



Bill 76: an Ordinance to allow Mobile Food Trucks or Trailers in the Agricultural District




**Agriculture, Diversification, Environment, and
Public Transportation Committee**

County of Maui

June 5, 2025



Background: Status of Bill/Ordinance

- November 21, 2024 – ADEPT Committee discussed and forwarded Resolution No. 24-171 to the County Council.
 - ADEPT Committee Report 24-112
 - December 6, 2024 – County Council adopted Resolution No. 24-171, CD1 referring the proposed bill to the Planning Commissions for action and transmittal of their findings and recommendations to the Council.
 - Lānaʻi Planning Commission – February 19 and April 16, 2025
 - Maui Planning Commission – February 25, 2025
 - Molokaʻi Planning Commission – February 26, 2025
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Background: Agricultural Land Use

- Retaining and encouraging agricultural lands in the County is imperative
- **General Plan 2030 Countywide Policy Plan (Agriculture)**
 - *"F.2.b. Prioritize the use of agricultural land to feed the local population, and promote the use of agricultural lands for sustainable and diversified agricultural activities.*
 - *F.2.e. Support ordinances, programs, and policies that keep agricultural land and water available and affordable to farmers.*
 - *J.2.a. Protect prime, productive, and potentially productive agricultural lands to maintain the islands' agricultural and rural identities and economies.*
 - *J.2.c. Discourage developing or subdividing agriculturally designated lands when non-agricultural activities would be primary uses."*
- **Maui Island Plan (Agriculture)**
 - *Core Value E. Preserve rural and agricultural lands and encourage sustainable agriculture.*
 - *2.1.3-Action 2. Amend regulations to provide additional protection of lands that are important for traditional native Hawaiian uses including subsistence food gathering, traditional access, agriculture, and religious uses."*



Background: Agricultural Land Use

➤ Maui County Code – Chapter 19.30A Agricultural District

➤ Purpose of the Agriculture District:

- *“Implement chapter 205 of the Hawaii Revised Statutes and the goals and policies of the Maui County General Plan and Community Plans;*
- *Promote agricultural development;*
- *Preserve and protect agricultural resources; and*
- *Support the agricultural character and components of the County’s economy and lifestyle.”*

➤ Intent of Chapter 19.30A Agricultural District:

- *Reduce the land use conflicts arising from encroachment of nonagricultural uses into agricultural areas;*
- *Mitigate rising property values of farm lands to make agricultural use more economically feasible;*
- *Discourage developing or subdividing lands within the agricultural district for residential uses, thereby preserving agricultural lands and allowing proper planning of land use and infrastructure development.”*



Background: Agricultural Land Use

■ General Plan Countywide Policy Plan (Support for Farmers)

- *“Objective 1.a: Develop regulations and programs that support opportunities for local merchants, farmers, and small businesses to sell their goods and services directly to the public.*
- *Objective 1.d: Support and promote locally produced products and locally owned operations and businesses that benefit local communities and meet local demand.*
- *Objective 4.b: Provide opportunities and incentives for self-sufficient and subsistence homesteads and farms.”*

■ Maui Island Plan (Support for Farmers)

- *“Action 4.3.1-Action 3: Propose revisions to the zoning ordinance to allow the direct marketing of the island's agricultural products through farmers markets, “pick-your-own” farms, farm stands, and similar venues.*
- *Policy 4.5.1.e: Support community markets and venues that sell locally made produce, goods, and services.”*



Background: Agricultural Land Use

- **Community Plans (Support for Farmers)**

- *“Hana CP Policy 7: Maintain the visitor industry as a major economic activity, encouraging commercial activities which focus on the "day" visitor market and/or complement the "overnight" visitor market.*
- *Makawao-Pukalani-Kula CP Action 1: Analyze the zoning and subdivision ordinances and revise wherever needed to facilitate and support the maintenance and development of diversified agricultural activities.”*

Background: Product Sales in Ag

■ MCC Agricultural District – Permitted Uses

- **Principal Uses:** Agriculture, animal and livestock raising
- **Accessory Uses:** Farm dwellings, Ag structures (barns, etc), Commercial Ag Structures
- **Special Uses (PC Approval Required):** Additional Farm Dwellings, Commercial Ag Structures beyond that allowed under Accessory

■ **Accessory Use: Commercial Ag Structure = Product Sales in Ag Districts (4 types)**

- **Agricultural Food Establishment:** means a building or structure, owned and operated by a producer and permitted under title 11, chapter 50 of the administrative rules of the state department of health, that prepares and serves food at retail using agricultural products grown, raised, or caught in the County, and value-added products that were produced using agricultural products grown in Hawaii.
- **Agricultural Product 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 for the display and sale of agricultural products grown, raised, or caught in the County, and value-added products produced using agricultural products grown, raised, or caught in Hawaii.



Background: Product Sales in Ag



- **Agricultural Retail Structure:** means a fully-enclosed building or structure owned and operated by a single producer for the display and sale of agricultural products grown, raised, or caught in the County, value-added products that were produced using agricultural products grown, raised, or caught in Hawaii, logo items related to the producer's agricultural operations, and other food items.
- **Farmer's Market:** means either: The temporary use of land that is managed by a single producer who leases space or stalls for the outdoor sale of agricultural products grown, raised, or caught in the County or value-added products that were produced using agricultural products grown, raised, or caught in Hawaii; or a building or structure managed by a single producer who leases space or stalls for the display and direct retail sale of agricultural products grown, raised, or caught in the County or value-added products that were produced using agricultural products grown in Hawaii.



Background: Product Sales in Ag

■ Commercial Agricultural Structures – Required Standards

- Registration. structure shall be registered with the department of planning.
- May sell agricultural products or value-added products that are not grown, raised, caught or produced on the lot on which the commercial agricultural structure is located, so long as an active agriculture operation is present on the lot where the commercial agriculture structure is located.
- A farm plan showing an active agriculture operation shall be provided to the department of planning and its implementation shall be verified before a commercial agricultural structure commences operation. Agricultural product stands that are less than three hundred square feet in total floor area are exempt from this requirement.
- Maximum size requirements or required a Special Use Permit by Planning Commission.
- All agricultural retail structures and food establishments that serve food shall require a permit as required of the state department of health.
- Within an agricultural retail structure, other food items and logo items shall occupy no more than 40 percent of the total floor area.



Bill Proposal:

- **Current Code: Commercial Ag Structures are Structures/buildings - as defined**
 - Mobile Food Trucks or Trailers are not Structures – thus, require SUP by PC
- **Purpose of Bill: Allow Mobile Food Trucks or Trailers as an allowable Commercial Ag Structure without requiring an SUP**
 - *“Agricultural Food Establishment” to also include: “mobile food truck or trailer operating on a farm by a producer where the food truck or trailer is located”.*
 - *“Agricultural products Stand” to also include: “structure on wheels”, “vehicle”, and a “mobile food truck or trailer operating on a farm by a producer where the food truck or trailer is located.”*
 - *Mobile Food Truck or Trailer “must not operate within 500 feet of any other mobile food truck or trailer” and that “Registration will be granted on a first-come, first-serve basis.”*
 - *Amending the parking code by ensuring that “Mobile food trucks or trailers may not occupy any parking space required of this title.”*



Department Position:

➤ Imperative that Farmer can sell their product

- MCC – 2 Commercial Agricultural Structures/property
 - 4 Types: Ag Products Stand, Ag Food Establishment, Ag Retail Structure, Farmer's Market
 - Requirements: Register the Commercial Ag Structure; have an Ag operation on the lot verified through a farm plan; and preparation and serving of food meets State DOH
- MCC - Approval of an SUP by PC for something different

➤ Department Concerns:

- Potential for commercialization of the agricultural district through the potential proliferation of mobile food trucks on some of County's most scenic roadways
- Mobile food trucks are more readily able to be established than a permanent structure
- Potential inconsistency with General Plan Ag policies and intent/purpose of MCC



Department Recommendation to PCs:

► **Department recommended alternatives (seeking Planning Commission input):**

1. **Major Revision:** Increase the distance requirement between mobile food trucks from the proposed 500' to a specified increment of miles.

2. **Major Revision:** Remove the term *“mobile food truck”* from the proposed definition of *“Agricultural products stand”* since *“mobile food truck”* only needs to be within the definition of *“Agriculture food establishment.”* However, keep the terms *“structure on wheels,”* *“a vehicle,”* and *“mobile trailer”* within the definition of *“Agricultural products stand”* to ensure that farmers can sell their product out of the bed of a pick-up truck, trunk of a vehicle, or trailer pulled by a vehicle.



Department Recommendations to PCs:

3. **Minor Revision:** In the definition of “*Agricultural food establishment*”, remove the proposed words “*or trailer.*” The words “*or trailer*” can be removed in the sections noted above because the existing MCC definition of “*mobile food truck*” already includes reference to a trailer.

4. **Minor Revision:** Where the proposed bill would change “*County*” to “*State*”, it is recommended to change “*County*” to “*Hawai‘i*” instead of “*State*” for consistency with a similar reference to “*Hawai‘i*” within the same definitions.



Planning Commission Recommendation:

Lānaʻi Planning Commission (February 19 and April 16, 2025):

- Proposed Bill does not directly affect Lānaʻi
- Recommend approval of proposed bill consistent with Maui Planning Commission's recommendations

Molokaʻi Planning Commission (February 26, 2025):

- Recommend approval of proposed bill with Department's recommendations but with exception to Molokaʻi
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Planning Commission Recommendation:

Maui Planning Commission (February 25, 2025)

- Recommend approval of proposed bill with amendments:
 1. Did not support Department's recommendation to increase the distance requirement between mobile food trucks and recommended no distance requirement
 2. Supported the Department's recommendation to remove "Mobile Food Truck" from the definition of "Agricultural Products stand" but maintain terms "*structure on wheels,*" "*a vehicle*" and "*mobile trailer*"
 3. Did not support the Department's recommendation to remove the term "*or trailer*"
 4. Supported the Department's recommendation to change the word "*State*" to "*Hawai'i*"

ADEPT Committee

From: Gregory J. Pfof <Gregory.J.Pfof@co.maui.hi.us>
Sent: Wednesday, June 4, 2025 4:17 PM
To: ADEPT Committee
Cc: Katie L. Blystone
Subject: PowerPoint Presentations for ADEPT Committee Meeting on June 5 re: Bills 75 and 76
Attachments: CC Presentation Ag Tourism Bill.pptx; CC Presentation Mobil Food Truck.pptx

Aloha-

Attached are the PowerPoint Presentations that I am planning to present to the ADEPT Committee during their June 5 meeting regarding Bills 75 and 76.

Mahalo,

Greg.

Gregory Pfof, AICP

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Planning Department, ZAED

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