

COUNCIL OF THE COUNTY OF MAUI

PARKS AND AGRICULTURE COMMITTEE

June 20, 2003

Committee
Report No.

03-42

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Parks and Agriculture Committee, having met on June 5, 2003, makes reference to County Communication No. 03-100, from the Economic Development Coordinator, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04, MAUI COUNTY CODE, PERTAINING TO KULA PARK."

The purpose of the proposed bill is to amend Title 22, Maui County Code, by repealing the existing Chapter 22.04 and adding a new Chapter 22.04A for the administration of the Kula Agricultural Park ("Park").

The purpose of the Kula Agricultural Park is to promote the development of diversified agriculture by providing appropriately-sized agricultural lots at reasonable rents and long-term tenure.

By correspondence dated June 4, 2003, your Committee Chair transmitted correspondence dated June 3, 2003, from the President of the Maui County Farm Bureau, expressing support of the proposed bill relating to the Park.

At its meeting, your Committee met with the Economic Development Coordinator; the Agriculture Coordinator, Office of Economic Development; and a Deputy Corporation Counsel.

Your Committee received testimony in support of the proposed bill from the following members of the public: Lynne Woods, President of the Maui Chamber of Commerce; Craig Rasmussen, a farmer from the Kula Agricultural Park; Harold Keyser, representing the University of Hawaii College of Tropical Agriculture and Human Resources and a member of the Kula Agricultural Park Committee; and Michael Clements, a displaced farmer from West Maui, who has relocated to the Park.

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The Economic Development Coordinator provided an overview of the proposed bill in comparison to the current ordinance. She stated that Chapter 22.04 was developed more than 18 years ago when the Park was established. The proposed bill, which was developed with the assistance of the tenants of the Park, will provide for the ongoing administration of the Park and will address areas of concern. The major changes include the following new areas:

1. A provision that the lessee may sublease the land, with coordinator approval, one time only for a period not to exceed five consecutive years;
2. A provision that the lessee may assign the lease for the remainder of the lease term; and
3. A provision that the lessee may mortgage or create a security interest in the premises.

The Economic Development Coordinator explained that the above measures were initiated to assist the lessee in times of illness or temporary absence, and provide farmers nearing retirement the opportunity to earn income by assigning the remainder of the lease. In addition, the farmer has an opportunity to obtain financing in order to expand his/her business without having to borrow against personal assets.

She informed your Committee that the proposed bill includes several safety measures for the County, including the following: (1) the sublessee or assignee must be able to meet the minimum qualifications of a lessee; and (2) the total acreage shall not exceed 75 useable acres for each individual lessee, sublessee or assignee.

The Agriculture Coordinator informed your Committee that the Park is approximately 447 acres. There are 31 lots ranging from 7 to 29 acres. Currently, 26 tenants pay \$100 per year per usable lot. Some of the crops being raised at the Park include spices, turf grass, flowers, orchards, vegetables, and banana. In addition, a plant nursery/greenhouse and a research facility are located at the Park.

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After a brief discussion, your Committee recommended passage of the proposed bill with the following revisions:

1. Revise the title of the proposed bill as follows: "A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04, MAUI COUNTY CODE, PERTAINING TO KULA AGRICULTURAL PARK."
2. In Section 1, insert "Kula Agricultural Park" as follows: Chapter 22.04, Maui County Code, Kula Agricultural Park, is repealed.
3. In Subsection 22.04A.010 Title, delete "These regulations" and insert "This chapter" as follows: [These regulations] This chapter shall be known as the Kula agricultural park regulations.
4. In Subsection 22.04A.020 Scope of regulations, delete "regulations" and insert "chapter" as follows: The [regulations] chapter established herein shall govern the procedure for the county of Maui relative to the administration of the Kula agricultural park.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 22.04, MAUI COUNTY CODE, PERTAINING TO KULA PARK, AND ESTABLISHING CHAPTER 22.04A, MAUI COUNTY CODE, PERTAINING TO KULA AGRICULTURAL PARK." The revised proposed bill incorporates the changes as recommended by your Committee, with the exception of your Committee's recommended change to add "Kula Agricultural Park" to Section 1. The Department of the Corporation Counsel recommended not to include this revision since Chapter 22.04 is being repealed. The Department of the Corporation Counsel recommended additional changes to the bill title to include references to both Chapter 22.04 and Chapter 22.04A for clarification purposes, and other nonsubstantive changes.

Your Parks and Agriculture Committee RECOMMENDS the following:

1. That Bill No. _____ (2003), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 22.04, MAUI COUNTY CODE, PERTAINING TO KULA PARK, AND ESTABLISHING CHAPTER 22.04A, MAUI COUNTY

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CODE, PERTAINING TO KULA AGRICULTURAL PARK," be
PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication No. 03-100 be FILED.

Adoption of this report is respectfully requested.

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