

PEA Committee

From: Bobbie Patnode <bobbiepatnode@fastmail.fm>
Sent: Sunday, April 29, 2018 3:03 PM
To: PEA Committee
Cc: Annette Niles; Bill Greenleaf; Bobbie Patnode; Bobby Ferreira; Brendan Balthazar; Carver Wilson; Eve Hogan; Georgia Pinsky; Gerry Ross; Josh Rezente; Lege Chair; Rob Parsons; Sydney Smith; Theresa Thompson; William & Ann Marie Jacintho; William Jacintho; hugh starr; kenneth.yamamura@mauicounty.gov; Jeff Alexander
Subject: Re: One Farm Plan Application

April 29, 2018

RE: One Farm Plan (PEA-37)

Dear Councilmember Sugimura,

Thank you to you and your working group for working on the One Farm Plan application and asking for comments from the Agriculture Working Group (AWG).

Maui County supports agriculture for two reasons – to help those who are engaged in a commercial agricultural operation, and to preserve open spaces for the purpose of public enjoyment and ensuring the capability of future agriculture. Farmers working with the County encounter different levels of understanding of farm operations. County departments charged with administering our Maui County Code each have their own Rules and definitions for agriculture. The separate and different Rules mean farmers have excessive and redundant paperwork and not all of our County processes are as cost efficient as they could be.

The AWG has been working to improve this situation since 2013. The AWG's vision for a One Farm Plan application has been to supply one description of our farms and to have the different County departments access that description when determining whether the farmer qualifies for Ag Water rates, Ag Use Value assessment and building permits on Ag zoned land. To ensure objectivity, farms would be inspected by qualified inspectors who were outside of the three affected departments, Water, Property Tax, and Planning. More recently, we have thought that the single description might be held in a database in the forthcoming MAPPS system. The farm description would include all the TMKs that are part of the farm, so that the farmer does not have to submit multiple copies of documents such as the Schedule F, and to reflect the reality that farms are managed as businesses that span and manage multiple parcels.

Maui County Code has different chapters relating to what the different departments are charged with administering. Ag Water rates are only available to those who are farming commercially and gross over \$1,000. Real Property must disallow any Ag which is only for the owner's home use. Planning must ensure that more than 50% of the land is used for agriculture. The differing Code Chapters make it somewhat difficult to blend all the requirements into a single application, and therefore some of the issues must ultimately be resolved by changing our current laws. Several aspects of Maui's Code contradict the intent of other parts.

Ideally, the AWG would like to see farms evaluated by knowledgeable, qualified agricultural inspectors independently of any one County Department, so that competing objectives are not a problem for the farmer and farmers experience the support that Maui County intends. The inspectors would be trained in the requirements of the three departments and streamlining the inspection process will save money and resources.

AWG is concerned that the draft One Farm Plan application includes the recommendation to have RPT hold the farm data and do all the inspections. RPT's objective is to accurately assess properties in order to collect property tax revenue for the County. Their definition of Ag is not the same as used by Planning, and they do

not have any requirement for income. This change would have RPT assessing farming methods and production, not just property values.

AWG is concerned that some of the information which is requested is private and sensitive. How will the data be protected? In the past, some farmers have experienced the County losing their financial information, and so this concern must be addressed. The Schedule F data must be protected.

More specific comments on the form:

- Why do they need to know if you can see it from the road? The County has pictometry which should be used.
- Why is method of irrigation needed?
- We used to supply photos. Are photos no longer needed?
- What is the information about employees used for?
- Annual income is asked twice.
- Should ask for State of Hawaii Department of Taxation G-49 instead, which shows total Gross Income. A Code change would be needed for this. If a G-49 form is not available then a farmer could provide a Schedule F as proof of farm activity.
- There should be an alternative for those who have no income but have expenses, as in long term crops.
- Our tax forms are due April 15th. Getting this info on February 1st would be an added burden for farmers.
- Is RPT really going to inspect every year?
- The definition cited is for RPT not Planning. Planning doesn't care if the Ag is for home use.
- It is nice that you can use email to send in. It will need to be a secure method and the data will need to be secured.
- It is great that all TMKs are shown for pasture rotations. Ideally the entire One Farm Plan application would include all TMKs and not require a multiple applications for the one farm.
- The pasture rotation on the form should note that it is weather dependent.
- There is a considerable amount of information requested on crop type, volume production, income, etc. How is this used? Flower production is by stem, not pounds. What about Nurseries and potted plant production? Aquaponics?
- We believe a Unilateral Agreement is only required to be recorded for a building permit.
- What process will be followed if the meter owner is only applying for Ag Water rates? Will RPT have to inspect before the rates can be implemented? What if the owner wants a permit for repairing a leaky roof? Will RPT have to be involved, possibly making the permit process take longer?

We'd like to see the One Farm Plan help to encourage agriculture and not hinder it. It is interesting to see all the different objectives collected on one form, as it highlights in one place many of the concerns that farmers have with our existing code. For instance, under the current rules Water requires the water meter be in the name of the Ag operator and not the land owner. This can (and has) put the water meter in jeopardy when non-payment occurs. This discourages owners from seeking tenant farmers. With a few adjustments the One Farm Plan could solve this issue. In another example, Water requires both a G-45 and a Schedule F, but if we want to establish that the applicant is a commercial farmer, only one of those should do the trick. We'd like to see that Code updated.

The AWG believes it would be beneficial to have the people who worked on this form meet with the AWG to answer questions and discuss how farmers view the requirements and the processes that are used by the county. We'd like to work together to improve our communication methods and reduce our paperwork.

Please let me know when we can discuss the Ag Working Group's response.

Sincerely,

Bobbie Patnode

Moderator for the Agriculture Working Group

876-0140

On Thu, Apr 12, 2018, at 10:10 AM, PEA Committee wrote:

For your review and response.

PEA Committee

Email had 1 attachment:

- Correspondence to Bobbie Patnode 04-11-2018.pdf
330k (application/pdf)