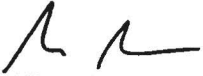


May 30, 2025

MEMO TO: ADEPT-4 File

F R O M: Gabe Johnson, Chair 
Agriculture, Diversification, Environment, and Public
Transportation Committee

SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENT RELATING TO
BILL 76 (2025), AMENDING THE COMPREHENSIVE ZONING
ORDINANCE ON MOBILE FOOD TRUCKS OR TRAILERS IN THE
AGRICULTURAL DISTRICT** (ADEPT-4)

The attached informational document pertains to Item 4 on the
Committee's agenda.

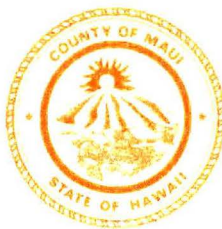
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Attachment

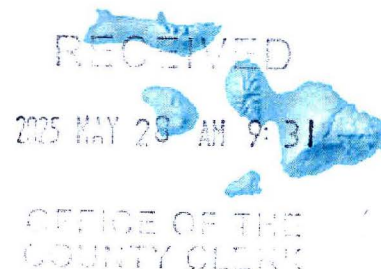
RICHARD T. BISSEN, JR.
Mayor

KATE L. K. BLYSTONE
Director

ANA LILLIS
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793



May 27, 2025

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Richard T. Bissen, Jr. 5-28-25
Mayor Date

For Transmittal to:

Honorable Alice Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee and Council Members:

SUBJECT: A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 19.30A (AGRICULTURAL DISTRICT) AND 19.36B (OFF-STREET PARKING AND LOADING), MAUI COUNTY CODE, TO ALLOW MOBILE FOOD TRUCKS OR TRAILERS IN THE AGRICULTURAL DISTRICT

Background Information

On November 21, 2024, the Council's Agriculture, Diversification, Environment, and Public Transportation (ADEPT) Committee held a meeting to consider Resolution 24-171, which would refer to the Lāna'i, Maui and Moloka'i Planning Commissions a proposed bill to allow for mobile food trucks or trailers in the Agricultural zoning district. The Committee forwarded the resolution to the County Council for consideration.

On December 6, 2024, the County Council adopted Resolution 24-171, CD1 (attached), with direction to refer the proposed bill to the Planning Commissions for appropriate action and transmittal of their findings and recommendations to the Council.

Planning Department Recommended Revisions:

The proposed bill would amend specific sections within Title 19 of the Maui County Code (MCC) to allow for mobile food trucks or trailers in the Agricultural zoning district. As discussed in the attached report

Honorable Richard T. Bissen, Jr.
For Transmittal to:
Honorable Alice Lee and Members of the Maui County Council
May 27, 2025
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to the Planning Commissions, along with its analysis, the Planning Department (Department) expressed concern that portions of the proposed bill may lead to the over-proliferation of commercialized uses in the form of mobile food trucks in agricultural areas and subsequently be inconsistent with the General Plan and intent and purpose of the Agricultural District. To address these issues, the Department recommended the following revisions for the Planning Commissions' consideration:

1. Major Revision: Increase the distance requirement between mobile food trucks from the proposed 500' to a specified increment of miles.
2. Major Revision: Remove the term "*mobile food truck*" from the proposed definition of "*Agricultural products stand*" since "*mobile food truck*" only needs to be within the definition of "*Agriculture food establishment*." However, keep the terms "*structure on wheels*," "*a vehicle*," and "*mobile trailer*" within the definition of "*Agricultural products stand*" to ensure that farmers can sell their product out of the bed of a pick-up truck, trunk of a vehicle, or trailer pulled by a vehicle.

Subsequently, revise Section 19.30A.072.B by eliminating proposed subsection B.2, "~~*A mobile food truck or trailer may not operate within 500 feet of any other mobile food truck or trailer. Registration will be granted on a first-come first-serve basis.*~~" as this section would no longer be necessary since "*mobile food trucks*" would not be considered as "*Agricultural products stand*."

Additionally, revise proposed parking code "*Section 19.36B.020. 2) Commercial, Business, or Industrial. Agriculture retail structure, agricultural products stand...*," by striking the requirement that "~~*Mobile food trucks or trailers may not occupy any parking spaces required by this title.*~~" This would no longer be necessary if a mobile food truck is not considered an "*agricultural products stand*."

3. Minor Revision: In the definition of "*Agricultural food establishment*," remove the proposed words "*or trailer*" in the proposed following phrase, "*or a mobile food truck ~~[or trailer]~~ operating on a farm by a producer where the food truck ~~[or trailer]~~ is located.*"

Additionally, remove the words "*or trailer*" from the proposed phrase in Section 19.30A.072.E.3 as follows: "*3. A mobile food truck ~~[or trailer]~~ must not operate within 500 feet of any other mobile food truck ~~[or trailer]~~. Registration will be granted on a first-come, first-serve basis.*"

The words "*or trailer*" can be removed in the sections noted above because the existing MCC definition of "*mobile food truck*" already includes reference to a trailer, as follows: "*Mobile food truck*" means a motorized vehicle or vehicle-towed trailer in which food is cooked or prepared to order and is served to walkup customers, provided that the vehicle or trailer is not on the same lot for more than three consecutive days, in which case the use shall be considered an eating and drinking establishment."

4. Minor Revision: In the proposed definitions of "*Agricultural food establishment*" and "*Agricultural products stand*," wherein the proposed bill would change "*County*" to "*State*," it is recommended to change "*County*" to "*Hawai'i*" instead of "*State*" for consistency with a similar reference to "*Hawai'i*" within the same definitions.

Honorable Richard T. Bissen, Jr.
For Transmittal to:
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Or,

5. Major Revision: Recommend denial of the proposed ordinance, which would maintain the existing MCC requirement that a mobile food truck must obtain approval of a Special Use Permit by the Planning Commission.

Planning Commission Recommendations

Public hearings were held by the Lānaʻi Planning Commission on February 19 and April 16, 2025, the Maui Planning Commission on February 25, 2025, and the Molokaʻi Planning Commission on February 26, 2025. Attached are the minutes from each of these meetings. The following is a summary and action taken during each meeting:

- **Lānaʻi Planning Commission Meetings (February 19 and April 16, 2025):**

- **February 19, 2025 Meeting:**

- The Commission heard from a member of the public representing Lānaʻi Resorts, LLC, doing business as Pūlama Lānaʻi, who indicated that their company would not authorize the use of food trucks given the lack of supporting infrastructure to have a safe place for this type of activity, which can be found in other areas on Lānaʻi. Based upon this, it was evident to the Commission that the proposed bill would not directly affect Lānaʻi. With this understanding, the Commission deferred action and continued review of this bill to their next meeting to hear the recommendations of the Maui Planning Commission, which would be meeting the following week on February 25, 2025.

- **April 16, 2025 Meeting:**

- Department staff reported on the Maui Planning Commission's recommendations from their February 25, 2025 meeting (see below), and after further discussion and hearing additional public testimony, the Commission unanimously recommended that the Council approve the proposed bill consistent with the Maui Planning Commission's recommendations. The Commission also voted to express concern to the Council that the proposed bill was not heard by the Hāna Advisory Committee to the Maui Planning Commission.

- **Maui Planning Commission Meeting (February 25, 2025):**

The Commission recommended approval of the proposed bill with the following amendments:

- Regarding the Department's proposed revision 1, the Commission recommended not to support the Department's recommendation, but instead recommended to remove the proposed bill's 500' distance requirement and having no distance requirement between food trucks.
 - Regarding the Department's proposed revision 2, the Commission recommended approval of the Department's revision to remove "*Mobile Food Truck*" from the proposed bill's definition of "*Agricultural Product Stand*" but keeping it in the definition of "*Agricultural*

Honorable Richard T. Bissen, Jr.
For Transmittal to:
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May 27, 2025
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Food Establishment.” The Commission also recommended approval of the Department’s recommendation to maintain the terms “*structure on wheels*,” “*a vehicle*” and “*mobile trailer*” within the definition of “*Agricultural Product Stand*.”

- Regarding the Department’s proposed revision 3, the Commission recommended not to approve the Department’s recommendation and therefore keeping the proposed bill’s terms “*or trailer*.”
- Regarding the Department’s proposed revision 4, the Commission recommended approval of the Department’s recommendation to change the word “*State*” to “*Hawai‘i*.”

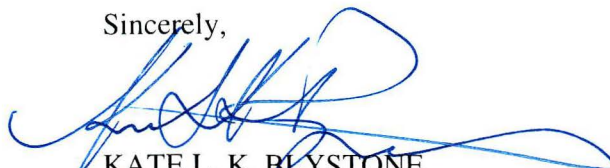
Review by the Hāna Advisory Committee to the Maui Planning Commission: As noted in the attached Department report to the Planning Commissions, the Department requested that the Maui Planning Commission provide direction on whether the proposed bill should be sent to the Hāna Advisory Committee for review and comment. At their February 25th meeting, the Commission considered this request (see pgs. 40-43 of attached minutes), but due to concern of timing and that Hāna residents still had the opportunity to express concerns to the County Council, the Commission decided not to send the proposed bill to the Hāna Advisory Committee.

- **Moloka‘i Planning Commission Meeting (February 26, 2025):**

The Commission recommended the approval of the proposed bill with the Planning Department’s recommended amendments, as noted above, but with exception to Moloka‘i.

Thank you for your attention and consideration. Should further clarification be necessary, please feel free to contact me.

Sincerely,



KATE L. K. BLYSTONE
Director

Attachments:

- Department Transmittal Letter to PC with attachments
- Lāna‘i PC Minutes, February 19, 2025 – Link: <https://mauicounty.gov/ArchiveCenter/ViewFile/Item/32633>
- Lāna‘i PC Minutes, April 16, 2025 – Link: <https://mauicounty.gov/ArchiveCenter/ViewFile/Item/32836>
- Maui PC Minutes, February 25, 2025 – Link: <https://mauicounty.gov/ArchiveCenter/ViewFile/Item/32679>
- Moloka‘i PC Minutes, February 26, 2025 – Link: <https://mauicounty.gov/ArchiveCenter/ViewFile/Item/32646>
- Resolution 24-171, CD1

cc: Ana Lillis, Deputy Planning Director (pdf)
Gregory Pfost, Administrative Planning Officer (pdf)

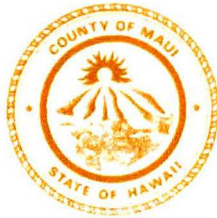
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RICHARD T. BISSEN, JR.
Mayor

KATE L. K. BLYSTONE
Director

ANA LILLIS
Deputy Director




DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

February 19, 2025

MEMORANDUM

TO: MAUI PLANNING COMMISSION
MOLOKA'I PLANNING COMMISSION
LĀNA'I PLANNING COMMISSION

FROM: KATE L.K. BLYSTONE, Planning Director 

SUBJECT: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 19.30A, MAUI COUNTY CODE, TO ALLOW MOBILE FOOD TRUCKS OR TRAILERS IN THE AGRICULTURAL DISTRICT

The attached bill proposes to amend specific sections within Title 19 of the Maui County Code to allow for mobile food trucks or trailers in the Agricultural zoning district. As discussed in this report, the Department is concerned that portions of the proposed bill may lead to the over-proliferation of commercialized uses in the form of mobile food trucks in agricultural areas and subsequently be inconsistent with the General Plan and intent and purpose of the Agricultural District. To address these issues, the Department has provided alternatives for the Planning Commissions' consideration.

Background Information

County Council Direction:

On November 21, 2024, the Council's Agriculture, Diversification, Environment, and Public Transportation (ADEPT) Committee held a meeting to consider Resolution 24-171, which would refer to the Lāna'i, Maui and Moloka'i Planning Commissions a proposed bill to allow for mobile food trucks or trailers in the Agricultural zoning district. The Committee forwarded the resolution to the County Council for consideration.

On December 6, 2024, the County Council adopted Resolution 24-171, CD1 (attached), with direction to refer the proposed bill to the Planning Commissions for appropriate action and transmittal of

their findings and recommendations to the Council. Also attached is ADEPT Committee Report 24-112; a report to Council that provides additional background information on the matter.

Existing Code Requirements for Product Sales in the Agricultural District:

Maui County Code (MCC) Chapter 19.30A establishes the types of permitted uses and structures allowed on property located within the Agricultural Zoning District. Regarding uses, the chapter identifies allowable:

- “Principal uses” which, amongst other uses, include “agriculture” and “animal and livestock raising;”
- “Accessory uses” which are incidental or subordinate to, or used in coordination with the principal use, such as “farm dwellings,” “farm labor dwellings,” a maximum of two “commercial agriculture structures” (emphasis added), other structures customarily associated with the principal use (barns, storage, greenhouses, etc.), “open land recreation” (non-commercial), and others; and
- “Special uses” which require a Special Use Permit to be approved by the Planning Commission, which includes uses such as additional farm dwellings beyond those allowed as “Accessory uses,” farm labor dwellings that do not meet the standards under “Accessory uses,” commercial agriculture structures beyond that allowed under “Accessory uses” (emphasis added), “open land recreation” uses (commercial), and others.

Specifically related to the matter at hand, as noted above, a type of permitted “Accessory use” includes “commercial agricultural structures”, which “*means an agricultural products stand, farmer's market, agricultural retail structure, or agricultural food establishment,*” which are further defined as follows:

- *"Agricultural food establishment" means a building or structure, owned and operated by a producer and permitted under title 11, chapter 50 of the administrative rules of the state department of health, that prepares and serves food at retail using agricultural products grown, raised, or caught in the County, and value-added products that were produced using agricultural products grown in Hawaii.*
- *"Agricultural products stand" means a building, structure, or place that is partially enclosed by walls, at least 25 percent open to the outside when in operation, owned and operated by a single agricultural product producer for the display and sale of agricultural products grown, raised, or caught in the County, and value-added products produced using agricultural products grown, raised, or caught in Hawaii.*

- *"Agricultural retail structure" means a fully-enclosed building or structure owned and operated by a single producer for the display and sale of agricultural products grown, raised, or caught in the County, value-added products that were produced using agricultural products grown, raised, or caught in Hawaii, logo items related to the producer's agricultural operations, and other food items.*
- *"Farmer's market" means either: The temporary use of land that is managed by a single producer who leases space or stalls for the outdoor sale of agricultural products grown, raised, or caught in the County or value-added products that were produced using agricultural products grown, raised, or caught in Hawaii; or a building or structure managed by a single producer who leases space or stalls for the display and direct retail sale of agricultural products grown, raised, or caught in the County or value-added products that were produced using agricultural products grown in Hawaii.*

In essence, commercial agricultural structures allow farmers to sell their product on property provided that the farmer meets certain standards in MCC section 19.30A.072 – Commercial Agricultural Structures, such as:

- Registration. Producers who propose to own or operate a commercial agricultural structure shall register the structure with the department of planning. Verification shall be submitted showing that the producer is the owner, lessee, or licensee of the lot on which the proposed commercial agricultural structure is located. If the producer is the lessee or licensee, authorization of the owner shall also be provided. A lessee or licensee must have a verifiable lease with a minimum duration of one year for the portion of the lot upon which the structure is located or will be located.
- A commercial agricultural structure may sell agricultural products or value-added products that are not grown, raised, caught or produced on the lot on which the commercial agricultural structure is located, so long as an active agriculture operation is present on the lot where the commercial agriculture structure is located.
- A farm plan showing an active agriculture operation shall be provided to the department of planning and its implementation shall be verified before a commercial agricultural structure commences operation. Agricultural product stands that are less than three hundred square feet in total floor area are exempt from this requirement.
- An agricultural product stand that is more than one thousand square feet in total floor area shall require a special use permit.

- Farmer's markets. A farmer's market that is more than three thousand square feet in total floor area shall require a special use permit. All farmer's markets shall operate only during daylight hours.
- An agricultural retail structure that is more than one thousand square feet in total floor area shall require a special use permit. All agricultural retail structures that serve food shall require a permit as required of the state department of health. Within an agricultural retail structure, other food items and logo items shall occupy no more than 40 percent of the total floor area.
- An agricultural food establishment that is more than one thousand square feet in total floor area shall require a special use permit. All food must be prepared in accordance with the State Department of Health rules and regulations.

Discussion

Purpose of Proposed Amendment:

As noted in the definitions above for the types of agricultural commercial structures entitled "*Agricultural food establishment*," "*Agricultural products stand*," and "*Agricultural retail structure*," they all have one specific aspect in common in that they are all to be located within a "building" or "structure." It is the Department's interpretation that "building" or "structure" implies something constructed either permanently or temporarily and does not include something that is mobile such as a mobile food truck or mobile trailer. As such, it is the Department's position that mobile food trucks or mobile trailers cannot be used for or qualify as commercial agricultural structures.

However, as noted above, the "Special Uses" section of the Agricultural District does permit "*Commercial agricultural structures that do not meet the standards and restrictions of the Chapter.*" Hence, it is also the Department's position that a request for a mobile food truck or mobile trailer in the Agricultural District may be granted provided that a Special Use Permit is approved by the Planning Commission.

The purpose of this Bill is to modify Chapter 19.30A and make it clear that mobile food trucks or mobile trailers are to be considered as "commercial agricultural structures" in the form of an "Agricultural food establishment" or an "Agriculture products stand," and thereby do not require a Special Use Permit for their use if they meet all the requirements of the Chapter.

Specific Proposed Amendments to Chapter 19.30A and 19.36B.020:

As noted in the attached ordinance, the proposed amendments include the following:

- Section 19.30A.15 – Amending the definition of “Agricultural food establishment” to also include *“mobile food truck or trailer operating on a farm by a producer where the food truck or trailer is located”*.
- Section 19.30A.15 - Amending the definition of “Agriculture products stand” to also include *“structure on wheels,” “vehicle,”* and a *“mobile food truck or trailer operating on a farm by a producer where the food truck or trailer is located.”*
- Section 19.30A.072 - Requiring that “mobile food truck or trailer” acting as an “agricultural products stand” or “agricultural food establishment,” *“must not operate within 500 feet of any other mobile food truck or trailer,”* and that *“Registration will be granted on a first-come, first-serve basis.”*
- Section 19.36B.020 – Amending the parking code by ensuring that *“Mobile food trucks or trailers may not occupy any parking space required of this title.”*

Consideration of General Plan and Zoning Code Policy regarding Agricultural Districts:

When amending the Zoning Code, it is necessary to ensure that such amendments are consistent with the County’s General Plan. As it pertains to the proposed Bill, retaining and encouraging agricultural lands in the County of Maui is imperative as described through the General Plan and Maui County Code. For example, amongst many policies, the Countywide Policy Plan, indicates:

- *“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.”*

Further, the Maui Island Plan indicates:

- *“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.”*

The Maui County Code (MCC) implements these policies primarily through Chapter 19.30A of Title 19, Maui County Code, which regulates the County’s Agricultural District (District). The stated purpose of the District is to:

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

Further, the intent of the District confirms the importance of agricultural use through the following statements: *“1) Reduce the land use conflicts arising from encroachment of nonagricultural uses into agricultural areas; 2) Mitigate rising property values of farm lands to make agricultural use more economically feasible; 3) 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.”*

The District’s development standards and list of permitted uses implements the District’s purpose and intent of retaining and encouraging agricultural use by incorporating standards that regulate the development, subdivision and use of agricultural lands. For example, the required minimum two-acre lot area for the subdivision of agricultural lands is significantly large when compared to all other minimum lot sizes found in other land use districts; thereby preserving larger agricultural lots. Further, the development standards control the amount of developable area for farm dwellings on an agricultural lot to a maximum of ten percent of the total lot area. Additionally, the District’s permitted “Principal uses” are mainly those of an agricultural nature, such as “Agriculture,” “Agricultural land conservation,” “Agricultural parks,” and “Animal and livestock raising,” amongst others. Appropriate for a land use district with a purpose to encourage agriculture as the primary use, structures that support the principal agricultural uses are identified as “Accessory uses” that are incidental or subordinate to, or customarily used in conjunction with, the permitted principal use of agriculture.

While the information noted above provides policy direction on the importance of retaining and encouraging agricultural lands, the General Plan also includes policy direction that encourages support for farmers in other ways. For example, amongst many policies, the Countywide Policy Plan, indicates:

- *“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 1.d: Support and promote locally produced products and locally owned operations and businesses that benefit local communities and meet local demand.*
- *Objective 4.b: Provide opportunities and incentives for self-sufficient and subsistence homesteads and farms.”*

Further, the Maui Island Plan indicates:

- *“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.”

Additionally, various Community Plans indicate:

- *“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.”*

When evaluating consistency of an amendment to the Zoning Code with the General Plan, it is equally important to evaluate those policies that, in this case, desire to retain and encourage agricultural resources with those that desire to provide opportunities for farmers so that agricultural production may continue and support the community. Balancing these policies is imperative when formulating code amendments that meet the overall intent of the General Plan and protection of the community.

Department Issues and Recommendations:

It is of upmost importance that a farmer has the opportunity to sell their product. As described above, the existing MCC provides that opportunity through the allowance of up to two commercial agricultural structures on each property, which can be in the form of an agricultural products stand, agricultural retail structure, agricultural food establishment, and/or a farmer’s market. This is consistent with Sections 205-2 and 205-4.5, Hawaii Revised Statutes (HRS), which also provide the same opportunity by allowing “Agricultural-based commercial operations” such as “a roadside stand that is not an enclosed structure”, “retail activities in an enclosed structure”, “a retail food establishment”, and a “farmer’s market.”

As described, a farmer may take advantage of any of these opportunities provided that the farmer registers the commercial agricultural structure(s) with the Department, has a current agricultural operation present on the lot where the commercial agricultural structure is located as verified through a farm plan, and ensures that the preparation and serving of food follows the rules of the state department of health. Importantly, “*Agricultural products stands*” that are less than 300 square feet are exempt from providing a farm plan and registering their commercial agricultural structure with the Department.

As noted previously, it is the Department’s position that the current MCC allows commercial agricultural structures if they are in “structures” or “buildings.” Since mobile food trucks or trailers are not structures or buildings they are not allowed as an accessory use but may be permitted with approval of a Special Use Permit by the Planning Commission. The proposed bill’s intent is to remove the need for a Special Use Permit and instead allow mobile food trucks as accessory uses in the Agricultural District.

The Department’s main concern with the proposed bill is the potential commercialization of the

agricultural districts through the proliferation of mobile food trucks along some of the County's most scenic roadways, which may be inconsistent with the General Plan and the purpose and intent of the Agricultural District as described above.

The proposed ordinance does attempt to balance the noted policies of the General Plan by providing more economic opportunities for farmers to sell their product while also protecting agricultural resources. For example, attempting to control proliferation of mobile food trucks, the ordinance would only allow up to two mobile food trucks on each Agricultural District property provided that they are spaced at least 500' apart and at least 500' from adjacent property mobile food trucks. Additionally, the proposed amended definition of "*Agricultural food establishment*" requires that the mobile food truck must be located on a "farm," which by definition means at least 51% of the land is used for the predominant activity of agriculture or agricultural land conservation, and the food truck must be operated by a producer of the farm where the food truck is located.

Nevertheless, the Department is still concerned that a mobile food truck is more readily able to be established both in mobility and cost than a permanent structure as currently allowed under the MCC. In essence, given their temporary nature, it will be easier to install a mobile food truck on property rather than to construct a permanent structure or stand. Allowing two food trucks per property and only spaced 500' apart could potentially lead to the proliferation of mobile food trucks within the agricultural districts and along some of the County's most scenic roadways. The Department is concerned that this may result in a commercialization of the agricultural district; moving further away from policies that encourage the retention of agricultural resources.

Regarding the proposed amended definition of "*Agricultural products stand*," the Department is supportive of adding the terms, "*structure on wheels*," "*a vehicle*," and "*mobile trailer*" to clarify a farmer desiring to sell product out of the bed of a pickup truck, trunk of a vehicle, or a stand that may be on wheels pulled by a vehicle. However, the Department believes that an "*Agricultural products stand*," by definition, is intended to be an open-type relatively small stand and should not include the allowance of a "*mobile food truck*." Importantly, the current MCC exempts an "*Agricultural products stand*" that is under 300 square feet from providing a farm plan or registering them with the Department. Since mobile food trucks would typically be under 300 square feet, as proposed, a mobile food truck could operate as an "*Agriculture products stand*" with no initial oversight by the County to control the number of them other than through enforcement; potentially leading to their proliferation.

To address the Department's concerns, the Commission may desire to consider the following alternatives:

1. Major Revision: Increase the distance requirement between mobile food trucks from the proposed 500' to a specified increment of miles.
2. Major Revision: Remove the term "~~mobile food truck~~" from the proposed definition of "*Agricultural products stand*" since "*mobile food truck*" only needs to be within the definition of

“Agriculture food establishment.” However, keep the terms *“structure on wheels,” “a vehicle,”* and *“mobile trailer”* within the definition of *“Agricultural products stand”* to ensure that farmers can sell their product out of the bed of a pick-up truck, trunk of a vehicle, or trailer pulled by a vehicle.

Subsequently, revise Section 19.30A.072.B by eliminating proposed subsection B.2, *“~~A mobile food truck or trailer may not operate within 500 feet of any other mobile food truck or trailer. Registration will be granted on a first come first serve basis,~~”* as this section would no longer be necessary since *“mobile food trucks”* would not be considered as *“Agricultural products stand.”*

Additionally, revise proposed parking code *“Section 19.36B.020. 2) Commercial, Business, or Industrial. Agriculture retail structure, agricultural products stand...,”* by striking the requirement that *“~~Mobile food trucks or trailers may not occupy any parking spaces required by this title.~~”* This would no longer be necessary if a mobile food truck is not considered an *“agricultural products stand.”*

3. Minor Revision: In the definition of *“Agricultural food establishment,”* remove the proposed words *“or trailer”* in the proposed following phrase, *“or a mobile food truck ~~[or trailer]~~ operating on a farm by a producer where the food truck ~~[or trailer]~~ is located.”*

Additionally, remove the words *“or trailer”* from the proposed phrase in Section 19.30A.072.E.3 as follows: *“3. A mobile food truck ~~[or trailer]~~ must not operate within 500 feet of any other mobile food truck ~~[or trailer]~~. Registration will be granted on a first-come, first-serve basis.”*

The words *“or trailer”* can be removed in the sections noted above because the existing MCC definition of *“mobile food truck”* already includes reference to a trailer, as follows: *“Mobile food truck” means a motorized vehicle or vehicle-towed trailer in which food is cooked or prepared to order and is served to walkup customers, provided that the vehicle or trailer is not on the same lot for more than three consecutive days, in which case the use shall be considered an eating and drinking establishment.”*

4. Minor Revision: In the proposed definitions of *“Agricultural food establishment”* and *“Agricultural products stand,”* wherein the proposed bill would change *“County”* to *“State,”* it is recommended to change *“County”* to *“Hawai‘i”* instead of *“State”* for consistency with a similar reference to *“Hawai‘i”* within the same definitions.

Or,

5. Major Revision: The commission may recommend denial of the proposed ordinance, which would maintain the existing MCC requirement that a mobile food truck must obtain approval of a Special Use Permit by the Planning Commission.

Hāna Advisory Committee Review:

At the November 21, 2024 ADEPT Committee meeting, Vice-Chair Sinenci requested that the bill be sent to the Hāna Advisory Committee for review given that the bill affects farmers in East Maui. Per MCC 2.28.050, only the Maui Planning Commission shall determine if a matter shall be reviewed by one of the Commission's Advisory Committees. Thus, the Department seeks the Maui Planning Commission's direction on this matter. If the Maui Planning Commission directs as such, then after the Hāna Advisory Committee provides their input, that input must be considered by the Maui Planning Commission as part of their deliberation and final recommendation to the County Council. Thus, if directed as such, then at the end of their meeting, the Maui Planning Commission should continue their deliberation on this matter to a future date uncertain to receive input from the Hāna Advisory Committees.

Agency Comments

The Planning Department reached out for comment on this draft bill to various agencies. A summary of the comments received are as follows:

- U.S. Department of Agriculture (attached) – Reviewed and have no comments at this time.
- State of Hawai'i, Office of Planning and Sustainable Development (attached) – No objection. The amendments appear consistent with HRS 205.
- State of Hawai'i, Department of Health (DOH) (attached) – Mobile food trucks require a Food Establishment Permit from DOH. Request that mobile food truck applicants contact DOH for guidance. DOH requires a dedicated restroom and a handwash sink for employees or anyone that operates the mobile food truck, which cannot be shared with any residence.
- State of Hawai'i, Department of Agriculture (attached) – Generally supports the concept. Other comments: 1,000 sq. ft. size is very large; 500' separation will prevent aggregation; supports retaining the emphasis on County-sourced ag products.

Recommendation and Options

As noted, the Department has some concerns and has recommended alternatives. The Commission has the following options:

1. For the Maui Planning Commission: determine if this bill should be forwarded to the Hāna Advisory Committee for review and comment prior to the Commission's final deliberations and recommendation to the Council.
2. Recommend approval of the proposed bill to the Maui County Council.
3. Recommend approval of the proposed bill with amendments to the Maui County Council.
4. Recommend denial of the proposed bill to the Maui County Council.
5. Vote to defer action on the proposed bill to gather specific additional information.

Planning Commission Memorandum – Bill on Mobile Food Trucks and Trailers
February 19, 2025
Page 11

Attachments:

- Resolution 24-171
- ADEPT Committee Report 24-112
- Agency Comments from USDA, State OPSD, State HOD, and State Dept. of Ag.

xc: Ana Lillis, Deputy Director (pdf)
Carolyn Cortez, Acting Planning Program Administrator, ZAED (pdf)
Gregory Pfost, Administrative Planning Officer (pdf)

S:\ALL\APO\19.30A\2024 Mobile Food Truck Bill\PC Staff Report Mobile Food Truck.docx

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

December 6, 2024

Committee
Report No. 24-112

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 24-171, entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL ON MOBILE FOOD TRUCKS OR TRAILERS IN THE AGRICULTURAL DISTRICT."

Resolution 24-171's purpose is to refer to the planning commissions a proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE ON MOBILE FOOD TRUCKS OR TRAILERS IN THE AGRICULTURAL DISTRICT," attached as Exhibit "1," for their findings and recommendations.

The purpose of the proposed bill is to allow mobile food trucks or trailers of 1,000 square feet or less as permitted accessory uses on farms in the Agricultural District.

Your Committee notes agricultural products stands and agricultural food establishments of 1,000 square feet or less do not require special use permits in the Agricultural District. The proposed bill amends the definitions of agricultural products stands and agricultural food establishments to include mobile food trucks or trailers.

Your Committee further notes the Council passed Ordinance 4246 (2015), also known as the "Farm Stand Bill," which allowed commercial

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

Page 2

Committee
Report No. 24-112

agricultural structures in the Agricultural District as accessory or special uses, subject to appropriate restrictions and standards, but did not specifically address mobile food trucks or trailers.

Your Committee notes parking and overcrowding along the County's roadways and the potential over-proliferation of mobile food trucks and trailers were concerns addressed in the proposed bill.

Your Committee received comments from Robert Horcajo, Owner of Mahina Farms Maui, who recommended "vehicles" and "structures on wheels" be added to the definition of "agricultural products stand," which your Committee supported.

Your Committee also amended the definitions of "agricultural products stand" and "agricultural food establishment" to incorporate recommendations made by the Department of Planning. The amendments help to clarify that mobile food trucks or trailers must be operated on a farm that is owned, leased, or licensed by the producer to limit potential over-proliferation.

Your Committee notes that passage of the proposed bill would further a Countywide Policy Plan directive to: "Develop regulations and programs that support opportunities for local merchants, farmers, and small businesses to sell their goods and services directly to the public." (Page 60)

Your Committee voted 4-0 to recommend adoption of Resolution 24-171, 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.

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

Page 3

Committee
Report No. 24-112

Your Committee is in receipt of Resolution 24-171, CD1, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Agriculture, Diversification, Environment, and Public Transportation Committee RECOMMENDS that Resolution 24-171, CD1, as revised herein and attached hereto, entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL ON MOBILE FOOD TRUCKS OR TRAILERS IN THE AGRICULTURAL DISTRICT," be ADOPTED.

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



GABE JOHNSON, Chair

adept:cr:24017aa: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. 24-112 were adopted by the Council of 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	Natale A. KAMA	Gabriel L. JOHNSON	Tamara A. M. PALTIN	Keari N. W. RAWLINS- FERNANDEZ	Shane M. SINENCI	Nohelani U'U-HODGINS
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused	Aye


COUNTY CLERK

Gregory J. Pfost

From: Robello, James - FPAC-FSA, HI <james.robello@usda.gov>
Sent: Thursday, October 24, 2024 3:06 PM
To: Gregory J. Pfost
Subject: RE: [External Email]Request for agency comment regarding proposed updates to Maui County Code Chapter 19.30A - Agricultural District

Aloha Greg,

I read the proposed resolutions and do not have a comment at this time. Thank you for the information.

James Robello
USDA Farm Service Agency
77 Hookele St., #201
Kahului, HI 96732
Phone 808-871-5500 x 1740
Fax 855-356-9494

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From: Gregory Pfost <Gregory.J.Pfost@co.maui.hi.us>
Sent: Thursday, October 24, 2024 2:51 PM
To: Bradford Ventura <Bradford.Ventura@co.maui.hi.us>; John Stufflebean <John.Stufflebean@co.maui.hi.us>; Jordan Molina <Jordan.K.Molina@co.maui.hi.us>; Rogerene Arce <Rogerene.Arce@co.maui.hi.us>; Shayne Agawa <Shayne.Agawa@co.maui.hi.us>; webmail@doh.hawaii.gov; WarrenMCFB@gmail.com; earl.j.yamamoto@hawaii.gov; hdoa.info@hawaii.gov; maryalice.evans@hawaii.gov; hfuu@hfuu.org; Robello, James - FPAC-FSA, HI <james.robello@usda.gov>
Cc: Ana Lillis <Ana.Lillis@co.maui.hi.us>; Jordan Hart <Jordan.Hart@co.maui.hi.us>; Katie Blystone <Kate.Blystone@co.maui.hi.us>
Subject: [External Email]Request for agency comment regarding proposed updates to Maui County Code Chapter 19.30A - Agricultural District

External Email

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Aloha,

The Maui County Council is considering the attached Resolutions (24-171 and 24-172) referring to the Maui, Moloka'i and Lāna'i Planning Commissions two proposed bills for review and comment that affect Maui County's Agricultural Zoning District.

Specifically, attached Resolution 24-171 proposes a bill to amend Title 19 - Zoning, Maui County Code (MCC), making mobile food trucks or trailers of 1,000 square feet or less permitted accessory uses on farms in the Agriculture District. The current MCC definition of "mobile food truck" means "a motorized vehicle or vehicle-towed trailer in which food is cooked or prepared to order and is served to walkup customers, provided that the vehicle or trailer is not on the same

lot for more than three consecutive days, in which case the use shall be considered an eating and drinking establishment." Attached Resolution 24-172 proposes a bill to amend Title 19 - Zoning, Maui County Code, to establish agricultural tourism as an accessory use in the Agricultural District.

Both Resolutions have been referred to the County Council's Agricultural, Diversification, Environment, and Public Transportation Committee (ADEPT) for further review and consideration before they would be sent to the Planning Commissions for review.

If you have any comments regarding the proposed bills, or even have "no comment", would you please let me know? Tentatively, these two Resolutions may be scheduled for the November, 2024 ADEPT Committee meeting. Given the tight time frame, it would be greatly appreciated if you could please respond with any comment or no comment prior to November 7, 2024.

Please let me know if you have any questions.
Mahalo,
Greg.

Gregory Pfost, AICP

Administrative Planning Officer

Department of Planning, ZAED

County of Maui

Gregory.J.Pfost@co.maui.hi.us

(808) 270-7965

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Gregory J. Pfost

From: Nakayama, Megumi <megumi.nakayama@hawaii.gov>
Sent: Monday, November 4, 2024 12:27 PM
To: Gregory J. Pfost
Cc: Balassiano, Katia; Ana L. Lillis; Jordan Hart; Katie L. Blystone
Subject: RE: Request for agency comment regarding proposed updates to Maui County Code Chapter 19.30A - Agricultural District

Sending on behalf of Katia Balassiano, Planning Program Administrator, Office of Planning & Sustainable Development (OPSD)

Aloha,

Thank you for the opportunity to review these proposed county ordinance revisions. OPSD has no objections to their passage. The amendments appear to be consistent with HRS Chapter 205 that includes agricultural tourism activities and agricultural commercial uses in the State Agriculture District.

Mahalo,

Katia Balassiano
katia.balassiano@hawaii.gov
(808) 587-2885

[OPSD website](#) | [geospatial data portal](#) | [subscribe to OPSD newsletter](#)



STATE OF HAWAII OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT

Lelopapa A Kamehameha
235 South Beretania Street, 6th Floor · Honolulu, Hawai'i · 96813
PO Box 2359 · Honolulu, Hawai'i · 96804-2359
Phone (808) 587-2846 · Fax (808) 587-2824

Comments from DOH Maui Food Safety Branch on Resolution

No. 24-171 & No. 24-172

REFERRING TO THE LANA'I, MAUI AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL ON
MOBILE FOOD TRUCKS OR TRAILERS IN THE AGRICULTURAL DISTRICT.

Ordinance Summary:

- Mobiles 1000 square feet or less permissible on farms in the Ag. District.
- Agricultural Product Stands and Agricultural Food Establishments (both including mobiles) 1000 square feet or less do not require Special Use Permits.
- A mobile may not operate within 500 feet of another mobile and registration will be granted on a first come, first serve basis.
- A minimum of 3 parking spaces per mobile must be provided.
- Products offered to the public must utilize agricultural products grown, raised, or caught in the State (not on the property per se).

Comments:

- Reso 24-171; Section 2.1 allows for the inclusion of mobiles (1000 square feet or less) on ag zoned land provided that the establishment has obtained a Food Establishment Permit from DOH.
- It shall not be presumed that registration of the mobile food truck or trailer by the county will guarantee approval of a food establishment permit by Department of Health (DOH). Applicants should contact DOH Maui Food Safety Branch for guidance and information on mobile requirements prior to acquiring and registering a mobile unit with the county.
- DOH requires all food establishments have a dedicated restroom with a handwash sink for their employees or anyone that operates the mobile food truck. This pertains to any mobile unit or other structure applying to be a food establishment on ag lands and cannot be shared with any residence.

Gregory J. Pfost

From: Yamamoto, Earl J <Earl.J.Yamamoto@hawaii.gov>
Sent: Friday, November 8, 2024 1:06 PM
To: Gregory J. Pfost
Cc: Hurd, Sharon K; Kishida, Dexter K; Clingan, Marci; Ferrer, Jan Y
Subject: RE: [EXTERNAL] Request for agency comment regarding proposed updates to Maui County Code Chapter 19.30A - Agricultural District
Attachments: Reso 24-171.pdf; Reso 24-172.pdf

Aloha, Gregory:

Here are the comments of the Hawaii Department of Agriculture.

Resolution 24-171

Mobile Food Trucks on Trailers in the Agricultural District

Introduced by CM Gabe Johnson

To be heard before the Maui, Lanai, and Molokai planning commissions

The purpose of this proposed bill is to implement the following Countywide Policy Plan directive – “Develop regulations and programs that support opportunities for local merchants, farmers, and small businesses to sell and good and services directly to the public.”

The current zoning ordinance allows, without requiring special use permits, structures and buildings for agricultural product stands and agricultural food establishments, respectively, of 1,000 square feet or less that are owned and operated by producers (aka farmers or agricultural operators) that display and sell or prepare and sell food at retail using agricultural products grown, raised, or caught in the County and value-added products produced using agricultural products grown in Hawaii.

The proposed bill seeks to append “mobile food trucks or trailers” to the existing definitions of agricultural product stands and agricultural food establishments. Mobile agricultural products stands and agricultural food establishments on food trucks or trailers are to operate on farms operated by “producers”. “Producer” is defined as “...an owner, lessee, or licensee of land located within the agricultural district, who is engaged in the growing or production for sale of any agricultural product or value-added products on such land.” The Department supports the concept expressed in the proposed bill to the extent that it offers “producers” an opportunity to increase their economic viability by undertaking raw product and prepared food sales using Hawaii-grown agricultural products. The proposed bill deletes the emphasis on County-sourced agricultural products on display and sale or preparation and serving of food at retail. That being said, the 1,000 square foot limitation for the proposed mobile agricultural products stands and agricultural food establishment is very large. A 40-foot long by 8-foot wide shipping container is 320 square feet of floor space. The 500-foot separation of food trucks and trailers will prevent aggregation of these uses. If the proposed bill is to allow the producers to operate their mobile agricultural products stands and agricultural food establishments off their respective farms and in non-agricultural areas, that should be stated in Section 1. The Department supports retaining the emphasis on County-sourced agricultural products as the mobile agricultural products stands are already required to be operated on farms operated by “producers”. The Department has no comments to offer on the amendments to off-street parking spaces.

Resolution 24-172

Agricultural Tourism

Introduced by CM Gabe Johnson

To be heard before the Maui, Lanai, and Molokai planning commissions

Section 1 states the purpose of the proposed bill is to establish agricultural tourism as an accessory use in the County's agricultural district and to implement 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."

The proposed bill amends Section 19.30A.050(B)(15), MCC that identifies "...accessory uses are incidental or subordinate to, or customarily used in conjunction with, a permitted principal use..." by including agricultural tourism on a farm and where the "...agricultural tourism activities must support, be related to the principal farm activity, and not interfere with principal uses..." The Department is concerned that the proposed terms ("must support", "be related to") that describe the relationship of the agricultural tourism activities to the principal farm activity are not equivalent to "incidental or subordinate to" as required in this Section.

The proposed bill focuses on passive activities with a strong educational component that use agricultural products produced or processed in the State (no emphasis on or requirement for Maui County products) and may be sold in a gift shop. No restaurants are permitted. If the farming operation ceases, then the agricultural tourism activities are no longer permitted. The Department would support establishing an emphasis on County-sourced agricultural products as the proposed bill requires the "agricultural tourism activities...support...the principal farm activity"

Contact me directly with any questions or concerns.

Earl Yamamoto
Planner
Office of the Chairperson
Hawaii Department of Agriculture
1428 South King Street
Honolulu, Hawaii 96814
Email: earl.j.yamamoto@hawaii.gov
(808) 973-9466

From: Gregory Pfost <Gregory.J.Pfost@co.maui.hi.us>

Sent: Thursday, October 24, 2024 2:51 PM

To: Bradford Ventura <Bradford.Ventura@co.maui.hi.us>; John Stufflebean <John.Stufflebean@co.maui.hi.us>; Jordan.K.Molina <Jordan.K.Molina@co.maui.hi.us>; Rogerene Arce <Rogerene.Arce@co.maui.hi.us>; Shayne Agawa <Shayne.Agawa@co.maui.hi.us>; DOH webmaster <DOH.webmaster@doh.hawaii.gov>; WarrenMCFB@gmail.com; Yamamoto, Earl J <Earl.J.Yamamoto@hawaii.gov>; hdoa_info <hdoa.info@hawaii.gov>; Evans, Mary Alice <maryalice.evans@hawaii.gov>; hfuu@hfuu.org; james.robello@usda.gov

Cc: Ana Lillis <Ana.Lillis@co.maui.hi.us>; Hart, Jordan <jordan.hart@co.maui.hi.us>; Blystone, Kate <kate.blystone@co.maui.hi.us>

Subject: [EXTERNAL] Request for agency comment regarding proposed updates to Maui County Code Chapter 19.30A - Agricultural District

Aloha,

The Maui County Council is considering the attached Resolutions (24-171 and 24-172) referring to the Maui, Moloka'i and Lāna'i Planning Commissions two proposed bills for review and comment that affect Maui County's Agricultural Zoning District.

Specifically, attached Resolution 24-171 proposes a bill to amend Title 19 - Zoning, Maui County Code (MCC), making mobile food trucks or trailers of 1,000 square feet or less permitted accessory uses on farms in the Agriculture District. The current MCC definition of *"mobile food truck"* means *"a motorized vehicle or vehicle-towed trailer in which food is cooked or prepared to order and is served to walkup customers, provided that the vehicle or trailer is not on the same lot for more than three consecutive days, in which case the use shall be considered an eating and drinking establishment."* Attached Resolution 24-172 proposes a bill to amend Title 19 - Zoning, Maui County Code, to establish agricultural tourism as an accessory use in the Agricultural District.

Both Resolutions have been referred to the County Council's Agricultural, Diversification, Environment, and Public Transportation Committee (ADEPT) for further review and consideration before they would be sent to the Planning Commissions for review.

If you have any comments regarding the proposed bills, or even have "no comment", would you please let me know? Tentatively, these two Resolutions may be scheduled for the November, 2024 ADEPT Committee meeting. Given the tight time frame, it would be greatly appreciated if you could please respond with any comment or no comment prior to November 7, 2024.

Please let me know if you have any questions.
Mahalo,
Greg.

Gregory Pfost, AICP
Administrative Planning Officer
Department of Planning, ZAED
County of Maui
Gregory.J.Pfost@co.maui.hi.us
(808) 270-7965

Resolution

No. 24-171, CD1

REFERRING TO THE LANA'I, MAUI, AND
MOLOKAI PLANNING COMMISSIONS A
PROPOSED BILL ON MOBILE FOOD TRUCKS
OR TRAILERS IN THE AGRICULTURAL
DISTRICT

WHEREAS, the Council is considering a proposed bill to amend the Comprehensive Zoning Ordinance on mobile food trucks or trailers in the Agricultural District; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require the appropriate planning commissions to review proposed zoning and other 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 MOBILE FOOD TRUCKS OR TRAILERS IN THE AGRICULTURAL DISTRICT," a copy of which is attached as Exhibit "1," to the Lāna'i Planning Commission, Maui Planning Commission, and Molokai Planning Commission for findings and recommendations 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, Planning Director, Lāna'i Planning Commission, Maui Planning Commission, and Molokai Planning Commission.

INTRODUCED BY:



GABE JOHNSON

Exhibit "1"

ORDINANCE NO. _____

BILL NO. _____ (2024)

**A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE
ZONING ORDINANCE ON MOBILE FOOD TRUCKS OR TRAILERS IN THE
AGRICULTURAL DISTRICT**

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

SECTION 1. This Ordinance's purpose is to amend the Comprehensive Zoning Ordinance by making mobile food trucks or trailers of 1,000 square feet or less permitted accessory uses on farms in the Agricultural District.

In the Agricultural District, agricultural products stands and agricultural food establishments of 1,000 square feet or less do not require Special Use Permits. So, this Ordinance amends the definitions of those terms to include mobile food trucks or trailers.

This Ordinance is intended to implement the following Countywide Policy Plan directive: "Develop regulations and programs that support opportunities for local merchants, farmers, and small businesses to sell their goods and services directly to the public."

SECTION 2. Section 19.30A.015, Maui County Code, is amended as follows:

1. By amending the definition of "agricultural food establishment" to read as follows:

““Agricultural food establishment” means a building or structure, owned and operated by a producer, or a mobile food truck or trailer operating on a farm by a producer where the food truck or trailer is located, and permitted under title 11, chapter 50 of the administrative rules of the [state] State department of health, that prepares and serves food at retail using agricultural products grown, raised, or caught in the [County,] State, and value-added products that were produced using agricultural products grown in [Hawaii] Hawai‘i.”

2. By amending the definition of “agricultural products stand” to read as follows:

““Agricultural products stand” means a building, structure, structure on wheels, or place that is partially enclosed by walls, at least 25 percent open to the outside when in operation, or a vehicle owned and operated by a [single agricultural product] producer or a mobile food truck or trailer operating on a farm by a producer where the food truck or trailer is located, for the display and sale of agricultural products grown, raised, or caught in the [County,] State, and value-added products produced using agricultural products grown, raised, or caught in [Hawaii] Hawai‘i.”

SECTION 3. Section 19.30A.072, Maui County Code, is amended by amending Subsection B to read as follows:

“B. Agricultural products stands. Agricultural products stands are subject to the following requirements:

1. An agricultural products stand that is more than [one thousand] 1000 square feet in total floor area [shall require] requires a special use permit.

2. A mobile food truck or trailer may not operate within 500 feet of any other mobile food truck or trailer. Registration will be granted on a first-come, first-serve basis.”

SECTION 4. Section 19.30A.072, Maui County Code, is amended by amending Subsection E to read as follows:

“E. Agricultural food establishments. All agricultural food establishments are subject to the following requirements:

1. An agricultural food establishment that is more than [one thousand] 1000 square feet in total floor area [shall require] requires a special use permit.

2. All food must be prepared in accordance with the State [Department of Health] department of health rules and regulations.

3. A mobile food truck or trailer must not operate within 500 feet of any other mobile food truck or trailer. Registration will be granted on a first-come, first-serve basis.”

SECTION 5. Section 19.36B.020, Maui County Code, is amended to read as follows:

“19.36B.020. Designated number of off-street parking spaces. Unless otherwise provided in this chapter, the following minimum numbers of accessible, onsite, off-street facilities for the parking of self-propelled motor vehicles [shall] must be provided in connection with the use of any land or the construction, alteration, or improvement of any building or structure. When reviewing a building permit application or proposed change of use, the department [shall] must determine whether the applicant must submit a parking and landscaping plan to establish compliance with this chapter. If the department requires a plan, the department will not recommend approval of a building permit application or proposed change of use until it approves the plan and will not approve a certificate of occupancy or final inspection until the applicant has implemented the approved plan. The number of required parking spaces [shall be] is based on the floor area of each use or component use except where otherwise specified. When calculating the total number of required parking spaces, a fraction less than one-half [shall be] is disregarded, and a fraction of one-half or more [shall require] requires one parking space. The following chart establishes the general requirements for accessible, onsite, off-street parking. Compliance with the Americans with Disabilities Act, administered through the State department of health, disability and communications access board, and

with State requirements for electric-vehicle parking is also required.

USE		MINIMUM NUMBER OF OFF-STREET PARKING SPACES
1) HOUSING		
Dwelling units: apartment, duplex dwelling, farm dwelling, farm labor dwelling, [multi-family] <u>multifamily</u> dwelling, single-family dwelling. Note: A dwelling unit's parking spaces may be in tandem.	Floor area of dwelling unit in square feet:	Minimum number of parking spaces:
	Under 3,000	2
	3,000-3,999	3
	4,000-4,999	4
	5,000-5,999	5
	6,000-6,999	6
	7,000-7,999	7
	8,000 and above	8
Dwelling units: accessory dwelling.	1 for each accessory dwelling.	
Home business.	1 for each home business that is allowed to have clients, patrons, or customers on the premises, in addition to any other parking requirements under this chapter.	
Transient accommodations. Note: A dwelling unit's parking spaces may be in tandem.	Type:	Minimum number of parking spaces:
	Bed and breakfast home	1 parking space for each bedroom used for bed and breakfast home use, plus 2 parking spaces for the operator of the bed and breakfast home or as required for a single-family dwelling, whichever is greater.
	Short-term rental home	2 if the short-term rental home has 4 or fewer bedrooms or as required for the dwelling, whichever is greater; 3 if the short-term rental home has

		5 or more bedrooms, or as required for the dwelling, whichever is greater.
	Hotel, motel, other transient vacation rental, with or without kitchen facilities	1 per rental unit, except that a transient vacation rental in a single-family dwelling [shall] must provide the same number of parking spaces as a single-family dwelling. Units capable of being [utilized] <u>used</u> as 2 or more units are counted as separate rental units.
2) COMMERCIAL, BUSINESS, OR INDUSTRIAL		
[Agriculture] <u>Agricultural</u> retail structure, [agriculture] <u>agricultural</u> [product] <u>products</u> stand, bakery and catering (with no onsite eating or drinking), farmer's market, general merchandising, general office, personal and business services, personal services establishment, animal hospital.	1 per 500 square feet, [provided] <u>except that the minimum [shall be] is 3. Mobile food trucks or trailers may not occupy any parking space required by this title.</u>	
General merchandising of only large items such as furniture, flooring, mattresses, and appliances.	1 per 1,000 square feet for all areas including office, storage, and showroom.	
Animal boarding facility.	3 plus 1 per 20 boarding units above 60 boarding units. The parking spaces may be shared with animal hospital parking space requirements.	

Bank.	1 per 300 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> 3.
Eating and drinking establishment or agricultural food establishment as defined in section 19.30A.015 with dining areas.	1 per 100 square feet of amusement, serving, and dining areas (not counting drive-through uses), [provided] <u>except</u> that the minimum [shall be] <u>is</u> 4; 2 or more such establishments in a "food court" configuration may share amusement and dining areas. <u>Mobile food trucks or trailers may not occupy any parking space required by this title.</u>
Eating and drinking establishment or agricultural food establishment as defined in section 19.30A.015 without dining areas, [(]such as take-out counters or "food retail"[)]	1 per 500 square feet of serving area, [provided] <u>except</u> that the minimum [shall be] <u>is</u> 3 for each establishment. <u>Mobile food trucks or trailers may not occupy any parking space required by this title.</u>
Mobile food truck[.], <u>except where permitted in the agricultural district.</u>	0; mobile food trucks [shall] <u>may</u> not occupy any parking space required by this title.
Industrial or storage uses, warehouse.	1 per 1,500 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> 3.
SBR mixed-use establishment.	2 for each dwelling unit, plus 1 per 300 square feet of non-residential floor area.
SBR service establishment.	1 per 300 square feet.
Self-storage.	1 per 5,000 square feet.
Service station, repair shop, public garage, automobile services.	1 per 200 square feet, excluding drive-through fueling areas, which [shall] <u>may</u> not be used for required parking, or 1 per 40 percent of lot area, whichever is greater. The storing and keeping of damaged vehicles or vehicle parts [shall] <u>must</u> be within an enclosure bounded completely by a wall at least 6 feet in height.
Shopping center.	1 per 300 square feet of leasable or commercial area (not subject to component use requirements).
Swap meet.	1 per 500 square feet.
Vehicle and equipment rental or sales.	1 per 500 square feet for sales, showrooms, services, offices, and parts facilities, [provided] <u>except</u> that the minimum [shall be] <u>is</u> 3; 0 for outdoor storage of vehicles and equipment.
3) RECREATION OR ENTERTAINMENT (PUBLIC OR COMMERCIAL)	

Amusement center, entertainment establishment.	1 per 100 square feet.	
Auditorium, theater, stadium, assembly area, arena, gymnasium.	1 per 300 square feet, 1 per 4 seats, or 1 per 8 feet of bleacher length, whichever is greater.	
Bowling alley.	3 per lane.	
Clubhouse, private club, fitness center, health club.	1 per 200 square feet.	
Golf course.	3 per hole. Parking spaces may be located on any lot occupied by the golf course if the golf course occupies multiple lots.	
Golf driving range.	1 per tee.	
Miniature golf course.	1 per hole.	
Swimming pool.	1 per 600 square feet of pool and associated buildings.	
Tennis court.	4 for each court.	
Passive recreation.	0 for up to 2 acres; 4 for above 2 acres (paving not required).	
Active recreation.	Type:	Minimum number of parking spaces:
	Athletic field for baseball, football, soccer, other team sports (non-stadium).	50 per athletic field; 0 additional for adjacent practice field; 10 for practice field without a full-sized field.
	Outdoor basketball court.	6 per court.
	Children's playground.	0
	Skate park.	1 per 500 square feet.
	Site for motor sports, paintball, zip lines, fitness course.	1 per 2 participants at regular capacity.
Arboretum, botanical garden.	3 plus 1 per acre, except that the maximum number of required parking spaces [shall be no more than] is 20.	
4) SOCIAL OR CIVIC SERVICE		
Airport, heliport, other public transportation.	Parking for terminal, hangars, and in-terminal operations to be determined by	

	the government agency that operates the airport, heliport, or other public facility. Private support services, such as automobile rental and cargo, to be determined separately as component uses.
Cemetery, mausoleum.	0; any offices or other accessory uses to be determined separately.
Church, including place of worship.	1 per 300 square feet, 1 per 5 seats, or 1 per 8 feet of bench length, whichever is greater.
Community center.	1 per 100 square feet.
Day care facility, nursing home, assisted living facility.	1 per 6 clients, plus 1 per employee onsite at one time.
Fire station, police station.	To be determined by the fire chief, police chief.
Library, museum.	1 per 500 square feet, [provided] <u>except that the minimum [shall be] is 3.</u>
Minor medical center, medical or dental clinic.	1 per 300 square feet, [provided] <u>except that the minimum [shall be] is 3.</u>
Major medical center.	1 per 2 beds.
Mortuary, funeral home.	1 per 100 square feet.
Public utility substation.	1
Recycling, redemption facility.	3
School, educational institution, general education, specialized education.	1 per classroom if all students are under 16 years of age; 8 per classroom if any student is 16 years of age or older."

SECTION 6. 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 7. This Ordinance takes effect on approval.

INTRODUCED BY:



GABE JOHNSON

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

Type text

It is HEREBY CERTIFIED that RESOLUTION NO. 24-171, CD1 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	Natalie A. KAMA	Gabriel L. JOHNSON	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