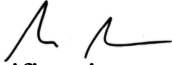


November 21, 2024

MEMO TO: Members of the Agriculture, Diversification, Environment, and Public Transportation Committee

F R O M: Gabe Johnson, Chair   
Agriculture, Diversification, Environment, and Public Transportation Committee

SUBJECT: **RESOLUTION 24-171, REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL ON MOBILE FOOD TRUCKS OR TRAILERS IN THE AGRICULTURAL DISTRICT** (ADEPT-17)

Please see a summation of the proposed amendments to Chapters 19.30A and 19.36B, Maui County Code, and their related justifications, as outlined in the proposed bill attached to Resolution 24-171.

The bill amends the definitions of “agricultural food establishment” and “agricultural products stand” by:

- Adding mobile food trucks and trailers to the definitions and requiring that the operation be located on a farm to ensure farmers reap the economic benefits.
- Expanding the definition to allow mobile food trucks or trailers to be operated by a producer, even if not owned by a producer.
- Allowing agricultural products grown, raised, or caught in the State to be used in agricultural food establishments, in case of local crop loss due to invasive pest pressure.
- Changing the term “single agricultural product producer” to “producer,” which is already defined in the Code.

In response to the Department of Planning’s concern that allowing food trucks in the Agricultural District may result in overcrowding along roadways, Subsections 19.30A.072(B)(2) and 19.30A.072(E)(3) were added to restrict a mobile food truck or trailer from operating within 500 feet of any other food truck or trailer.

Received at 11/21/2024 ADEPT meeting

Members of the Agriculture, Diversification, Environment, and Public  
Transportation Committee  
November 20, 2024  
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Based on community feedback, the bill proposes to prevent mobile food trucks and trailers in the Agricultural District from occupying any of the minimum number of parking spaces allowed under Section 19.36B.020, Maui County Code.

A copy of the proposed bill with comments is attached to further explain the proposed amendments.

Should you have any questions or would like additional information, please contact me or Committee staff (Sam Tanck at ext. 7140, or Maria Leon at ext. 7866).

adept:ltr:017amc01:sgt

Attachment

Includes mobile food trucks or trailers in the definition of agricultural food establishments and also specifies that they must be operated by a producer (so a farmer that leases land, not just the owner of the land is allowed) and located on a farm so the bill generates income and supports the sustainability of farmers in Maui County.

(see definition of mobile food truck in 19.04.040 that requires if a mobile food truck has been in place for more than 3 consecutive days it is to be considered an eating establishment)

Allows farmers to use value-added products that may not be available in the County which would support agriculture throughout State.

“Agricultural food establishment” means a building or structure, owned and operated by a producer, or a mobile food truck or trailer operating on a farm, operated by a producer, and permitted under title 11, chapter 50 of the administrative rules of the [state] State department of health, that prepares and serves food at retail using agricultural products grown, raised, or caught in the [County,] State and value-added products[,] that were produced using agricultural products grown in Hawaii.”

2. By amending the definition of “agricultural products stand”

to read as follows:

“Agricultural products stand” means a building, structure, or place that is partially enclosed by walls, at least 25 percent open to the outside when in operation, owned and operated by a [single agricultural product] producer or a mobile food truck or trailer operating on a farm operated by a producer for the display and sale of agricultural products grown, raised, or caught in the [County,] State and value-added products produced using agricultural products grown, raised, or caught in Hawaii.”

Includes mobile food trucks or trailers in the definition of agricultural products stands (see definition of mobile food truck in 19.04.040 that requires if a mobile food truck has been in place for more than 3 consecutive days it is to be considered an eating establishment), but specifies that they must be operated by a producer and located on a farm to ensure the economic benefits go to farmers.

SECTION 3. Section 19.30A.072, Maui County Code, is amended by amending Subsection B to read as follows:

Uses the term, "producer," which is a term that has been defined within this Chapter of the Code.

“B. Agricultural products stands. Agricultural products stands are subject to the following requirements:

1. An agricultural products stand that is more than [one thousand] 1000 square feet in total floor area [shall require] requires a special use permit.

2. A mobile food truck or trailer may not operate within 500 feet of any other mobile food truck or trailer. Registration will be granted on a first-come, first-serve basis.”

SECTION 4. Section 19.30A.072, Maui County Code, is amended by amending Subsection E to read as follows:

Allows farmers to use value-added products that may not be available in the County which would support agriculture throughout State.

“E. Agricultural food establishments. All agricultural food establishments are subject to the following requirements:

This language has been added to alleviate the Planning Department's concerns over the over-proliferation of food trucks and to allow Planning some ability to regulate their registration.

1. An agricultural food establishment that is more than [one thousand] 1000 square feet in total floor area [shall require] requires a special use permit.

2. All food must be prepared in accordance with the State [Department of Health] department of health rules and regulations.

3. A mobile food truck or trailer must not operate within 500 feet of any other mobile food truck or trailer. Registration will be granted on a first-come, first-serve basis."

This language has been added to alleviate the Planning Department's concerns over the over-proliferation of food trucks and trailers and to allow Planning some ability to regulate their registration.

SECTION 5. Section 19.36B.020, Maui County Code, is amended to read as follows:

**"19.36B.020. Designated number of off-street parking spaces.** Unless otherwise provided in this chapter, the following minimum numbers of accessible, onsite, off-street facilities for the parking of self-propelled motor vehicles [shall] must be provided in connection with the use of any land or the construction, alteration, or improvement of any building or structure. When reviewing a building permit application or proposed change of use, the department [shall] must determine whether the applicant must submit a parking and landscaping plan to establish compliance with this chapter. If the department requires a plan, the department will not recommend approval of a building permit application or proposed change of use until it approves the plan and will not approve a certificate of occupancy or final inspection until the applicant has implemented the approved plan. The number of required parking spaces [shall be] is based on the floor area of each use or component use except where otherwise specified. When calculating the total number of required parking spaces, a fraction less than one-half [shall be] is disregarded, and a fraction of one-half or more [shall require] requires one parking space. The following chart establishes the general requirements for accessible, onsite, off-street parking. Compliance with the Americans with Disabilities Act, administered through the State department of health, disability and communications access board, and with State requirements for electric-vehicle parking is also required.

USE		MINIMUM NUMBER OF OFF-STREET PARKING SPACES
<b>1) HOUSING</b>		
Dwelling units: apartment, duplex dwelling, farm dwelling, farm labor dwelling, multi-family dwelling, single-family dwelling. Note: A dwelling unit's parking spaces may be in tandem.	Floor area of dwelling unit in square feet:	Minimum number of parking spaces:
	Under 3,000	2
	3,000-3,999	3
	4,000-4,999	4
	5,000-5,999	5
	6,000-6,999	6
	7,000-7,999	7
	8,000 and above	8
Dwelling units: accessory dwelling.	1 for each accessory dwelling.	
Home business.	1 for each home business that is allowed to have clients, patrons, or customers on the premises, in addition to any other parking requirements under this chapter.	
Transient accommodations.  Note: A dwelling unit's parking spaces may be in tandem.	Type:	Minimum number of parking spaces:
	Bed and breakfast home	1 parking space for each bedroom used for bed and breakfast home use, plus 2 parking spaces for the operator of the bed and breakfast home or as required for a single- family dwelling, whichever is greater.
	Short-term rental home	2 if the short- term rental home has 4 or fewer bedrooms or as required for the dwelling, whichever is greater; 3 if the short-term rental home has 5 or more

		bedrooms, or as required for the dwelling, whichever is greater.
	Hotel, motel, other transient vacation rental, with or without kitchen facilities	1 per rental unit, except that a transient vacation rental in a single-family dwelling [shall] <u>must</u> provide the same number of parking spaces as a single-family dwelling. Units capable of being [utilized] <u>used</u> as 2 or more units are counted as separate rental units.
<b>2) COMMERCIAL, BUSINESS, OR INDUSTRIAL</b>		
Agriculture retail structure, agriculture [product] <u>products</u> stand, bakery and catering (with no onsite eating or drinking), farmer's market, general merchandising, general office, personal and business services, personal services establishment, animal hospital.		1 per 500 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is 3. <u>Mobile food trucks or trailers may not occupy any parking space required by this title.</u></u>
General merchandising of only large items such as furniture, flooring, mattresses, and appliances.		1 per 1,000 square feet for all areas including office, storage, and showroom.
Animal boarding facility.		3 plus 1 per 20 boarding units above 60 boarding units. The parking spaces may be shared with animal hospital parking space requirements.

Prevents mobile food trucks or trailers, as outlined in this section of the Code, from occupying parking spaces that would otherwise be used by customers. This should alleviate some of the overcrowding that may occur along the road.

Related to establishments with dining areas.

Bank.	1 per 300 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> 3.
Eating and drinking establishment or agricultural food establishment as defined in section 19.30A.015 with dining areas.	1 per 100 square feet of amusement, serving, and dining areas (not counting drive-through uses), [provided] <u>except</u> that the minimum [shall be] <u>is</u> 4; 2 or more such establishments in a "food court" configuration may share amusement and dining areas. <u>Mobile food trucks or trailers may not occupy any parking space required by this title.</u>
Eating and drinking establishment or agricultural food establishment as defined in section 19.30A.015 without dining areas, [(such as take-out counters or "food retail")].	1 per 500 square feet of serving area, [provided] <u>except</u> that the minimum [shall be] <u>is</u> 3 for each establishment. <u>Mobile food trucks or trailers may not occupy any parking space required by this title.</u>
Mobile food truck[.] ( <u>except where permitted in the agricultural district</u> ).	0; mobile food trucks [shall] <u>may</u> not occupy any parking space required by this title.
Industrial or storage uses, warehouse.	1 per 1,500 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> 3.
SBR mixed-use establishment.	2 for each dwelling unit, plus 1 per 300 square feet of non-residential floor area.
SBR service establishment.	1 per 300 square feet.
Self-storage.	1 per 5,000 square feet.
Service station, repair shop, public garage, automobile services.	1 per 200 square feet, excluding drive-through fueling areas, which [shall] <u>may</u> not be used for required parking, or 1 per 40 percent of lot area, whichever is greater. The storing and keeping of damaged vehicles or vehicle parts [shall] <u>must</u> be within an enclosure bounded completely by a wall at least 6 feet in height.
Shopping center.	1 per 300 square feet of leasable or commercial area (not subject to component use requirements).
Swap meet.	1 per 500 square feet.
Vehicle and equipment rental or sales.	1 per 500 square feet for sales, showrooms, services, offices, and parts facilities, [provided] <u>except</u> that the

Prevents mobile food trucks or trailers, as outlined in this section of the Code, from occupying parking spaces that would otherwise be used by customers. This should alleviate some of the overcrowding that may occur along the road.

Related to places without dining areas.

	minimum [shall be] is 3; 0 for outdoor storage of vehicles and equipment.	
<b>3) RECREATION OR ENTERTAINMENT (PUBLIC OR COMMERCIAL)</b>		
Amusement center, entertainment establishment.	1 per 100 square feet.	
Auditorium, theater, stadium, assembly area, arena, gymnasium.	1 per 300 square feet, 1 per 4 seats, or 1 per 8 feet of bleacher length, whichever is greater.	
Bowling alley.	3 per lane.	
Clubhouse, private club, fitness center, health club.	1 per 200 square feet.	
Golf course.	3 per hole. Parking spaces may be located on any lot occupied by the golf course if the golf course occupies multiple lots.	
Golf driving range.	1 per tee.	
Miniature golf course.	1 per hole.	
Swimming pool.	1 per 600 square feet of pool and associated buildings.	
Tennis court.	4 for each court.	
Passive recreation.	0 for up to 2 acres; 4 for above 2 acres (paving not required).	
Active recreation.	Type:	Minimum number of parking spaces:
	Athletic field for baseball, football, soccer, other team sports (non-stadium).	50 per athletic field; 0 additional for adjacent practice field; 10 for practice field without a full-sized field.
	Outdoor basketball court.	6 per court.
	Children's playground.	0
	Skate park.	1 per 500 square feet.
	Site for motor sports, paintball, zip lines, fitness course.	1 per 2 participants at regular capacity.



Arboretum, botanical garden.	3 plus 1 per acre, except that the maximum number of required parking spaces [shall be no more than] <u>is</u> 20.
<b>4) SOCIAL OR CIVIC SERVICE</b>	
Airport, heliport, other public transportation.	Parking for terminal, hangars, and inter-terminal operations to be determined by the government agency that operates the airport, heliport, or other public facility. Private support services, such as automobile rental and cargo, to be determined separately as component uses.
Cemetery, mausoleum.	0; any offices or other accessory uses to be determined separately.
Church, including place of worship.	1 per 300 square feet, 1 per 5 seats, or 1 per 8 feet of bench length, whichever is greater.
Community center.	1 per 100 square feet.
Day care facility, nursing home, assisted living facility.	1 per 6 clients, plus 1 per employee onsite at one time.
Fire station, police station.	To be determined by the fire chief, police chief.
Library, museum.	1 per 500 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> 3.
Minor medical center, medical or dental clinic.	1 per 300 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> 3.
Major medical center.	1 per 2 beds.
Mortuary, funeral home.	1 per 100 square feet.
Public utility substation.	1
Recycling, redemption facility.	3
School, educational institution, general education, specialized education.	1 per classroom if all students are under 16 years of age; 8 per classroom if any student is 16 years of age or older."

SECTION 6. 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 7. This Ordinance takes effect on approval.

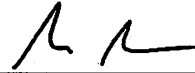
APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:sgt:24-183a

INTRODUCED BY:

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small flourish.

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GABE JOHNSON