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Nohelani U'u-Hodgins



**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

March 14, 2024

Director of Council Services  
David M. Raatz, Jr., Esq.  
Deputy Director of Council Services  
Richelle K. Kawasaki, Esq.

The Honorable Alice L. Lee  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: **AMENDMENT TO BILL 42, CD1 (2024)** (PAF 24-056)

May I request the attached proposed amendment to Bill 42, CD1 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING THE DEFINITIONS OF "FARM" AND "FARM LABOR DWELLING" IN THE COMPREHENSIVE ZONING ORDINANCE" be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to be "Gabe Johnson".

GABE JOHNSON  
Councilmember

paf:mkm:24-056c

Enclosure

RECEIVED  
2024 MAR 15 AM 10:50  
OFFICE OF THE  
COUNTY CLERK

COUNTY COMMUNICATION NO. 24-10

MAUI COUNTY COUNCIL  
Amendment Summary Form

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

Proposer: Gabe Johnson, Councilmember

Description: Add language recommended by the Department of Planning to help minimize illegal transient accommodations on agricultural land by further amending the “farm labor dwelling” definition.

Motions: Move to substitute Bill 42, CD1 (2024) with the attached proposed FD1 version.

Effect: The proposed FD1 incorporates nonsubstantive revisions for accuracy and clarity and adds the following to the definition of “Farm labor dwelling”:

“The employer or property owner must not receive compensation for the employee or the employee’s family for residing in the farm labor dwelling . . .”

Attachment: Proposed FD1 version of Bill 42, CD1 (2024).

paf:mkm:24-056a

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, 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

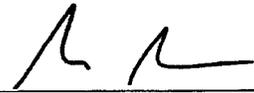
exclusively by full-time and part-time agricultural employees, including interns, apprentices, and volunteers, while working on a farm or ranch on which the unit is located. Family members of the agricultural employee may also reside in the farm labor dwelling unless the farm labor dwelling is located on important agricultural lands under section 205-45.5, Hawaii Revised Statutes. The employer or property owner must not receive compensation for the employee or the employee's family for residing in the farm labor dwelling 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.

paf:mkm:24-056b

INTRODUCED BY:

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a short vertical stroke.

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GABE JOHNSON