



# **Proposed Bill for an Ordinance to Increase the Size of a Second Farm Dwelling from 1,000 sq. ft. to 1,500 sq. ft.**

Housing and Land Use Committee

County of Maui

May 15, 2024



## Background: Status of Bill/Ordinance

- March 9, 2023 – Agriculture, Diversification, Environment and Public Transportation (ADEPT) Committee discussed and forwarded Resolution No. 23-36 to the County Council.
- September 15, 2023 – County Council adopted Resolution No. 23-36 referring the proposed bill to the Planning Commissions for action and transmittal of their findings and recommendations to the Council.
  - County Council also requested that the ADEPT Committee Meeting Minutes be attached to the Resolution for the Planning Commissions' review.
- Lānaʻi Planning Commission – December 13, 2023 and January 17, 2024
- Molokaʻi Planning Commission – December 13, 2023
- Maui Planning Commission – January 9, 2024



# Background: Agricultural Land Use

- **Retaining and encouraging agricultural lands in the County is imperative**
- **General Plan 2030 Countywide Policy Plan**
  - *"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**
  - *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

## ■ Maui County Code, Agricultural District – Permitted Uses

### ■ Principal Uses:

- Agriculture.
- Agricultural land conservation.
- Agricultural Parks.
- Animal and livestock raising.
- Private agricultural parks.
- Minor utility facilities.
- Retention, restoration, rehabilitation or improvements of buildings, sites, or cultural landscapes of historical or archaeological significance.
- Solar energy facilities.

### ■ Accessory Uses: Uses that are incidental or subordinate to, or customarily used in conjunction with, a permitted principal use, as follows:

- Two Farm Dwellings per lot, one of which must not exceed 1,000 sq. ft.
- One Farm Labor Dwelling per 5 acres of lot area and meeting certain criteria
- Others



# Background: Agricultural Land Use

- **Maui County Code, Agricultural District: Development standards**
  - Minimum Lot Area: 2 acres
  - Maximum Developable Area: 10% of the total lot area. Applies to farm dwellings, but not to structures used to support agriculture.
  - Others: Setbacks, lot width, building height limits, maximum wall heights, maximum number of lots in a subdivision.



# Background: Hawaii Revised Statutes (HRS)

- **HRS Agricultural Regulations Related to Farm Dwellings**
  - Does not regulate size of Farm Dwellings
  - Specifies that Farm Dwellings are Accessory to Farms
  - Farm Dwellings are considered Single Family Residences



# Background: Farm Dwellings

- **“Farm Dwellings” and “Farm Labor Dwellings” – Is there a difference?**
  - “Farm Dwelling” is considered a single-family residence – no occupant restrictions
  - “Farm Labor Dwelling” is for occupancy of agricultural employees and their family only
  
- **Up to 2 “Farm Dwellings” permitted on a lot, provided that:**
  - The farm dwelling is located on and used in connection with a “farm”
  - At least 51% of the lot area where the “farm” and farm dwelling(s) are located must be used for active agricultural use.
  - One of the two allowable farm dwellings can be no larger than 1,000 sq. ft.
  - The total maximum developable area of all farm dwelling(s) cannot exceed 10% of the total lot area.





# Proposed Bill and Recommendation

## ■ Proposed Ordinance Amendment (Bill 71):

1. [Two] On the island of Molokaʻi, two farm dwellings per lot, one of which must not exceed one thousand square feet of developable area. On the islands of Lānaʻi and Maui, two farm dwellings per lot, one of which must not exceed one thousand five hundred square feet of developable area.

## ■ Planning Department Analysis:

- Is the proposal consistent with the General Plan, Maui Island Plan, and the Purpose and Intent of the Maui County Code?
  - Will there be an impact to agricultural resources?
  - Will it cause an increase in the property values of farm lands thereby making agricultural land less economically feasible?



# Proposed Bill and Recommendation:

- ▶ **Planning Department Recommendation - Support the Proposed Bill**

- ▶ **Increasing the size by 500 sq. ft. will not significantly impact agricultural uses.**

- ▶ Total developable area of farm dwelling(s) still cannot exceed 10% of the lot area.

- ▶ Example:

- ▶ 2-acre lot (87,120 sq. ft.) = maximum 8,712 sq. ft. of farm dwelling(s) developable area

- ▶ Current Code Permits: 7,712 sq. ft. main farm dwelling and 1,000 sq. ft. 2<sup>nd</sup> farm dwelling

- ▶ Proposed Code Permits: 7,212 sq. ft. main farm dwelling and 1,500 sq. ft. 2<sup>nd</sup> farm dwelling

- ▶ **Consistent with the Maui County Code's intent to keep the 2<sup>nd</sup> farm dwelling incidental to the main farm dwelling by restricting its size.**



# Planning Commission Recommendation:

## Lānaʻi Planning Commission (December 13, 2023 and January 17, 2024):

- Recommend approval of proposed bill

## Molokaʻi Planning Commission (December 13, 2023):

- Recommend approval with amendment to add text “Except for Molokaʻi”
  - Concerned about additional structure growth on ag land and applicability to Molokaʻi.

## Maui Planning Commission (January 9, 2024)

- Commission comment to Council: Consider the impacts of the bill on those properties that are currently and proposed to be CPR'd (Condominium Property Regime).
- Commission comment to Council: Consider if the bill will increase “Gentleman Estates” or lead to an increase in non-agricultural uses. Encourage the department to increase training, inspection and enforcement measures to address “gentleman estates”.
- Commission comment to Council: The Commission recommended that it apply to Maui island because they are the Maui Planning Commission and the context of their discussion has been related to Maui island issues.
- Amendment to bill: Recommends approval of the bill, but amend by removing the 10% developable area cap on the combined size of both farm dwellings and add a specific size cap of a maximum 5,000 to 7,500 square feet.