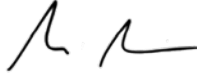


REQUEST FOR LEGAL SERVICES

Date: March 12, 2024
From: Gabe Johnson, Chair 
Agriculture, Diversification, Environment, and Public Transportation
Committee

RECEIVED

By Corporation Counsel at 1:44 pm, Mar 12, 2024

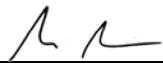
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Chris "Nahulu" Nunokawa, Esq.

Subject: BILL 42, CD1 (2024), RELATING TO AMENDING THE DEFINITIONS OF "FARM" AND "FARM LABOR DWELLING" IN THE COMPREHENSIVE ZONING ORDINANCE (ADEPT-14)

Background Data: Please see revised bill. Please submit your response to adept.committee@mauicounty.us with a reference to ADEPT-14.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER:

Requestor's signature  Gabe Johnson, Chair	Contact Person <u>Sam Tanck</u> (Telephone Extension: <u>7140</u>)
---	---

☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☐ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): March 13, 2024 at 12:00 p.m.
REASON: For posting on the March 22, 2024, Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>MJH</u>	ASSIGNMENT NO. <u>2023-0142</u>	BY: <u>GMR</u>
-------------------------	---------------------------------	----------------

TO REQUESTOR: ☒ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date 3/13/24

By /s/ Michael J. Hopper

(Rev. 7/03)

ORDINANCE NO. _____

BILL NO. _____ (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 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, 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 unit 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, 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, and must maintain documentation of the agreement between employee and employer at all times and provide the documentation to the director upon request."

SECTION 3. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 4. This Ordinance takes effect on approval.

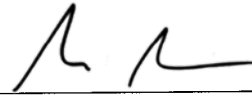
APPROVED AS TO FORM AND
LEGALITY:

/s/ Michael J. Hopper

Department of the Corporation
Counsel
County of Maui

adept:misc:014abill02:sgt

INTRODUCED BY:

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

GABE JOHNSON