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July 19, 2018

Council Member Yuki Lei Sugimura  
Chair PEA Committee  
200 South High Street  
Wailuku, HI 96793

Aloha Chair Sugimura,

**Re: SUBJECT: One Farm Plan (PEA-37)**

We are forwarding our department comments on the One Farm Plan draft form that you requested us to comment on.

Overall, OED feels that the county of Maui has created such difficult, cumbersome, and onerous rules and ordinances that govern agriculture, that we as a county have actually discouraged farming rather than encouraging it. Farmers are beleaguered with constant government paperwork which they believe serves little or no purpose. They also believe that no one even looks at the forms other than just checking off that they were submitted. So we must ask ourselves as a county, "What are we trying to accomplish with over 600 administrative rules that govern farming? Are these rules even legal with no clear line being able to be drawn to an actual county ordinance? Are we hurting existing farmers? Are we helping to encourage new farmers?"

We believe that the One Farm Plan draft form goes too far in what is being asked and many questions on the form do not serve the purpose for which they were intended. Our analysis of the form is as follows:

1. What is the purpose of asking if utilities are available on the lot? Is it illegal to farm if there is no water or electricity?
2. What does the statement "I/We understand that deferred or roll back taxes, penalties, due and owing shall be a paramount lien upon the real property in accordance with the

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applicable county Codes? Are we telling people they will be punished in the future if they take ag rates on their land today? This clause would be a deterrent to anyone to engage in farming. A new person would not know what is meant by this clause.

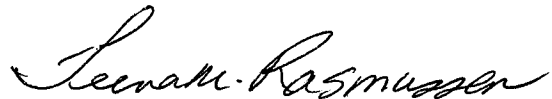
3. What is the purpose of asking for an itemized list of all livestock? And what is the purpose of asking the maturity level of the livestock? Who in the county would verify this information?
4. Under the Diversified Section, what is the purpose of asking any of these crop type questions and harvesting schedules? Who in the county would verify this information? Furthermore the form asks for estimated production volume in pounds, and yet many ag products are not sold by the pound: i.e. nursery plants, flowers, sod, eggs etc.
5. Under Irrigation system: None of the methods listed are illegal, so what is the purpose of asking this question?
6. The question of visibility from the road is also unnecessary. If you have a farm that is not visible from the road, do county inspectors have the right to inspect or not? Visibility is not required to farm, so why are we asking this question?
7. Why does the county need to know if a farm has employees? It is not mandatory for farms to have employees.
8. Estimated Monthly Water Usage can easily be looked at through a farm's water bills. Asking a farmer to estimate is asking them to predict the future. It is nothing more than a guess, so a better question, if the county truly wants an answer that is relevant, would be "Based on your previous 12 months of water bills, what is your average monthly water usage for this parcel?"
9. What is the purpose of asking for 5 years of estimated annual income for all agricultural activity? Again, this is nothing more than a guess on the part of the farmer, and we cannot envision what this information would be used for.
10. We feel the best possible verification for real agriculture activity is the Internal Revenue Service Schedule F, Form 990, Form 1120, or Form 1120S. These forms will show agriculture revenue and expenses, and will show payroll and water expenses. These tax forms, basic contact information, and TMK are honestly the only information the county would need. We urge the PEA committee to consider simplifying to this only.

Lastly, the County Planning Department has performed an audit by Orion Planning + Design. We are hopeful that this 3<sup>rd</sup> party audit can be used to update the current Title 19 Zoning laws. The current zoning law was developed in the 1960's and needs a major overhaul. The County of Maui must decide, once and for all, if it wants to encourage agriculture in a post-sugar era.

Hawaii already has so many barriers to farmers being successful; we do not need to add county bureaucracy to make those barriers even worse.

Thank you for asking for our input. We are ready to help your PEA committee in any way possible to help streamline and reduce bureaucracy for our farmers.

Sincerely,



Teena M Rasmussen, Director



Kenneth Yamamura, Ag Specialist

Cc: Mayor Alan M. Arakawa