



Bill 75: an Ordinance to allow Agricultural Tourism in the Agricultural District



**Agriculture, Diversification, Environment, and
Public Transportation Committee**

County of Maui

June 5, 2025



Background: Status of Bill/Ordinance

- November 21, 2024 – ADEPT Committee discussed and forwarded Resolution No. 24-172 to the County Council.
 - ADEPT Committee Report 24-111
- December 6, 2024 – County Council adopted Resolution No. 24-172, CD1, FD1 referring the proposed bill to the Planning Commissions for action and transmittal of their findings and recommendations to the Council.
- Lānaʻi Planning Commission – February 19, 2025
- Maui Planning Commission – February 25, 2025
- Molokaʻi Planning Commission – February 26, 2025



Background: Agricultural Land Use

- Retaining and encouraging agricultural lands in the County is imperative
- **General Plan 2030 Countywide Policy Plan (Agriculture)**
 - *"F.2.b. Prioritize the use of agricultural land to feed the local population, and promote the use of agricultural lands for sustainable and diversified agricultural activities.*
 - *F.2.e. Support ordinances, programs, and policies that keep agricultural land and water available and affordable to farmers.*
 - *J.2.a. Protect prime, productive, and potentially productive agricultural lands to maintain the islands' agricultural and rural identities and economies.*
 - *J.2.c. Discourage developing or subdividing agriculturally designated lands when non-agricultural activities would be primary uses."*
- **Maui Island Plan (Agriculture)**
 - *Core Value E. Preserve rural and agricultural lands and encourage sustainable agriculture.*
 - *2.1.3-Action 2. Amend regulations to provide additional protection of lands that are important for traditional native Hawaiian uses including subsistence food gathering, traditional access, agriculture, and religious uses."*



Background: Agricultural Land Use

➤ Maui County Code – Chapter 19.30A Agricultural District

➤ Purpose of the Agriculture District:

- *“Implement chapter 205 of the Hawaii Revised Statutes and the goals and policies of the Maui County General Plan and Community Plans;*
- *Promote agricultural development;*
- *Preserve and protect agricultural resources; and*
- *Support the agricultural character and components of the County’s economy and lifestyle.”*

➤ Intent of Chapter 19.30A Agricultural District:

- *Reduce the land use conflicts arising from encroachment of nonagricultural uses into agricultural areas;*
- *Mitigate rising property values of farm lands to make agricultural use more economically feasible;*
- *Discourage developing or subdividing lands within the agricultural district for residential uses, thereby preserving agricultural lands and allowing proper planning of land use and infrastructure development.”*



Background: Agricultural Land Use

- **General Plan Countywide Policy Plan (Support for Farmers)**

- *“Objective 1.a: Develop regulations and programs that support opportunities for local merchants, farmers, and small businesses to sell their goods and services directly to the public.*
- *Objective 3.d: Promote the teaching of traditional practices, including aquaculture; subsistence agriculture; Pacific Island, Asian, and other forms of alternative health practices and indigenous Hawaiian architecture.*
- *Objective 4.a: Support emerging industries, including the following: Agritourism industry.*
- *Objective 4.b: Provide opportunities and incentives for self-sufficient and subsistence homesteads and farms.”*



Background: Agricultural Land Use

➤ Maui Island Plan (Support for Farmers)

- *“Policy 4.2.1.e: 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.*
- *“Action 4.3.1-Action 3: Propose revisions to the zoning ordinance to allow the direct marketing of the island's agricultural products through farmers markets, “pick-your-own” farms, farm stands, and similar venues.*
- *Policy 4.5.1.e: Support community markets and venues that sell locally made produce, goods, and services.”*

➤ Community Plans (Support for Farmers)

- *“Hana CP Policy 7: Maintain the visitor industry as a major economic activity, encouraging commercial activities which focus on the “day” visitor market and/or complement the “overnight” visitor market.*
- *Makawao-Pukalani-Kula CP Action 1: Analyze the zoning and subdivision ordinances and revise wherever needed to facilitate and support the maintenance and development of diversified agricultural activities.”*



Background: State Law - Ag Tourism

- **State Law – Agricultural Tourism Permitted**
 - For the enjoyment, education or involvement of visitors
 - Must be on a working farm
 - Must be accessory/secondary to principal ag use and not interfere with farming operations
 - County must adopt an ordinance with specified provisions



Bill Proposal:

- Add a new “Accessory Use” – “15. Agricultural tourism on a farm”
- Specific Uses Identified:
 - “15.g.i. *Demonstrations, workshops, or presentations relating to agricultural practices and products grown, raised or produced in Hawai‘i, including...*”
 - “15.g.ii. *Activities that support archaeological, historical, and cultural site preservation, restoration, rehabilitation or improvement under subsection 19.30A.050(A)(7), including....*”
 - “15.g.iii. *Traditional or ancestral activities related to the location and movement of celestial and elemental bodies.*”



Bill Proposal:

- **Proposed regulatory requirements - consistency with HRS**
 - Tourism activities must occur on a “farm”
 - The tourism activity must be related to the principal farm activity and not interfere with farming operations
 - With one exception tourism activities are restricted to the hours of 8am to 6pm.
 - If the farming operations cease for 60 days or longer, then the tourism activity must cease as well.
 - The farm must have legal access to a public highway.
 - Off-street parking is required.
 - Activities related to indigenous cultural traditions must not be misappropriated and must be practiced with respect for the host culture’s intellectual property and traditional and ancestral knowledge.
 - Activity must be registered with the County prior to operation



Department Position: Support with Minor Revisions/Issues

1. **Minor Revision:** Remove the last sentence of proposed section 19.30A.(B)(15)(a) as follows: “*A restaurant is not permitted.*”
2. **Minor Revision:** Change proposed off-street parking from 0 parking spaces for up to 2 acres and 4 parking spaces for above 2 acres, to 1 parking space per 2 participants (paving not required).
3. **Minor Revision:** Replace reference to allowing a gift shop associated with the activity with the following “*The sale of agricultural products and non-agricultural commemorative items may be permitted in compliance with the requirements of section 19.30A.072 – Commercial agricultural structures.*”
4. **Minor Revision:** Similar to the existing MCC’s treatment for “Commercial agricultural structures”, recommend a registration process with the Department be required for any agricultural tourism activity proposed.



Department Position: Support with Minor Revisions/Issues

5. Minor issues (seeking PC comment):

a. *“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.”* The Department agrees with this statement and would hope that it is complied with, however, the statement is subject to interpretation and the Department simply desires to note that it is unenforceable.

b. Proposed section 19.30A.(15)(c) provides for an agricultural tourism activity that may not be specifically related to the principal farm activity. Specifically, this section allows for *“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.”* While the Department is not opposed to this activity, it simply desires to note that it may not be related to the principal farm activity.



Planning Commission Recommendation:

Lānaʻi Planning Commission (February 19, 2025):

- Recommend approval of proposed bill with Department's recommendations 1-4.

Molokaʻi Planning Commission (February 26, 2025):

- Recommend approval of proposed bill with Department's recommendations 1-4 but with exception to Molokaʻi
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Planning Commission Recommendation:

Maui Planning Commission (February 25, 2025)

- Recommend approval of proposed bill with Department's recommendations 1-4
- Issue 5a: Commission recommended a change to the ordinance that would strengthen this requirement from “should” to “must” as follows:
 - *“Activities related to indigenous cultural traditions ~~should~~ **must** not be misappropriated and ~~should~~ **must** be practiced with respect for the host culture’s intellectual property, including traditional and ancestral knowledge.”*
 - Further, the Commission recommended that the County Council consult with the Department of Oihi Resources as to how this provision could be enforced.
- Issue 5b: the Commission expanded the type of this activity by recommending the following change:
 - *“**Traditional or ancestral activities related to the location and movement of celestial and elemental bodies.** ~~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.”*
- Additional Comments:
 - *“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 **without any sign of meaningful farming operations for 60 consecutive days.**”*
 - Recommended that the Council examine the existing language noting “products in the State of Hawai‘i” versus on the farm. Additionally, in this section, they recommended to change the verbiage “State of Hawai‘i” to just “Hawai‘i.” Further, the Commission requested that the Council consider categorizing or generalizing similar classes of activity as described in this section.
 - In Section 19.30A.050(B)(15)(b), sixth line, the Commission recommended replacing the phrase “~~pili house building~~” with **“traditional hale building.”**

ADEPT Committee

From: Gregory J. Pfof <Gregory.J.Pfof@co.maui.hi.us>
Sent: Wednesday, June 4, 2025 4:17 PM
To: ADEPT Committee
Cc: Katie L. Blystone
Subject: PowerPoint Presentations for ADEPT Committee Meeting on June 5 re: Bills 75 and 76
Attachments: CC Presentation Ag Tourism Bill.pptx; CC Presentation Mobil Food Truck.pptx

Aloha-

Attached are the PowerPoint Presentations that I am planning to present to the ADEPT Committee during their June 5 meeting regarding Bills 75 and 76.

Mahalo,

Greg.

Gregory Pfof, AICP

Administrative Planning Officer

Planning Department, ZAED

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