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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

April 11, 2024

Director of Council Services
David M. Raatz, Jr., Esq.
Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

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COUNTY CLERK

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawai'i 96793

Dear Chair Lee:

SUBJECT: **AMENDMENT TO BILL 42, CD1 (2024)** (PAF 24-071)

May I request the attached proposed amendment to Bill 42, CD1 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING THE DEFINITIONS OF 'FARM' AND 'FARM LABOR DWELLING' IN THE COMPREHENSIVE ZONING ORDINANCE," be placed on the next Council meeting agenda.

Sincerely,

Handwritten signature of Gabe Johnson in black ink.

GABE JOHNSON
Councilmember

paf:ebm:24-071d

Enclosure

COUNTY COMMUNICATION NO. 24-13

April 19, 2024, Council meeting

BILL 42, CD1, FD1 (2024)

**MAUI COUNTY COUNCIL
Amendment Summary Form**

Legislation: Bill 42, CD1, FD1 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING THE DEFINITION OF 'FARM' AND 'FARM LABOR DWELLING' IN THE COMPREHENSIVE ZONING ORDINANCE."

Proposer: Gabe Johnson, Councilmember.

Description: Incorporates revisions proposed by the Department of the Corporation Counsel for accuracy and clarity.

Motions: Move to substitute Bill 42, CD1, FD1 (2024) with the attached proposed FD2 version.

Attachment: Proposed Bill 42, CD1, FD2 (2024), approved as to form and legality by Corporation Counsel.

paf:ebm:24-071c

ORDINANCE NO. _____

BILL NO. **42, CD1, FD2** (2024)

A BILL FOR AN ORDINANCE AMENDING THE DEFINITIONS OF “FARM”
AND “FARM LABOR DWELLING” IN THE COMPREHENSIVE ZONING
ORDINANCE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 19.04.040, Maui County Code, is amended by
amending the definition of “farm” to read as follows:

“Farm”. For the island of Moloka‘i, “farm” means a lot on which the majority of the land is used for and the predominant activity is agriculture [and/or] or agricultural land conservation. For the islands of Lāna‘i and Maui, “farm” means a lot on which at least 51 percent of the area of the land that is used for, and the predominant activity is, agriculture or agricultural land conservation. If it is determined by the director that more than 49 percent of the lot is not usable, accessible, or feasible for farming or ranching, then those areas deemed unusable, inaccessible, or infeasible may be excluded, provided that the remainder of the lot is used for the predominant activity of agriculture or agricultural land conservation. For the purpose of this definition, land that is not usable, accessible, or feasible for active agricultural uses, must include but is not limited to culturally sensitive areas, slopes steeper than one to one, streams or gulches, areas that are subject to “flood” or “flooding” as defined by section 19.62.030, land containing earth material that cannot be farmed, provided that final determination is subject to approval of the director.”

SECTION 2. Section 19.04.040, Maui County Code, is amended by
amending the definition of “farm labor dwelling” to read as follows:

“Farm labor dwelling”. For the island of Moloka‘i, “farm labor dwelling” means a dwelling or lodging unit that is used exclusively by agricultural employees employed full-time or seasonally in the County, and that is located on a farm and is ancillary and secondary to agriculture. For the islands of

Lānaʻi and Maui, “farm labor dwelling” means a dwelling unit or lodging unit that is used exclusively by full-time and part-time agricultural employees who hold a residential lease of at least six months, including interns, apprentices, and volunteers, while working on a farm or ranch on which the unit is located. Family members of the agricultural employee may also reside in the farm labor dwelling. Farm labor dwellings located on important agricultural lands are subject to the restrictions set forth under section 205-45.5, Hawaii Revised Statutes. At no time may the farm labor dwelling be used as a short-term rental. The employer must maintain documentation of the agreement between employee and employer at all times and provide the documentation to the director upon request. Farm labor dwellings must be affordable to residents earning 140 percent or less of the County’s area median income as established by HUD, irrespective of any tenant’s actual income.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



NĀHULU NUNOKAWA

Deputy Corporation Counsel

Department of the Corporation Counsel

County of Maui

LF2024-0414

PAF 24-062 2024-04-04 Ord Amd Ch 19.04 (Bill 42, FD2)

paf:sgt:24-062a