

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING AND SUSTAINABLE LAND**  
**USE COMMITTEE**

October 23, 2020

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning and Sustainable Land Use Committee, having met on October 8, 2020, makes reference to County Communication 15-153, from Councilmember Don Couch, relating to the Maui Island Plan, Chapter 4, Economic Development, relating to tourism.

By correspondence dated August 25, 2016, the Planning Director transmitted comments and recommendations from the Lanai, Maui, and Molokai Planning Commissions, in response to Resolution 16-9, entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL TO REGULATE AGRICULTURAL TOURISM ACTIVITIES IN THE AGRICULTURAL DISTRICT."

Your Committee notes Resolution 16-9 transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO REGULATE AGRICULTURAL TOURISM ACTIVITIES IN THE AGRICULTURAL DISTRICT."

The purpose of the proposed bill is to implement Sections 205-2(d)(11) and (12), Hawaii Revised Statutes ("HRS"), to regulate agricultural tourism activities as accessory uses to an active agriculture operation within the County Agricultural District.

By correspondence dated June 25, 2018, Councilmember Guzman transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO AGRICULTURAL TOURISM USES AND ACTIVITIES IN THE AGRICULTURAL DISTRICT."

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The purpose of the proposed bill is to implement Sections 205-2(d)(11), 205-2(d)(12), and 205-5, HRS, to establish procedures and requirements for the review and permitting of agricultural tourism uses and activities as an accessory use on a working farm.

Your Committee notes that the Council's Planning Committee (2015-2017 Council term) met on August 20, 2015. Your Committee further notes that the Council's Economic Development, Energy, Agriculture, and Recreation Committee (2015-2017 Council term) met on January 26, 2016.

Your Committee discussed the Lanai, Maui, and Molokai Planning Commissions' comments and recommendations to the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO REGULATE AGRICULTURAL TOURISM ACTIVITIES IN THE AGRICULTURAL DISTRICT."

Your Committee notes the Lanai, Maui, and Molokai Planning Commissions recommended denial of the bill.

Your Committee further notes the Department of Planning, State Office of Planning, and the Office of Hawaiian Affairs expressed concerns citing inadequate verification of bona fide agricultural activity prior to permitting higher-value non-agricultural uses including overnight accommodations within the proposed agricultural tourism definition. The Lanai, Maui, and Molokai Planning Commissions concurred with the agencies' comments.

With regards to the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO AGRICULTURAL TOURISM USES AND ACTIVITIES IN THE AGRICULTURAL DISTRICT," the Planning Director explained further analysis and community input are needed to ensure new tourism opportunities for agricultural operations are incorporated into the definition of agricultural tourism.

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Based on your Committee's discussion, your Committee voted 6-0 to recommend filing of the communication. Committee Chair Paltin, Vice-Chair Sinenci, and members King, Molina, Rawlins-Fernandez, and Sugimura voted "aye." Committee member Lee was excused.

Your Planning and Sustainable Land Use Committee RECOMMENDS that County Communication 15-153 be FILED.

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



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TAMARA PALTIN, Chair

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