HOLD FOR MEETING ADEPT-14
March 7, 2024, Committee meeting

AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION COMMITTEE
Amendment Summary Form

Legislation: Bill 42, CD1 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING THE DEFINITIONS OF "FARM" AND "FARM LABOR DWELLING" IN THE COMPREHENSIVE ZONING ORDINANCE."

Proposer: Gabe Johnson, Chair
Agriculture, Diversification, Environment, and Public Transportation Committee.

Description: Makes amendments to incorporate the recommendations of the Planning Commissions and additional revisions by the Department of Agriculture and Department of Planning, including nonsubstantive revisions.

Motions: Move to substitute Bill 42, CD1 (2024) with the attached revised proposed CD1 version.

Reasons: The Committee received correspondence from the Department of Planning on March 4, 2024, which provided a comprehensive summary of their recommendations for Bill 42.

Attachment: Revised proposed CD1 version of Bill 42, CD1 (2024).

adept:ltr:014aasf02:sgt

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 51 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 49 percent of the lot is not usable, accessible, and feasible for farming or ranching, then those areas deemed ununsable, inaccessible, and 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, and 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 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 dwelling units or lodging units that are 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. 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.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel
County of Maui

adept:misc:014abill01:sgt

INTRODUCED BY:

GABE JOHNSON