

ORDINANCE NO. _____

BILL NO. **42, CD1, FD1** (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 Molokai, “farm” means a lot on which the majority of the land is used for and the predominant activity is agriculture and/or agricultural land conservation. For the islands of Lanai and Maui, “farm” means a lot on which at least fifty-one 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 forty-nine 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, subject to approval of the director, must include culturally sensitive areas, slopes steeper than one to one, streams or gulches, flood hazard areas, or land containing earth material that cannot be farmed.”

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 Molokai, “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 Lanai and Maui, “farm labor dwelling” means a dwelling unit or lodging unit that is used exclusively by full-time and part-

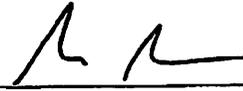
time agricultural employees who hold a residential lease of at least six months, including interns, apprentices, and volunteers, while working on a farm or ranch on which the unit is located. Family members of the agricultural employee may also reside in the farm labor dwelling unless the farm labor dwelling is located on important agricultural lands under section 205-45.5, Hawaii Revised Statutes. At no time may the farm labor dwelling be used as a transient vacation rental, and 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.

paf:sgt:24-062c

INTRODUCED BY:

A handwritten signature in black ink, consisting of a stylized 'G' followed by a cursive 'A' and 'B'.

GABE JOHNSON

DIGEST

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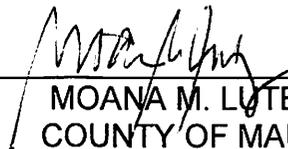
This bill proposes to amend the definitions of "farm" and "farm labor dwelling" under Section 19.04.040, Maui County Code.

I, MOANA M. LUTEY, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 42, CD1, FD1 (2024) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 22nd day of March, 2024, by the following vote:

AYES: Councilmembers Tom Cook, Gabriel Johnson, Natalie A. Kama, Tamara A. M. Paltin, Keani N. W. Rawlins-Fernandez, Shane M. Sinenci, Nohelani U'u-Hodgins, Vice-Chair Yuki Lei K. Sugimura, and Chair Alice L. Lee.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 28th of March, 2024.



MOANA M. LUTEY, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.