answers for you as well. So any questions that you may have?

COUNCILMEMBER COCHRAN: Chair?



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CHAIR GUZMAN: Yes. Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And first of all, I wanna thank you for getting the group together and, you know, getting this process and of course the Members. The people here I know are extremely hard workers, everyone has full-time, more than full-time jobs and lives, and they've taken the time out to, you know, be a part of this, and I think it's so the value is just, you know, just huge, so I wanna just say thank you, Chair, for that. But I'm wondering and you said this a group made up of 30 people and not everyone could be here obviously. Has there been West Maui representation in the group? 'Cause I know everyone here is more Upcountry type.

MS. PATNODE: That's a great question. We don't currently have a West Maui person. We did have a person originally but he was not able to continue with us. So we still look for a person from West Maui. The issue that we have is usually people getting to Makawao every couple of weeks.

COUNCILMEMBER COCHRAN: Right, okay, and then I guess because we are a County which incorporates three islands and Kahoolawe, if, you know, it be that much harder I suppose to get somebody from Lanai or Molokai. But I think those two islands also serve, you know, and have ag incorporated into their livelihoods, and would like to I think should have a say and sort of a take in the, you know, the process, so and I know it's hard just because of our, you know, the land mass being divided and everything.

MS. PATNODE: The one thing I can add which I think helps a little bit is that this group of people talk a lot to other farmers, and we do have definitely contacts over on West Maui side and I don't think we don't have as many on Lanai or Molokai. But we do reach out to people and make sure that we are trying to cover how other people may view a particular situation.

COUNCILMEMBER COCHRAN: Well that's good and I know everyone's connected pretty much everywhere, but, you know, again I think that because it'll be a County Code or County ordinance or what have you, it will affect the other Islands and our real rural areas such as Hana, too. You know, I know we have East Maui here but Hana is different from Huelo, and different from Haiku, and so but I know you folks have been doing an outstanding job and I wanna thank all of you for your participation. And I think you don't have an answer for this one yet 'cause in your PowerPoint, your first Department you'll be addressing is Planning, and my question was you had a bullet point saying hire one set of qualified or yeah, qualified ag inspectors so I just wanted to know what that one set meant. It was that a army or troops of ag inspectors or I wasn't sure what that was going to mean.

MS. PATNODE: And you're right we don't have an answer for that question yet. I personally believe that we want to give the Administration a chance to consider what is necessary. When we met with the Mayor last week, we included the Office of Economic Development, Tina Rasmussen. Because when I met with, some of us talked to Tina at the Mayor's Budget meeting, Tina's very

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supportive and she says of course we want our farmers to be successful. And so and currently Tina's organization has Kenneth Yamamura in it where it just where our one agriculture specialist is. So she wasn't sure if there should be a Ag Department but the Mayor was starting to think well maybe we should so. I don't think they know the answer yet and all we know is that is that we need people to be qualified when they need to know when they're looking at ag that they're looking at ag.

COUNCILMEMBER COCHRAN: Right, okay, and one last question, Chair.

CHAIR GUZMAN: Sure.

COUNCILMEMBER COCHRAN: And I'll relinquish the floor, and then the other was in your definition of ag it said, you know, all the parts all being enhancing or cultivating human life or something or other, so human life I guess is sort of unspoken that would also equate to animals, you know, to grow feed for ranchers and 'cause it just says for human life so human, animal, I don't know, as of course animals are incorporated into that, it can be something grown for animals, is that...

MS. PATNODE: Excuse me.

UNIDENTIFIED SPEAKER: If you're growing grass for your cows that's for the cows.

MS. PATNODE: Yeah, we think that's covered.

COUNCILMEMBER COCHRAN: Okay, yeah, so alright, just wanted to make sure. Okay, Chair, that's all for me. Thank you.

CHAIR GUZMAN: Thank you. Any other questions? Ms. Crivello?

COUNCILMEMBER CRIVELLO: I too wanna thank you for your commitment and dedication. Just a couple of questions or clarification on your definition of ag. There, I guess there's, would you have components of agriculture, you know, we say we have livestock and enhancing, but I often hear that we have gentleman estates on ag lands. I hear conversations of having the TVRs or STRs on ag land so the farmer or the rancher can have a balance of economics. So how do you define the separation of the gentleman estate, the actual ag usage and another component which is always part of a conversation is the industrial agriculture. So I guess my question is are we just defining agriculture for the usage of the land into ranching or the actual farming, and can subsistence usage where it's basically for consumption and not cash also consider part of the farming world equalizing to agriculture coming from your work group?

CHAIR GUZMAN: You know, why don't we do this...I'd like to have everyone on the panel --

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MS. PATNODE: Yeah I was gonna say I think we got other people that can answer that.

CHAIR GUZMAN: --pick a comment, because this was really a collaborative effort to try to get this defined and it took several, several months, so and you would love to hear the different perspectives 'cause each of them have different perspectives. So why don't we go down the line, identify yourself so that it's on the record who you are and then go head and answer the question.

MS. NILES: Hi, Annette Niles. To answer your question on that about gentleman farm and going from a regular farm to a gentleman farm, this is where the dedication of ag will come in, where the farmer needs to dedicate their land in order for them to have any vacation rentals or making more money or however you, you know, so when there is a point of the gentleman farm, they have to prove that they're farming and they're willing to put their land in dedication. 'Cause it takes a lot once you put in dedication, you have your five, your ten, your twenty and most of the people will take the twenty as farmers, you know, so I think that would really define that right there whereas, you know, gentleman farm with agriculture, regular agriculture people.

CHAIR GUZMAN: Why don't we start with Hugh next and we'll just go down the line.

MR. STARR: Okay. Thank you. Hugh Starr, I just on the issue of industrial agriculture, actually the work that we're doing we feel needs to be inclusive of all agriculture, you know, whether it's high scale mono industrial agriculture or whether it's small, family-based farms and everything in between. And we're also trying to look a little bit into the future as to where we feel agriculture is moving because it is sort of in a transition we feel so hopefully that addresses that issue. And if I could maybe just come back to Councilmember Cochran's comment which I think is a really interesting one on the definition of ag. Where you asked about if this being pertinence explicitly to human life, and I think that's a really important point that I made a note of and we ought to perhaps take it up to consider if not in the definition of agriculture we shouldn't be talking about the sustainability of the ecosystems in which the humans live. And I'm not sure if that's where you were heading with that question or not, but at any rate I'll bring that up at our next working group meeting. Thank you.

COUNCILMEMBER COCHRAN: Thank you.

MS. SMITH: We have had the discussion about the gentleman farm for many, many times.

CHAIR GUZMAN: Sydney, just for the record, can you...

MS. SMITH: Sydney Smith I'm president of the Maui Coffee Association and also the owner of Maliko Estate Coffee. It's one of the reasons it's so difficult for actual farmers to get their farm plan approved is because we're all painted with the same brush of suspicion from all the departments, and it's very difficult because you have to file a farm plan for each department for each tax map key. So my colleague, Annette Niles, has five tax map keys, she has fifteen farm plans that she

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has to file every year, you know, so I have two tax map keys so I have six. This takes a lot of time and that's why we're asking for educated, experienced farm inspectors. The gentleman farm issue will not be an issue if we have experienced farm inspectors. It will bring more money into real property tax and as Ms. Niles said, with the dedication that will also make a difference. Someone with a \$15 million house will not wanna dedicate their land for 20 years. It's a very big commitment, you are committed as a farmer to do that, and I think that that will make a really big difference in our lives if we can get the dedication through. I also would like to say that a lot of the departments use the farm plan for another purpose all together. They don't even care if you're farming at all, they use it as what I would call a search warrant for unpermitted buildings, and they use it for Zoning and Code enforcement, and I have had those inspectors on my property and they're standing there in the middle of the fields of coffee and they're just interested in the buildings. And so as a farmer you're so proud of your farm and you're welcoming the farm inspector to come in, and they don't care anything about whether you're farming, and then another department comes in and they're happy to come to the farm. So it's very difficult to be working with the County and not knowing who is going to come to your farm that day, you know, whether they're gonna be hostile or friendly to you. The gentleman farm can hire a consultant and they can always get what they need through, because they can pay enough money for a consultant to get what they need. And we feel that it should be easy for the farmer to deal with the County, and then the County should not be an adversary to the farmer and that we should all be working together to make farming viable in the County.

MR. ROSS: This is Gerry Ross. I don't have a whole lot to add. But we did have a meeting with Scott Teruya, from Department of Finance, and he pointed out that there's about 4,500 land parcels with Ag zoning in Maui County and that if at least half of them were doing legitimate ag and actually filed for an ag dedication that the estimated tax income on an annual basis would be close to \$15 million a year of additional income, and that would be one way of actually weeding out some of the fake farmers and actually getting the revenue from those properties that is due to the County. And your question about home farmers or people that are doing subsistence farming, we talked a lot about that in our working group, we've been batting around the idea of trying to come up with some sort of a tiered taxation or evaluation, and from the perspective of water use, a lot of the small home gardeners simply don't hit the threshold to actually qualify for Ag water use so they're probably not going to impinge or be in a position to take advantage of Ag water rates. So we've certainly got those people on our radar screen and trying to come up with something that is all inclusive 'cause we really are looking at sustainability agriculture and food security throughout our islands.

MR. JACINTHO: Hi, William Jacintho. I was one of the original people, a member of the original group that worked on the ag definition and we struggled for several years mainly because of these questions coming up. There's so much different things, different ways of farming in Hawaii, in Maui, and so many different styles. Sustainability, permaculture, all of that comes in. The gentleman farm is the biggest, you know, hurdle and it almost immediately labels all small farmers unfortunately, and I don't know how to deal with it but it is something that really needs

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to be addressed. So we struggled with it for a good almost two years, kind of went to rest, maybe that's why it didn't come up and then now we're dealing with it again but, you know, the more minds, the more discussion, the more things come up. But I think eventually we can, you know, get a good definition.

MS. HOGAN: Hi, Eve Hogan. I think one of the challenges that we have with the gentleman farmer is that farming is required on Ag land, and when people wanna build a house they have to be doing ag in order to do that and so you have this forced situation where people have to do ag in order to live on that property. But they're not farmers and so when you're forced to do ag when you're not a farmer, you do what you can do and most people don't know how, and I will be the first to admit I didn't buy my property to be a farmer, I didn't even know I had to be. I bought the property 'cause I love the property, and then I found out I had to farm to do anything on the property. So I've been running as fast as I can for the last nine years to learn how to be a farmer, and then you learn how to be a farmer and you have to learn how to sell what you grow which is a whole different skill set. So I really think that if we, you know, wanna address this issue of the gentleman farmer we need to look at some rural zoning changes or some things that allow people to live on land and not develop it in a way that destroys the landscape of Maui, but still be able to build a home to live in on that land. I think that's something we need to look at. We were in a meeting with the Mayor and the head of the Water Department, and the head of RPT and the Planning Department, and quite frankly I've had conversations with all of them and RPT told us that we don't have to do ag on our land because we're in a gulch and we're subject to inundation from rain in a really hilly, cliffy area. So they said we don't have to do ag, whereas Planning said we must do ag. So I have two different Departments telling me two different things, and quite frankly then the Water Department looked at all of us and said why are you people doing ag, we can buy it cheaper at Costco. And so all three of your Department heads had totally different perspectives which leaves the homeowner in a really weird spot. So I think that's one of the things that as a common definition of ag is really important. Simultaneously we have a mandate to be sustainable by 2030, is that right? And if we are really mandating that we become sustainable, we need to support sustainability like you were saying, Ms. Crivello, is that, you know, people need subsistence food not just food for sale. I wanna be able to grow fruit and give it to my friends and neighbors, not have to sell it to them and that's not okay. If you're doing that, you're considered not really doing ag. So it's a really big problem we need to look at and include all of that. And then as far as your issue on the vacation rental, you know, I'm also one of those people running a vacation rental on Ag land and as far as I see it, the vacation rental provides me the freedom to do ag, because the ag does not pay for my mortgage. It does not keep me able to pay my employees. It does not even come close and so having the opportunity to have a bed and breakfast and a vacation, or a vacation rental on Ag land affords the farmer the opportunity and the luxury of doing ag. So one of the things we're really passionate about on this group is bringing the County Code into compliance with the State laws which allow those sort of things. We have ag tourism laws in the State level, but we need a Maui County ordinance in order to align with that, and so we've been really actively working on that as well so that we

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can make it more logistically feasible for farmers to actually do all of those things on their property. Thank you.

MR. GREENLEAF: Hi, Bill Greenleaf. I wanted to talk about subsistence farming, Ms. Crivello, and I think we all realize that agriculture began as subsistence farming, and we're at a point now where the average age of farmers is 60, and we realize that starting new farmers, they aren't gonna start on large plots of land with complete skills, so part of having properly trained inspectors would be that and having the Code written in a way that would encourage people to develop their farming and starting with the subsistence level. It's also a great way to build, it's very important in community so when we talk about Molokai or Lanai, the idea of subsistence agriculture is really what knits that entire community together. So that's very important. I just wanted to mention that Colorado married agriculture and tourism, and after a three-year study they have a department of agritourism, and I think that, that's gonna be a great opportunity for Maui to become number one again on the most desirable island to visit in the world. It when we, the agritourism is the hot button topic all around the world for what people like to do when they travel, and certainly making that more feasible on this island as we grow agriculture is gonna be really important to the agriculture and to the entire economy of the island.

CHAIR GUZMAN: Thank you. Gerald did you wanna say a few words just on the technical side of your work and with the ag working group?

MR. ENRIQUES: I guess as far as what the group is doing, the goal is to be inclusive, you know it includes subsistence, everything from subsistence to large-scale agriculture. I mean in my opinion I think the focus is on making sure that you have a general definition of agriculture, one way to say this is agriculture. The scale is something else. The scale can be adjusted through various ordinances or rules or what have you, but the heart of it to be able to say that something is farming or, you know, in anything relating to agriculture. That's kind of what this group is here for.

CHAIR GUZMAN: Is there any other questions for the Members? Ms. Baisa?

COUNCILMEMBER BAISA: I don't have a question but I do want to make a comment. I'd like to thank everybody for the hard work. I know what you're doing is very, very difficult. It's been in the wind ever since I can think back and certainly since I've been on the Council. I ran into it so many times in my early years here when we were talking about Ag tax, I think most of you remember that, and one of the big problems we ran into was who gets it and who doesn't get it and how do you qualify people. I've run into it in the Water Committee, where we try to set water rates and shortage privileges and those kinds of things. We wanna give ag a break but we don't wanna give everybody that says they're ag a break because some of 'em deserve it and some of 'em shouldn't have it, and we wanna take care of our real farmers. We run into it when we did vacation rentals and bed and breakfasts because should we allow them in Ag or shouldn't we allow them in Ag, and so this question lingered and lingered but really never got settled. And

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I was aware of the previous effort that Mr. Jacintho mentioned, and I had that definition but nobody seemed to want to subscribe to it. We certainly couldn't get the three Departments together. So I remember, brand new Council member, two years ago, sitting down in my office and says well, I'm gonna take the EAR Committee, and I said well I got one job for you, can you please define ag, we need to have this done. And so I'm really happy to be here today to listen to the work that you're doing and wish you God speed, we need to get this done ASAP. Because many of the decisions that Council has to make on taxes, on water, on real estate, and all those things revolve around who gets the breaks, who should we give them to, and until we define this, we're always going to have a lopsided situation here. So again I wanna thank you very much and I certainly think you have the right people, you're all ag, you know ag and I like the breadth of it. Because there's people that I know are traditionally in ag that have been Upcountry and farmers and ranchers forever, and we have new folks who have come as you mentioned, Hugh, with the change in agriculture, the evolution that's happening here. So I wanna again thank you all very, very much for the work you're doing and encourage you and let's hear from you ASAP because we really have a lot of members that are hinged on this definition of ag. So you're doing important work. Thank you.

CHAIR GUZMAN: Thank you, Ms. Baisa. Is there any other comments or questions? Mr. Carroll did you have any comments or questions? Okay, thank you. I think that is there a possibility that we could get a copy of the proposed changes for each of the departmental admin rules that you've been working on?

MS. PATNODE: We can give you what we have done. But I think it would be best if we waited until we had the Departments' input as well.

CHAIR GUZMAN: Okay.

MS. PATNODE: And I think we're in a very good spot, I think with Planning with that should be done this month I think, and then in the first couple of months of the year, we should be able to have Water and the Tax people. Water believe it or not is the simplest set of rules. Because there's a very clear definition in our Code already and the rules follow it. There's a couple things which we believe need to be changed but that's pretty simple. The more complex part is going to be Real Property Tax. We are currently looking at how we might change the dedication rules so that they would help us make these distinctions, and there's a couple of tough issues within the dedication law right now, and once we have that done I think we'll be ready to go.

CHAIR GUZMAN: Thank you. Yeah, the reason why I brought that up, I just kinda wanted to show the Members that you've really done an outstanding job breaking down each and every single rule, and with the help of Keoni as a practicing attorney, they've really gone through it with a fine tooth comb, and I wanted to almost brag about how effective you guys are in terms of going through each of the Administrative Rules. But if you're not ready to show us and you wanted the opportunity for the Departments to review your proposals first then I believe that's okay with our

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Members as it's okay with me. So we'll probably ask you at some point after you've met with the Departments and maybe get a copy of what you've, the proposed collaboration of the amendments would be at some point.

MS. PATNODE: I personally think that we would be looking for action to be taken by the Council in the first quarter. So we're going as quickly as we can.

CHAIR GUZMAN: Perfect. Mr. Ross?

MR. ROSS: This is Gerry Ross. I just wanted to make a short point that follows up on what Councilwoman Cochran mentioned about the gentleman estates. They get rightly so, they get criticized a lot. Hugh Starr pointed out in one of our meetings that for example Launiupoko, the type area for gentlemen estates. Most of the landowners there are fairly wealthy and they'll simply pay the taxes even if they're not doing agriculture which might say okay, well, that's what they deserve. But we need to look at the bigger picture, for example, the Aloha+ Challenge to double local food production by 2030 is not gonna happen if some of our best Ag land is taken out and is turned into residential areas even if they're paying the taxes or paying the water. It still doesn't allow our young farmers, our ranchers access to land that they should have, and that's I think a very, very big problem is that we'll probably run out of land well before we run out of farmers.

CHAIR GUZMAN: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you and thank you Mr. Ross for bringing that up. It kinda reminds me of a lot of our in lieu fees we allow people especially for work force housing when before you had to literally build a unit, a physical home for a working family, and now people can just buy it, pay in cash, and then where does that go, well, it goes everywhere else but. So thank you for that comment and, you know, I keep hearing over and over how the average age of our farmers are 60 something or others which is, which may be true, but it's been really refreshing to me, I'm on a Committee for Lahainaluna High School boarding program. And those kids up there want the FAA program to come back. They wanna do what the people who lived, who did it generations ago, raising livestock, growing, you know, milking the cows in the morning, getting the eggs from the chickens, you know, growing the fruits and vegetables that they eat in the cafeteria. Those kind of things. So it was really, really, I was so happy to hear the kids that are in high school saying we want to do this, and we're like great, and also our community school gardens, 32-plus schools have community, you know, little gardens in them. And yeah, I was in Hana and visiting my friends tropical flower plantation and having these woofers from around the world come here, and they just trade for room and board to get their hands dirty and dig in the dirt and cut, and work, and, you know. And so I think there's a great wealth of resources out there of our young people who truly want that opportunity. But again as Gerry mentioned if we keep building and not utilizing our Ag lands for actual ag then we're, it's gonna be lost. So I just wanna again thank this group for really putting their heart and soul into



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figuring this out, because as Ms. Baisa said it's been on the docket for many, many years and probably generations, you know, I just wanna thank everyone. So I just I feel there's like light at the end of the tunnel and things will start coming through to fruition and I think it will be during this term for us, and it's this community especially with the Aloha+ Challenge being at the forefront we gotta remind everybody, everyone signed onto this so let's make it happen, but thank you folks for all your hard work.

CHAIR GUZMAN: Why don't we go down and do a closing statement from each of you and make it really somewhat brief and say what the goals of agriculture that you would envision and maybe a hurdle, or one or two goals that we could foresee happening in this next two years, or identify some of the major issues that we need to work on.

UNIDENTIFIED SPEAKER: How much time you give...

CHAIR GUZMAN: Two minutes, one minute for each.

MS. PATNODE: I'll be very brief...as important as the definition of agriculture is, it pales in comparison to the problem we have with water, and if we don't get the water problem figured out for the farmers there will be no agriculture on Maui. And that's all I have to say.

MR. STARR: Hush Starr again. I guess what I would say and kind of going again to Councilman Cochran, besides the things we've talked about this afternoon, we are working on some, what I think are really exciting opportunities that we all have as a community to create affordable farming for the young people. There's a whole set of when Gerry mentions the statistics, those are true for farmers. But we all know like you've just expressed that there's this ground swell in our youth, who really are resonating with agriculture and the importance of it in our lives today and in the future. So we're working for example I know one thing that the Council's come in brief contact with is this notion of agricultural clustering. It's a little bit new and maybe slightly complicated, but I think we can easily work through that, to me personally that's a huge, huge opportunity to create affordable farm land that can be committed to agriculture, and I won't get into the details but that's one thing. And I think there's a bunch of other stuff we're working on but we're trying to just deal with the fundamentals, the framework of the ordinances and rules initially but have an eye towards looking at the very things you're talking about.

CHAIR GUZMAN: We, Members, we forwarded that to the Planning Commission earlier on I think two months ago. Syd?

MS. SMITH: Sydney Smith, I would like to say that in my field of coffee growing, that our field is actually a growing field and not just growing coffee but we're growing coffee farmers. We have added many, many coffee farmers to our organization over the years, and we're getting younger and younger farmers too so that's really encouraging. But I have to say that one of my main goals is to create a better situation between the Administration and the farmer. There's such an

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adversarial situation going on now with a lot of the different departments. We have, you know, eager young farmers and they're so happy and they're so excited, and then after they've had a little bit of exposure to the Administration not the Mayor but the departments, they get very discouraged, and we have a land of aloha and we need to have aloha in the departments. I have to say, you know, farmers are by and large are pretty friendly group of people and they want to work with the people in the County. But it's you get pretty beat up and so I would like to make that a goal, and I think there's other members of our working group that want that goal as well, because everything else will flow much smoother if everybody is getting along and is friendly with each other and just polite to each other.

CHAIR GUZMAN: Thank you.

MR. ROSS: Gerry Ross. I'm passionate about growing farmers and more food and compost. We currently throw out 27,000 tons of food waste to our landfill every year. If you combine that with the existing green waste that we have you can make enough compost to cover 1,400 acres per year one-inch thick. That's something like three or four times the amount of acreage that is currently in vegetable production, so we have the resources right here to really improve our ability to grow food and to meet the Aloha+ Challenge, and I think we really need to push forward on this, I know we're gonna hopefully we're getting seeds planted in our working group here, and I hope that you'll hear a lot positive results in the future and I look forward to your help.

MR. JACINTHO: William Jacintho, I wanted to touch again on Member Cochran's school issue. Put on the college hat now, I've been at the college for 32 years, and we also have a branch on Molokai, James Boswell runs that, and I'm not sure of the situation on Molokai, might be the same but it's kind of sad when, I hate to be negative but when, you know, you teach all these people how to farm and whatnot, and then they graduate and go out into the fields and they run into all of these roadblocks and they end up working for corporate ag or just finding something else. This discourages the high schools parents from encouraging their children to go into farming and, you know, become producers so it's kind of a domino effect. A lot of this needs to be fixed. I'd like to echo the other side of the panel that already spoke a lot of, you know, where we're going and what we need to do. Thank you.

MS. HOGAN: Eve Hogan, I definitely ditto that with him and especially with what Sydney said. I have never encountered a more challenging environment to do good things in the world than Maui County. And I am still trying to get my farm plan passed after a over a year and it's incredibly difficult to do the right thing here. And so my passion on this Committee is to help farmers find ways to monetize their farms that are creative and not punished, that are still in support of the community both locally and the tourists who come here, and who are growing farms and, you know, helping the new farmers come up. I quite honestly think there's amazing young people passionate about farming and they're moving to Kipahulu as far away from the County as they can get, because it's off the grid and away from the rules that tell you that everything you're

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doing is illegal. And it makes it impossible to paint with a creative paint brush when you're not fitting inside of a normal agricultural definition. So I'm really passionate about looking at how can we make this work for the community not just for the rules, and I'll stop because I get really passionate about this.

MS. NILES: Annette Niles, to Elle's comment on the FAA and the schools, we want that back. We really want that back but I wanted to talk about Kula School. They had called me to their garden. I mean the most beautiful vegetables, you know, they grew and they cannot use them in the cafeteria and that's a shame. I mean they grew better than what the markets had, and we took it and I bought it from them and took it to the Upcountry fair and donated it and sold it there, you know, and it, but it was so tremendous. I mean the Council maybe could someday maybe take a ride to Kula School and just look at their gardens because it's absolutely gorgeous, and I also wanna thank Ms. Baisa for all her hard work for the years working with us trying to pen us, you know, through this agriculture segment of this thing and on and on and meetings and meetings and trying to work with us with agriculture so thank you so much for your help, too. Oh, sorry.

MS. HOGAN: That way.

MR. GREENLEAF: I got the comfortable chair. Well I'm gonna wear my farmers union hat and we've seen the need for growing farmers and we are really encouraged by the kids coming up. They're getting an opportunity to be in the gardens and it's just amazing how generous the people are with their time, the farmers, the educators. And so then the kids get to middle school, I think we're gonna need to address middle school and high schools, and what Ms. Cochran's saying about Lahainaluna, I went to meetings out there, and they have, every one of our high schools has amazing infrastructure. Agriculture could be alive and well here. What are we gonna have to do to build that bridge to make it happen? That's one of the questions we're gonna be dealing with, we're gonna find answers, we don't have to reinvent the wheel. It's been done all across the country but we have to build the wheel. Maui, the word Maui is just like the word Provence, Tuscany, Napa. I get goose bumps when I think about our opportunities here to build brands. We can take our agriculture and not only feed and have abundance here of food, but we can develop products and jobs, production jobs for the youth and give them a bright future around agriculture, and at the same time, we can create a buzz all around the world about how Maui's reinventing themselves away from just a tourist relaxing vacation to a tourist educational experience where people come here for health and wellness, and just think about the Hawaiian people, you know, they are very active in the agricultural world. But what they tell me is that they've lost a whole generation. They need to connect the grandparents with the grandchildren to get back into agriculture, and we know they're suffering with health issues and by returning, by allowing them or by supporting them, returning back to agriculture where their growing their own food and their eating their own food, we're gonna see a big difference in the health of the population going forward, and that's a dream that I'm really supporting and I'm putting all my energy into. And I'm confident we're gonna have good results and we thank the Council for all their support up to this point. We're gonna get some things really rolling.

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CHAIR GUZMAN: Okay. Thank you, ag working group. Members without any objections, I'd like to defer this matter, and hopefully we'll have more of an update in 2015, once the ag working group has met with each of the Departments on the proposed amendments on the Administrative Rules. So that being said, without objections, I'd like to defer this matter.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CHAIR GUZMAN: Thank you, Members and ag working group. Thank you so much and I'll see you next Thursday, Thursday night...and I'm gonna recess for the next agenda item. We'll take a two-minute recess. ...*(gavel)*...

**RECESS:            2:42 p.m.**

**RECONVENE:      2:52 p.m.**

**EAR-1(1) COMMITTEE'S PRIORITIES AND PROCEDURES; PRESENTATIONS FROM  
COUNTY ADMINISTRATIVE AGENCIES (ORIENTATION WORKSHOP BY  
THE DEPARTMENT OF PARKS AND RECREATION)**

CHAIR GUZMAN: ...*(gavel)*... Good afternoon, the EAR Committee shall now reconvene. Members we're gonna move on to the next agenda item. EAR 1(1) that's the COMMITTEE'S PRIORITIES AND PROCEDURES; PRESENTATIONS FROM COUNTY ADMINISTRATIVE AGENCIES. And today we have the Department of Parks and Recreation. We have the Interim Director, which is Brianne Savage, which will give us an update on the permitting process. Members, just as a reminder, this is been a process that the Department has been going through for the last year. They've had public presentations and at this point I think we have pretty much gone through the motions and I think they're ready for implementation. But I believe that Ms. Savage will give us a PowerPoint presentation on the permitting improvements regarding the Parks and Recreation Department. So Ms. Savage, do you have any opening remarks?

... **BEGIN PRESENTATION** ...

MS. SAVAGE: Thank you, Chair. Not necessarily opening remarks, just that yeah, this has been a process that we've been going through for little over a year now and working on gathering the community input to identify what kind of the needs are and what's the best way we can make adjustments in the system moving forward so that it's a little bit more friendly and responsive process. So with that I can just move into the presentation. So just as a brief reminder from the beginning, just wanna highlight the kinda top priorities and the strategies that the Department's

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been working on for the last year or so. The first is delivering of key current commitments which is where our permitting falls specifically into play and then also the facility maintenance. The second strategy, identifying plans for new strategic initiatives and that would include preventative maintenance, our CIP planning, and recreation programming. The third, eliminating intradepartmental silos and confusion, and the fourth being improving proactive communication with key stakeholders within and outside of the Parks Department. And I just mentioned these 'cause these again we identified these as being our four key strategies just a little over a year ago, and these are what are intertwined throughout our budget as well. So every goal and objective that the Department has feeds back into these four key strategies. So throughout the last year, we've had many meetings with the different youth league sports organizations. We've had meetings with our District Permit Office staff and all the supervisors that are involved in the permitting processes. We've had community meetings open to the public. We did these in the evenings in each of the different Council Districts including Lanai, Molokai, and Hana. We've also had a community focus group for permitting improvements. We met over a series of time and focused on talking about some of the different specific topics associated within the permitting process, just to make sure that we could have a little bit more in-detail and in-depth kind of focused conversation. A little bit more in depth than you would just get normally at maybe a public meeting. And then we've also been doing Department focus groups kind of simultaneously as the community focus groups, to make sure that what we're talking about with the public are things that can be implemented on a Department level. So throughout all of that, the major issues identified inconsistency in the overall process in rules, and a lot of this is contributed to the fact that there are no written rules or guidelines for the Department staff and for the public to follow. The next, poor response time of the Department when requests are received, inconsistent customer service, and facility scheduling and public usage is not being maximized. And these issues were identified again by the public but also by the staff, and I think it's important to note that the Department does not think that the permitting process is perfect. There's just as many frustrations for the staff that are trying to administer this process as there are for the public who's trying to maneuver through it, and so it's in a place right now where any improvements, all improvements are gonna be welcomed both by the community and the Department. So in looking to address these issues, these are some of the solutions that we've identified and are working towards implementation of. The first would be a creation of an actual Department Permit Office. Currently and previously there's District Permitting Offices located in many of the different Districts. We don't wanna remove those, we wanna still have that direct touch with the communities, be able to provide that direct customer service. But because there isn't kind of one brain we'll say or a group or an entity that's overseeing and making sure that these processes are being applied consistently throughout all of the different Districts, that's where we run into some of the inconsistencies. And so having a centralized Departmental Permitting Office that will be able to oversee the approval processes, be able to ensure the integrity of the processes and the procedures on a Department level as well as within the Districts, oversee the training and the software system and make sure that that's being maintained, and then also be able to provide a one stop shop for all of the parks permitting. One of the problems that was identified currently is most of the rentals, if you're renting a facility in a

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specific District you have to actually go to that District to receive that permit. There's a few exceptions to that but for the most part people have to go to the District they're trying to rent the permit at, and so if you have, one example is a lot of the ocean activities, they start in one location and they end at the other. So they have to physically go to two different Permit Offices in order to get the permit for their one event that starts at one location and ends at the other. And that would be something that with this centralized Permit Office we would be able to do all of those permits at one location, and so you could receive permits from any of, for any of the District locations at this one centralized Office. The next component is new software system. The current RecWare software system that's being used was no longer supported starting in October of 2013. And so we're needing to move over into an updated software system that's going to be built out so that it's robust enough that it can actually do all the things that a software is intended to do, and that will allow for a lot of our permitting processes to be done electronically. Right now there's still a lot of manual permit processing that's done as well, and so with the proper buildout of the system we can be for the most part completely electronic. The next would be the Code revisions, because the Department has not had Administrative Rules previously a lot of the details for the permitting process are written into the Code and so the Code is serving more as, you know, rule based versus just policy based, and so one of the things we'd like to do is to really make the Code that umbrella policy document and create the Administrative Rules to be much more detailed and to be able to address all of the different specific scenarios and rules that are appropriate. So again the next piece of that which I kind of already went into would be again Administrative Rules which would include, you know, comprehensive definitions, clear processes and procedures, check lists, time frames for expectations for when the public submits information and when they can expect responses back. As well as just having an annual review process to be able to update the permitting system, and that would be one thing that I know was mentioned previously in the presentation before, they were talking about, you know, ordinance changes and the difference between rule changes and how it's easier to make adjustments to Administrative Rules versus doing ordinances. And so that would be something with the Administrative Rules is we'd want there to be that annual review process where you had that community input, get that feedback, and be able to be flexible through amending those rules as needed. So it is one thing with Parks and Recreation, we need to be flexible with our rules because the nature of events and how society uses facilities adjusts, you know, there's definitely some of the more traditional sporting aspects that have stayed the same over the last, you know, 30, 40 years. But there's lots of new activities and different activities and different ways that people want to recreate. So it's important that our rules are flexible so we can allow people that access to the facilities. On the other component would be training programs, having really comprehensive initial training as we move into, you know, new rules or new processes and procedures. But also making sure that it's an ongoing part of that kind of section within the Department, that there's constantly those refresher trainings. To talk a little bit of policy what we've kind of identified as the operating policy for the Department as it pertains to facilities would be, you know, unless otherwise permitted, all parks and recreation facilities shall be open to the public on a first-come, first-serve basis during designated park hours. And the exceptions for that would be obviously when a park is closed for health, safety or

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the welfare of the public or if there's restricted facilities that require a permit for use. And some examples of that would be, like the community centers, the baseball stadium, those types of kind of lock and key facilities that you need to have a permit for in order to gain access to. And for permit policy looking at any person, entity, or organization wishing to conduct any activity, event, community class or program within any park or recreational facility, shall obtain a permit from the Department prior to conducting the activity, event, community class or program as provided in Parks Administrative Rules. The director shall ensure the appropriate permit is issued pursuant to the Administrative Rules. And these are just kind of two snippets of some of the adjustments that you'll see reflected in the Code revisions when those are transmitted and presented to the Council, and again just trying to really get the Code to be that overarching, umbrella policy for how we then need to create and administer Administrative Rules. Currently the Department permitting structuring system is based on types, so you'll see Type I, Type II, Type II CC, Type II R, Type III, Type IV, Type V, and then there's Camping Permits and Commercial Ocean Recreational Activity permits; the CORA permits. What we would like to move into is simplifying some of those categories a bit and having a Government Permit, a Community Class Permit, the Camping Permit, the Commercial Ocean Recreational Activity Permit, and then a General Use Permit, and a Special Event Permit. Now I'm gonna go into a little more detail what that breakdown would look like. The General Use Permits would cover primarily what are looked at currently as our Type III Permits, and that encompasses community center rentals as well as the leagues and recreational programs that are not existing to generate revenue, and that gets verified by making sure that the fees are charged are equivalent to the cost to run that activity. We all know that you can't do anything for free anymore and so even little things of officiating scorekeepers, when you're running a lot of the youth leagues, those still cost money to put that on. So those would be built into this General Use Permit. One of the concepts that we've been discussing and talking a lot about the different youth organizations and the different community user groups with is looking at having an application process that would exist kind of three times a year. So what you would do is you would identify anybody that wants to use and this would primarily be for again the ball fields and the gymnasium types of spaces. Anybody that's wanting to use those facilities from if we were to look at the fall permit period from August 1<sup>st</sup> to November 30<sup>th</sup> then we would have them fill out the appropriate application and they would have a two-week window to submit all those requests. Then that would give the Department the opportunity to review all of those requests, prioritize the requests, schedule them out to fit as much as we possibly could into the schedule, and then we would be able to release those, release the schedules and finalize the permits for all of those user groups. That wouldn't mean that we would only issue permits during these windows. But after this window is posted if there's still availabilities in the schedule then people could still reserve those on a first-come, first-serve basis. If there aren't any availabilities left, we would be able to have, you know, that perhaps there's...if we receive more requests than what we can fit into the schedule we can actually have a wait list created and be able to then go through that as facilities open up. Some of the concerns that have come up with this system is that some of the leagues don't fit maybe exactly in when these windows are, you know, they don't all start and end in the window. So the, this process wouldn't mean that you can only get a permit in one of the windows, it just

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means that we want to do all the scheduling during these time frames. And this is really the way that you would address the concern of trying to maximize the usage at the facilities. Because what's happening currently is there's a lot of special events that we all know exist annual events, every year we know they're going to happen but maybe they bounce between the first and the second weekend of the month, and so that event is kind of balancing between those two and so it's taking up both of those weekends, and in the meantime we also know that one of the youth sports organizations is regularly permitted during this same window. But until you are able to solidify all those dates, it's kind of like everything's on hold and then if there's other people just from the public that are trying to just gain access and want to maybe rent just one day at that facility, they're not too concerned about which day it is, they just wanna try to get in there for a day, those permits are all almost being held up because until you can solidify what date that special event goes in, what date that annual league is going in, you can't issue that permit yet to that other group because otherwise you may end up in a situation where we have...conflicting usage. And that's, that has been a problem that's existed previously as well. So this would be the process in which the department feels is kind of the best resolution for maximizing the scheduling. And I do believe that at this point we've been able to identify most of the major concerns with this and figure out a good workaround for it so that it would be a process that would be able to exist for most of the users and be able to be successful. The other component for the Special Events...would be creating the four categories and as you noticed when we mentioned before, you know, we had all these different types and we're trying to consolidate that basically into a Government Permit, a General Use Permit, and a Special Events Permit. The Special Events Permit would be one that has multiple categories and so you can see at the very bottom of this table, it identifies what the current type is of permit that's issued for these types of activities. So Special Events first of all there's co-sponsored Special Events and that separates out into two categories. So there's the community events that don't have any revenue which means, you know, they're not charging, there's not any donations accepted and this is except for temporary refreshment concessions. Those are allowable with all of these different types of activities. So the events, the co-sponsored, would be the events with no revenue and currently those are what are receiving the Type II permits, and most of those have it's no rental fee and it's a reduced custodial deposit. The co-sponsored events with revenue are what are currently the Type IIRs, and those have a very minimal fee that's charged and again a reduced custodial deposit and so these Type IIRs are again any of the special events that are co-sponsored, and they have any, they're accepting any kinds of donations or they have some type of gate or ticket sales for the activity, and this is one of the primary used categories I would say, most the annual special events that exist in the community in the parks facilities, most of them are considered this Type IIR. The other most popular one would be the special events that's listed under the non-profits and the political fundraisers, and those are currently receiving what are considered our Type IV permit fees. And those are again for non-profit for it's another reduced rental rate and custodial deposit, and political fundraisers currently is listed in as its own definition and so this is the category and the fees that are accessed for those political fundraisers as well. So we would be able to maintain that within the system. And then the final special event would be the commercial special events and these would be the special events that are put on by individuals or



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organizations that are not non-profit entities and these receive what currently are our Type V permit fees. The other thing just to note on this is any of the co-sponsored in order for the activities to be co-sponsored currently they have to be put on by a non-profit as well. And with I think all of these kind of adjustments and some of the improvements that we're trying to make in the permit process, we're not looking at any changes to the actual fee amounts that are being charged. We found a way to continue to keep a lot of the categories and the fees that are being accessed the same but just have it organized in a manner that makes a little bit more sense to someone who might look at this for the first time or not know the ins and outs of the permitting process to where it can be a lot more simplistic and self-explanatory. So just a kind of a snippet of some of the time frames that we are eagerly and diligently working towards. The ActiveNet software system, the majority of that buildout has been completed and we're hoping to go live with that system by the end of January. The centralized permit office we have the majority of the, that office reconfigured, we're working on getting, you know, all of the technology set up and making sure that it's organized in a way that's gonna make the most sense. And that's also an office that we're hoping can be open by the end of January. Code revisions we are working on trying to make some of those final adjustments and are looking to transmit those to Council in January as well and then hoping to be able to get those scheduled and heard as soon as we're able to do that. The Administrative Rules process, some of the Administrative Rules obviously will be contingent upon what are, what's in the Code revisions. We have, because I mean normally we would do Code revisions first and then admin rules would come afterwards. Because a lot of the information that we would like to take out of the Code and place in admin rules, we can understand where there's a hesitation to just delete something and not know exactly where its ending up at. And so we're want to try to get those admin rules done in a way to where hopefully we can be looking at those side by side so that there can be that direct correlation to see how it's being removed from the Code but how it would be integrated into the admin rules, and if there were to be major adjustments made obviously in the Code revisions as to how they're presented, you know, from the Department then that would mean we would obviously need to go back and make those changes into the Code as well. But again at this point I feel really comfortable in the amount of work and the amount of time that's gone into this process. It's something that hasn't been rushed through but at the same time there's been a sense of urgency in working with it, and so I do think that we'll be able to look through the Code and the Administrative Rules hopefully side by side and not have too many really major changes that need to be done that would impact this time line too drastically. And so with the Administrative Rules process obviously we would have to post those and then have a public hearing after the 30 days, and so depending upon how quickly the Code revisions process is able to be maneuvered through would determine what the time frame is for the Code revisions. So hopefully in the early spring of 2015 we would be able to look at implementation of the Administrative Rules, and then immediately following that the Parks Department would be able to move forward with administering, you know, handbooks, the check lists, the guidelines, sample applications. What we'd really like to be able to have is handbooks that the public and both the Department staff can utilize so that if you were a person that has never received a permit before you'll be able to pick up the guidebook that's appropriate to the permit that you're requesting and be able to really see

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step by step what is the process, what are the forms that need to be filled out, how are those forms filled out, what's the time frame, what's the expectations, what's allowable with different types of activities. So that again that it's a very user friendly type of process. So that's basically again kind of the overview of where we're at, we're again at a place where this last month, throughout the month of November we've had quite a few meetings again to try to really solidify where we're at with the Code revisions and make sure that we have those types of changes made appropriately and then we'll continue to push really hard through the months of December and into early January to try to get the Code revisions to a place that we can at least be able to analyze and review them as more of a comprehensive type of document. So with that if there's any questions?

*... END OF PRESENTATION ...*

CHAIR GUZMAN: Thank you, Ms. Savage. And thank you also for all the hard work. I know that when I first got into office that was one of the discussions and it was just a discussion, and it's good to see the fruition and it coming to pass and all your hard work in putting it together, and wow, it's an amazing process to see it happen. And so if there's any questions from the Members? Open for any questions. Any questions, comments? Yeah, Mr. Carroll?

VICE-CHAIR CARROLL: No not really a question but I'd just like to say I'm really pleased with what's been brought forward today. Forever and ever we've had so many problems, you know, with the system, and I would like to thank you for putting this together and bringing it to us today. Thank you, Chair.

CHAIR GUZMAN: Thank you. Thank you, Mr. Carroll. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair and yeah, it's again one of those things that's been an ongoing, work in progress, you know, just kinda goes year after year. But thank you very much for putting, you know, very detailed time and energy into this, and I think it's gonna improve obviously, and thank you for coming out to the different Districts and searching out the comments of the different communities 'cause everyone has similar but yet some distinctive different needs too. And I wanna, Brienne had been out in regards to our lights, lighting system that in West Maui and it was definitely a learning experience and it's but then the community also learned that we are here for them to listen to and to work with and to do, make the best decisions for the benefit of the, you know, broadest part of this community so I just wanna thank her for that. But overall I think wonderful, good job and we'll see how this all rolls out and I foresee some good things and looking forward to budget coming up with you. So not so much questions, Chair but just comments. Thank you.

CHAIR GUZMAN: Comments. Ms. Baisa?

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COUNCILMEMBER BAISA: Yes, thank you, Chair. Just want to again add my compliments to the rest of my colleagues. Thank you very much, it shows an awful lot of hard work going on. It's not easy to do these kinds of things and to get consensus and make everybody to kinda agree okay, we're gonna move forward this way. So much luck, much thanks, and all the best and happy holidays.

CHAIR GUZMAN: Ms. Sheppard from Corporation Counsel, do you have any comments?

MR. SHEPPARD: No comments. Thank you.

CHAIR GUZMAN: Okay thank you. Members, at this time without objections, I'd like to defer this matter.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CHAIR GUZMAN: Thank you. And thank you so much, Ms. Savage, great presentation.

**ACTION: DEFER.**

**EAR COMMUNICATIONS FOR REFERRAL TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2015, PURSUANT TO RULE 23 OF THE RULES OF COUNCIL**

CHAIR GUZMAN: Members, I wanna go on to my final item and that is my recommendations for referral of the Communications to the Council Chair for the term beginning January 2, 2015, pursuant to the Rule 23 of the Rules of the Council. Members I'm recommending the following Communications be referred to the Council Chair beginning January 2, 2015, pursuant to Rule 23 of the Rules of the Council: beginning with EAR-3 LEASE AND LICENSE OF THE COUNTY-CONTROLLED PARCELS TO FRIENDS OF MOKU'ULA, INC. (LAHAINA); and EAR-6 ALTERNATIVE ENERGY PRODUCTION; EAR-11 COMMERCIAL OCEAN RECREATIONAL ACTIVITY FEES, FINES, AND PENALTIES; EAR-12 FEES AND DEPOSITS CHARGED FOR THE USE OF PARK FACILITIES; EAR-20 VENDOR LICENSES PURSUANT TO CHAPTER 5.12, MAUI COUNTY CODE; EAR-22 LANDSCAPE PLANTING PLAN; EAR-23 ECONOMIC DEVELOPMENT REVOLVING FUND; EAR-29 PROPOSED NEW KAHULUI COMMUNITY CENTER FACILITY; EAR-32 UPCOUNTRY DOG PARK (MAKAWAO); EAR-39 COUNTY'S OPEN DATA POLICY; EAR-41 POTENTIAL REDESIGN OF THE SOUTH MAUI GYMNASIUM IN KIHEI TO A MULTI-PURPOSE CENTER; EAR-43 VOLUNTEER AGREEMENTS FOR PARK MAINTENANCE; EAR-44 MAUI COUNTY ARBORIST COMMITTEE, ARBORIST, AND LANDSCAPE PLANTING; EAR-46 KANAHA BEACH PARK

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RENOVATIONS(KAHULUI); EAR-49 INDUSTRIAL HEMP DEFINITIONS; EAR--oh sorry that was 48--EAR-49 PRESERVING FAMILY FARMS BY DEFERRING A PORTION OF REAL PROPERTY TAX ON AGRICULTURAL-ZONED LAND; EAR-50 TOOLS TO ENCOURAGE AGRICULTURE SUSTAINABILITY; EAR-51 ACT 183, SLH 2005, RELATING TO IMPORTANT AGRICULTURAL LANDS; EAR-52 GRANT OF A UTILITY EASEMENT TO MAUI ELECTRIC COMPANY, LTD.; EAR-38 RESOLUTION URGING THE ADMINISTRATION TO ADOPT A UNIFIED DEFINITION OF AGRICULTURE. This will, all of these items will allow the new Council Chair--actually will be me--to refer these or actually new Council Chair, sorry the new Council Chair to refer these items to the appropriate standing Committees, sorry. Open, I'd like to open this up for any discussion. Any discussion? Seeing none...

COUNCILMEMBER COCHRAN: Real quick, Chair.

CHAIR GUZMAN: Yes.

COUNCILMEMBER COCHRAN: Your referral of the Moku'ula agenda item is definitely very appreciated so thank you very much.

CHAIR GUZMAN: Thank you. Any other discussion? Seeing none, I'd like to entertain a motion to have these matters referred.

VICE-CHAIR CARROLL: So moved.

CHAIR GUZMAN: Moved by Mr. Carroll.

COUNCILMEMBER COCHRAN: Second.

CHAIR GUZMAN: Seconded by Ms. Cochran. All, any discussion? Seeing none, all those in favor, say "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no".

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**VOTE:**      **AYES:**      **Chair Guzman, Vice-Chair Carroll, Councilmembers  
Baisa and Cochran.**

**NOES:**      **None.**

**ABSTAIN:**      **None.**

**ABSENT:**      **None.**

**EXC.:**      **Councilmembers Crivello, Victorino, and White.**

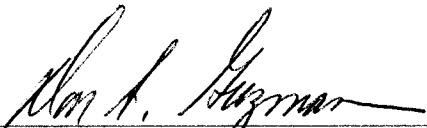
**MOTION CARRIED.**

**ACTION: REFERRAL OF COMMUNICATIONS TO THE COUNCIL  
CHAIR FOR THE TERM BEGINNING JANUARY 2, 2015.**

CHAIR GUZMAN: There are four noes, three, excuse me, oh sorry four ayes, no noes, three members excused, excused is Mike White, Stacy Crivello and Mike Victorino. Motion carries. With that, Members, without any further business scheduled, the meeting is now adjourned, thank you. ... (gavel) ...

**ADJOURN: 3:23 p.m.**

APPROVED BY:



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DON S. GUZMAN, Chair  
Economic Development, Energy, Agriculture,  
and Recreation Committee

ear:min:141202

Transcribed by: Jean Pokipala

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CERTIFICATE

I, Jean Pokipala, 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 24th day of December, 2014, in Wailuku, Hawaii



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Jean Pokipala