

MOANA M. LUTEY
County Clerk



RICHELLE M. THOMSON
Deputy County Clerk

OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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December 20, 2024

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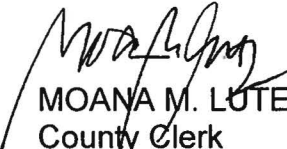
Honorable Gabe Johnson, Chair
Agriculture, Diversification, Environment,
and Public Transportation Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Johnson:

Attached for your information is a copy of Committee Report No. 24-111, which was adopted by the Council of the County of Maui on December 6, 2024.

Also attached is a copy of Resolution No. 24-172, CD1, FD1, entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE COMPREHENSIVE ZONING ORDINANCE ON AGRICULTURAL TOURISM" which was amended prior to adoption.

Respectfully yours,


MOANA M. LUTEY
County Clerk

/jym

Enclosure

COUNCIL OF THE COUNTY OF MAUI
AGRICULTURE, DIVERSIFICATION,
ENVIRONMENT, AND PUBLIC
TRANSPORTATION COMMITTEE

December 6, 2024

Committee
Report No. 24-111

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Agriculture, Diversification, Environment, and Public Transportation Committee, having met on November 21, 2024, makes reference to Resolution 24-172, entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE COMPREHENSIVE ZONING ORDINANCE ON AGRICULTURAL TOURISM."

Resolution 24-172's purpose is to refer to the planning commissions a proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE ON AGRICULTURAL TOURISM," attached as Exhibit "1," for their findings and recommendations.

The purpose of the proposed bill is to establish agricultural tourism as an accessory use in the Agricultural District.

Your Committee notes that Sections 205-2 and 205-4.5, Hawai'i Revised Statutes, authorize within the State Agricultural District, under certain conditions, agricultural tourism on a working farm, or a farming operation as defined in Section 165-2, Hawai'i Revised Statutes, provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use, does not interfere with surrounding farm operations, and the county has adopted ordinances regulating agricultural tourism.

COUNCIL OF THE COUNTY OF MAUI
AGRICULTURE, DIVERSIFICATION,
ENVIRONMENT, AND PUBLIC
TRANSPORTATION COMMITTEE

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Committee
Report No. 24-111

By correspondence dated November 21, 2024, the Chair of your Committee transmitted a proposed CD1 version of Resolution 24-172, which amends Exhibit "1" to clarify the hours of operation for agricultural tourism activities.

The Director of 'Ōiwi Resources expressed support for Resolution 24-172 but was concerned about the commodification of traditional and native practices and cultural appropriation.

A Department of Fire and Public Safety representative suggested consulting with farms where the primary point of ingress or egress measured less than 20 feet in width to determine access points for emergency response vehicles.

Your Committee agreed to further amend Resolution 24-172, to:

- Include "activities related to indigenous cultural traditions should not be misappropriated and should be practiced with respect for the host culture's intellectual property, including traditional and ancestral knowledge";
- Require consultation with the Department of Fire and Public Safety if the farm's primary point of ingress or egress is less than 20-feet wide; and
- Replace "poi pounding" for the culturally appropriate term "pa'i'ai."

Your Committee notes that the proposed bill would further:

1. A Countywide Policy Plan directive to: "Promote the teaching of traditional practices, including aquaculture; subsistence

COUNCIL OF THE COUNTY OF MAUI
AGRICULTURE, DIVERSIFICATION,
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TRANSPORTATION COMMITTEE

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Committee
Report No. 24-111

agriculture; Pacific Island, Asian, and other forms of alternative health practices; and indigenous Hawaiian architecture.” (Page 53)

2. A Maui Island Plan directive to: “Diversify the tourism industry by supporting appropriate niche activities such as ecotourism, cultural tourism, voluntourism, ag-tourism, health and wellness tourism, educational tourism, medical tourism, and other viable tourism-related businesses in appropriate locations.” (Page 4-13)

Your Committee voted 4-0 to recommend adoption of Resolution 24-172, CD1. Committee Chair Johnson, Vice-Chair Sinenci, and members Cook and Lee voted “aye.” Committee members Rawlins-Fernandez, Sugimura, and U‘u-Hodgins were excused.

Your Committee is in receipt of Resolution 24-172, CD1, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

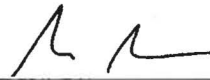
Your Agriculture, Diversification, Environment, and Public Transportation Committee RECOMMENDS that Resolution 24-172, CD1, as revised herein and attached hereto, entitled “REFERRING TO THE LĀNA‘I, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE COMPREHENSIVE ZONING ORDINANCE ON AGRICULTURAL TOURISM,” be ADOPTED.

COUNCIL OF THE COUNTY OF MAUI
**AGRICULTURE, DIVERSIFICATION,
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**Committee
Report No. 24-111**

This report is submitted in accordance with Rule 8 of the Rules of the Council.



GABE JOHNSON, Chair

adept:cr:24018aa:sgt

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the recommendations contained in COMMITTEE REPORT NO. 24-111 were adopted by the Council of the County of Maui, State of Hawaii, on the 6th day of December, 2024, by the following vote:

MEMBERS	Alice L LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel L. JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS- FERNANDEZ	Shane M. SINENCI	Nohelani U'U- HODGINS
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused	Aye

Resolution No. 24-172, CD1, FD1 was adopted.


COUNTY CLERK

Resolution

No. 24-172, CD1, FD1

REFERRING TO THE LĀNA'I, MAUI, AND
MOLOKAI PLANNING COMMISSIONS A
PROPOSED BILL AMENDING THE
COMPREHENSIVE ZONING ORDINANCE ON
AGRICULTURAL TOURISM

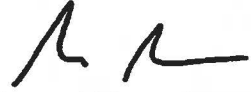
WHEREAS, the Council is considering a proposed bill to amend the Comprehensive Zoning Ordinance on agricultural tourism; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commissions review proposed land use ordinances and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it refers the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE ON AGRICULTURAL TOURISM," a copy of which is attached as Exhibit "1," to the Lāna'i Planning Commission, Maui Planning Commission, and Molokai Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That certified copies of this Resolution be transmitted to the Mayor, the Planning Director, the Lāna'i Planning Commission, the Maui Planning Commission, and the Molokai Planning Commission.

INTRODUCED BY:

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

GABE JOHNSON

Exhibit "1"

ORDINANCE NO. _____

BILL NO. _____ (2024)

**A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE
ZONING ORDINANCE ON AGRICULTURAL TOURISM**

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

SECTION 1. Sections 205-2 and 205-4.5, Hawai'i Revised Statutes, authorize within the State Agricultural District, under certain conditions, agricultural tourism on a working farm, or a farming operation as defined in Section 165-2, Hawai'i Revised Statutes, provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use, does not interfere with surrounding farm operations, and the County has adopted ordinances regulating agricultural tourism. Accordingly, this Ordinance's purpose is to establish agricultural tourism as an accessory use in the Agricultural District.

This Ordinance implements the following Countywide Policy Plan directive: "Promote the teaching of traditional practices, including aquaculture; subsistence agriculture; Pacific Island, Asian, and other forms of alternative health practices; and indigenous Hawaiian architecture." It also implements the following Maui Island Plan directive: "Diversify the tourism industry by supporting appropriate niche activities such as ecotourism, cultural tourism, voluntourism, ag-tourism, health

and wellness tourism, educational tourism, medical tourism, and other viable tourism-related businesses in appropriate locations.”

SECTION 2. Section 19.30A.050, Maui County Code, is amended to read as follows:

“19.30A.050 Permitted uses. A. The following principal uses and structures are permitted in the agricultural district, subject to compliance with all other applicable laws:

1. Agriculture.
2. Agricultural land conservation.
3. Agricultural parks, in accordance with chapter 171, Hawai‘i Revised Statutes.
4. Animal and livestock raising, including animal feed lots, and sales yards.
5. Private agricultural parks.
6. Minor utility facilities as defined in section 19.04.040.
7. Retention, restoration, rehabilitation, or improvement of buildings, sites, or cultural landscapes of historical or archaeological significance; this does not include zipline, canopy, and bungee jumping commercial operations that may be incorporated into the restoration of a historic site, which require a conditional permit under chapter 19.40.
8. Solar energy facilities, as defined in section 19.04.040, and subject to the restrictions of chapter 205, Hawai‘i Revised Statutes, that are less than 15 acres, occupy no more than 35 percent of the lot, and are compatible with existing agricultural uses; except that land with soil classified by the land study bureau’s detailed land classification as overall (master) productivity rating class D or E need not be compatible with existing agricultural uses.
9. Composting and co-composting operations, subject to the restrictions of chapter 205, Hawai‘i Revised Statutes.

B. The following accessory uses are incidental or subordinate to, or customarily used in conjunction with, a permitted principal use, as follows:

1. On the island of Molokai, two farm dwellings per lot, one of which must not exceed 1000 square feet of maximum developable area. On the islands of Lāna‘i and Maui, two farm dwellings per lot, one of which must not exceed 1500 square feet of developable area.

2. One farm labor dwelling per five acres of lot area. On the island of Maui, the owner or lessee of the lot must meet at least two of the following three criteria:

a. Provide proof of at least \$35,000 of gross sales of agricultural products per year, for the preceding two consecutive years, for each farm labor dwelling on the lot, as shown by state general excise tax forms and federal form 1040 Schedule F filings.

b. Provide certification by the department of water supply that agricultural water rates are being paid if the subject lot is served by the County water system.

c. Provide a farm plan that demonstrates the feasibility of commercial agricultural production.

On the islands of Molokai and Lānaʻi, the owner or lessee of the lot must meet both [of the] criteria provided by subsections 19.30A.050(B)(2)(a) and 19.30A.050(B)(2)(b).

3. A maximum of two commercial agricultural structures per lot, subject to parking requirements of chapter 19.36B.

4. Storage, wholesale and distribution, including barns; greenhouses; storage facilities for agricultural supplies, products, and irrigation water; farmer's cooperatives; and similar structures customarily associated with one or more of the permitted principal uses or, for the purpose of this section, are associated with agriculture in the County.

5. Processing of agricultural products, the majority of which are grown in the County.

6. Energy systems, small-scale.

7. Small-scale animal-keeping.

8. Animal hospitals and animal board facilities; if conducted on the island of Molokai, such uses must have been approved by the Molokai planning commission as conforming to the intent of this chapter.

9. Riding academies; if conducted on the island of Molokai, such uses must have been approved by the Molokai planning commission as conforming to the intent of this chapter.

10. Open land recreation as follows: hiking; noncommercial camping; fishing; hunting; equestrian activities; rodeo arenas; arboretums; greenways; botanical gardens; guided tours that are accessory to principal uses, such as farm or plantation tours, petting zoos, and garden tours, excluding zipline, canopy, and bungee jumping conducted for commercial purposes;

hang gliding; paragliding; mountain biking; and accessory restroom facilities. If hiking, fishing, hunting, equestrian activities, rodeo arenas, hang gliding, paragliding, or mountain biking are conducted for commercial purposes on the island of Molokai, such uses must have been approved by the Molokai planning commission as conforming to the intent of this chapter. Open land recreation uses or structures not specifically permitted by this subsection, subsection 19.30A.060(A)(7), or chapter 19.40[,] are prohibited; certain open land recreation uses or structures may also be required to obtain a special permit in accordance with chapter 205, Hawai'i Revised Statutes.

11. Except on Molokai, bed and breakfast homes permitted under chapter 19.64 that are:

a. Operated in conjunction with a bona fide agricultural operation that produced \$35,000 of gross sales of agricultural products for each of the preceding two years, as shown by state general excise tax forms and federal form 1040 Schedule F filings; or

b. In compliance with [all of] the following criteria, except that the bed and breakfast home is not subject to a condominium property regime in accordance with chapter 514A or chapter 514B, Hawai'i Revised Statutes:

i. The lot was created prior to November 1, 2008.

ii. The lot is comprised of five acres or less.

iii. An approved farm plan has been fully implemented and is consistent with chapter 205, Hawai'i Revised Statutes; or

c. Located in sites listed on the State of Hawai'i register of historic places or the national register of historic places.

12. Short-term rental homes permitted under chapter 19.65, except that an approved farm plan has been fully implemented and is consistent with chapter 205, Hawai'i Revised Statutes.

13. Parks for public use, not including golf courses, and not including commercial uses, except when under the supervision of a government agency in charge of parks and playgrounds.

14. Family child care homes as defined in section 46-15.35(b), Hawai'i Revised Statutes, that are registered in accordance with chapter 346, Hawai'i

Revised Statutes, and located in a legally permitted farm dwelling.

15. Agricultural tourism on a farm.

The agricultural tourism activities must support, be related to the principal farm activity, and not interfere with, principal uses.

Agricultural tourism activities must not operate before 8:00 a.m. or after 6:00 p.m., unless otherwise noted. Agricultural tourism activities are no longer permitted as accessory uses if farming operations cease.

The farm must have legal access to a public highway and comply with County and State standards for road width and road surface. Consultation with the department of fire and public safety must occur if the farm's primary point of ingress or egress is less than 20 feet wide. For purposes of off-street parking under chapter 19.36B, agricultural tourism is considered passive recreation.

Activities related to indigenous cultural traditions should not be misappropriated and should be practiced with respect for the host culture's intellectual property, including traditional and ancestral knowledge.

Activities that may be offered by the farming operation for visitors include:

a. Demonstrations or presentations using agricultural products produced in the state of Hawai'i, including lei making, ku'i 'ai, cordage and rope making, saddlery and leatherwork, basketry, weaving, carving, feather work, coffee roasting and tasting, tea processing and brewing, tapa production, honey and beeswax production, cacao processing and tasting, dairying, cheese making, cooking, lā'au lapa'au and instruction in the use of medicinal plants, native Hawaiian agricultural practices, and agricultural conservation, innovation, and sustainability. A restaurant is not permitted.

b. Activities that support archaeological, historic, and cultural site retention, restoration, rehabilitation, or improvement under subsection 19.30A.050(A)(7), including living history demonstrations, site

study and mentoring, pili house building, tool making, and interpretative demonstrations.

c. Activities related to traditional methods of voyaging or wayfinding which reference the location of celestial bodies to navigate. These activities may operate after 6:00 p.m. and before 8:00 a.m.

d. The sale in a gift shop of agricultural products grown in the state of Hawai'i and of processed agricultural products where the main ingredient was grown in the state of Hawai'i or the incidental sales of non-agricultural commemorative items, such as mugs and shirts, if the items promote the site's agricultural activities or products.

e. Enforcement of this chapter is in accordance with chapter 19.530.

[15.] 16. Other uses that primarily support a permitted principal use; however, the uses must be approved by the appropriate planning commission as conforming to the intent of this chapter."

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.

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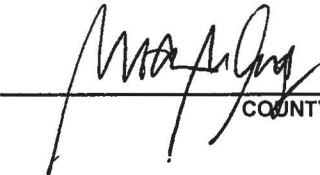
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 24-172, CD1, FD1 was adopted by the Council of the County of Maui, State of Hawaii, on the 6th day of December, 2024, by the following vote:

MEMBERS	Alice L LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel L. JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS- FERNANDEZ	Shane M. SINENCI	Nohelani U'U- HODGINS
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused	Aye



COUNTY CLERK