

ORDINANCE NO. 5839

BILL NO. 75, CD1, FD1 (2025)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY
CODE RELATING TO THE COMPREHENSIVE ZONING ORDINANCE ON
AGRICULTURAL TOURISM

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

SECTION 1. Under certain conditions, Sections 205-2 and 205-4.5, Hawai'i Revised Statutes, authorize within the State Agricultural District, agricultural tourism on a working farm, or a farming operation as defined in Section 165-2, Hawai'i Revised Statutes, if the agricultural tourism activity is accessory and secondary to the principal agricultural use; does not interfere with surrounding farm operations; and the County has adopted ordinances regulating agricultural tourism.

This Ordinance's purpose is to establish agricultural tourism as an accessory use in the Agricultural District and advances the 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 economic development 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.” This Ordinance incorporates recommendations by the Planning Director and the Lāna‘i, Maui, and Molokai Planning Commissions in response to Resolution 24-172, CD1, FD1, as expressed in County Communication 84-25.

SECTION 2. Section 19.30A.050, Maui County Code, is amended by amending Subsection B to read as follows:

“B. The following accessory uses are incidental or subordinate to, or customarily used in conjunction with, a permitted principal use, as follows:

1. On the island of [~~Moloka‘i,~~] Molokai, two farm dwellings per lot, one of which must not exceed 1,000 square feet of maximum developable area. On the islands of Lāna‘i and Maui, two farm dwellings per lot, one of which must not exceed 1,500 square feet of developable area.

2. One farm labor dwelling per five acres of lot area. On the island of Maui, the owner or lessee of the lot must meet at least two of the following three criteria:

a. Provide proof of at least \$35,000 of gross sales of agricultural products per year, for the preceding two consecutive years, for each farm labor dwelling on the lot, as shown by state general excise tax forms and federal form 1040 Schedule F filings.

b. Provide certification by the department of water supply that agricultural water rates are being paid if the subject lot is served by the County water system.

c. Provide a farm plan that demonstrates the feasibility of commercial agricultural production.

On the islands of [~~Moloka‘i,~~] Molokai and Lāna‘i, the owner or lessee of the lot must meet both [of the] criteria provided by subsections 19.30A.050(B)(2)(a) and 19.30A.050(B)(2)(b).

3. A maximum of two commercial agricultural structures per lot, subject to parking requirements of chapter 19.36B.

4. Storage, wholesale and distribution, including barns; greenhouses; storage facilities for agricultural supplies, products, and irrigation water; farmer’s cooperatives; and similar structures

customarily associated with one or more of the permitted principal uses or, for the purpose of this section, are associated with agriculture in the County.

5. Processing of agricultural products, the majority of which are grown in the County.

6. Energy systems, small-scale.

7. Small-scale animal-keeping.

8. Animal hospitals and animal board facilities; if conducted on the island of [Moloka'i,] Molokai, such uses must have been approved by the [Moloka'i] Molokai planning commission as conforming to the intent of this chapter.

9. Riding academies; if conducted on the island of [Moloka'i,] Molokai [such uses] must have been approved by the [Moloka'i] Molokai planning commission as conforming to the intent of this chapter.

10. Open land recreation as follows: hiking; noncommercial camping; fishing; hunting; equestrian activities; rodeo arenas; arboretums; greenways; botanical gardens; guided tours that are accessory to principal uses, such as farm or plantation tours, petting zoos, and garden tours, excluding zipline, canopy, and bungee jumping conducted for commercial purposes; hang gliding; paragliding; mountain biking; and accessory restroom facilities. If hiking, fishing, hunting, equestrian activities, rodeo arenas, hang gliding, paragliding, or mountain biking are conducted for commercial purposes on the island of [Moloka'i,] Molokai, such uses must have been approved by the [Moloka'i] Molokai planning commission as conforming to the intent of this chapter. Open land recreation uses or structures not specifically permitted by this subsection, subsection 19.30A.060(A)(7), or chapter 19.40[,] are prohibited; certain open land recreation uses or structures may also be required to obtain a special permit in accordance with chapter 205, Hawai'i Revised Statutes.

11. Except on [Moloka'i,] Molokai, bed and breakfast homes permitted under chapter 19.64 that are:

a. Operated in conjunction with a bona fide agricultural operation that produced \$35,000 of gross sales of agricultural products for each of the preceding two years, as shown by state general excise tax forms and federal form 1040 Schedule F filings; or

b. In compliance with [all of] the following criteria, except that the bed and

breakfast home is not subject to a condominium property regime in accordance with chapter 514A or chapter 514B, Hawai'i Revised Statutes:

i. The lot was created prior to November 1, 2008.

ii. The lot is comprised of five acres or less.

iii. An approved farm plan has been fully implemented and is consistent with chapter 205, Hawai'i Revised Statutes; or

c. Located in sites listed on the State of Hawai'i register of historic places or the national register of historic places.

12. Short-term rental homes permitted under chapter 19.65, except that an approved farm plan has been fully implemented and is consistent with chapter 205, Hawai'i Revised Statutes.

13. Parks for public use, not including golf courses, and not including commercial uses, except when under the supervision of a government agency in charge of parks and playgrounds.

14. Family child care homes as defined in section 46-15.35(b), Hawai'i Revised Statutes, that are registered in accordance with chapter 346, Hawai'i Revised Statutes, and located in a legally permitted farm dwelling.

15. Agricultural tourism on a farm.

a. Except on Molokai, agricultural tourism activities are permitted as described in this section.

b. All agricultural tourism activities must be related to and not interfere with the principal farming operations.

c. Agricultural tourism activities may only operate between 8:00 a.m. and 6:00 p.m.

d. If active agriculture operations cease for 60 consecutive days or longer, agricultural tourism activities are no longer allowed and are subject to the registration process described in this subsection.

e. The lot upon which the farm is located must have legal access to a public highway and fire apparatus access roads that must be maintained to support the width and imposed loads of fire apparatus.

f. All farms on which agricultural tourism activities are conducted must provide the

designated number of off-street parking spaces under chapter 19.36B.020.

g. Agricultural tourism activities a producer may offer include:

i. Demonstrations, workshops, or presentations relating to agricultural practices and products grown, raised, caught, or produced in Hawai'i, with priority given to County-grown, raised, caught, and produced agricultural products and value-added products, including botanical and traditional crafts, such as lei making, ku'i 'ai, cordage and rope making, saddlery and leatherwork, basketry, weaving, carving, feather work, coffee roasting and tasting, tea processing and brewing, tapa production, honey and beeswax production, cacao processing and tasting, dairying, cheese making, cooking, lā'au lapa'au and instruction in the use of medicinal plants, native Hawaiian agricultural practices, and agricultural conservation, innovation, and sustainability.

ii. Activities that support archaeological, historical, and cultural site preservation, restoration, rehabilitation, or improvement under subsection 19.30A.050(A)(7), including living history demonstrations, site study and mentoring, traditional hale building, tool making, and interpretative demonstrations.

iii. The sale of agricultural products and non-agricultural commemorative items may be permitted under the commercial agricultural structures requirements of section 19.30A.072.

iv. Activities related to the indigenous culture's traditions. If representing the indigenous culture's customs and traditions, the department of 'ōiwi resources must be consulted for guidance regarding these activities, the avoidance of misappropriation of the indigenous culture's traditions, and the practice of the activities with respect for the

indigenous culture's intellectual property and traditional and ancestral knowledge.

h. Producers who propose to own or operate an agricultural tourism activity must register the activity with, and obtain approval from, the department. The registration form must include:

i. The producer's name, address, and contact information.

ii. The tax map key number of the location of the proposed activity.

iii. Verification by the department that the producer is the owner, lessee, or licensee of the lot on which the proposed activity is located. If the producer is the lessee or licensee, owner authorization must 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 activity is located.

iv. The type of activity being registered.

v. Verification by the department of fire and public safety of access from the lot upon which the farm is located to fire apparatus access roads that are maintained to support the width and imposed loads of fire apparatus.

vi. The signature of the producer, certifying acknowledgment of, and compliance with, the requirements of this chapter and all other applicable laws and regulations.

vii. Any additional information needed to ensure compliance with this chapter, if requested by the director.

viii. The director may suspend the producer's registration and disallow continued agricultural tourism activities for three years upon three violations of this chapter.

[15.] 16. Other uses that primarily support a permitted principal use; however, the uses must be approved by the appropriate planning commission as conforming to the intent of this chapter."

SECTION 3. 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 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 must determine whether the applicant must submit a parking and landscaping plan to comply 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 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 is disregarded, and a fraction of one-half or more 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, multifamily 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	Two
	3,000-3,999	Three
	4,000-4,999	Four
	5,000-5,999	Five
	6,000-6,999	Six
	7,000-7,999	Seven
8,000 and above	Eight	
Dwelling units: accessory dwelling.	One for each accessory dwelling.	
Dwelling units: with a kitchenette.	One additional for the kitchenette.	
Home business.	One 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.	
<p>Transient accommodations.</p> <p>Note: A dwelling unit's parking spaces may be in tandem.</p>	Type:	Minimum number of parking spaces:
	Bed and breakfast home	One parking space for each bedroom for bed and breakfast home use, plus two 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	Two, if the short-term rental home has four or fewer bedrooms or as required for the dwelling, whichever is greater; three, if the short-term rental home has five or more bedrooms, or as required for the dwelling, whichever is greater.
	Hotel, motel, other transient vacation rental, with or without kitchen facilities	One per rental unit, except that a transient vacation rental in a single-family dwelling must provide the same number of parking spaces as a single-family dwelling. Units capable of being used as two or more units are counted as separate rental units.
2) COMMERCIAL, BUSINESS, OR INDUSTRIAL		
Agricultural retail structure, agricultural products stand, bakery and catering (with no onsite eating or drinking), farmer's market, general	One per 500 square feet, except that the minimum is three.	

merchandising, general office, personal and business services, personal services establishment, animal hospital.	
<u>Agricultural tourism activities under section 19.30A.050.</u>	<u>One parking space per two participants (paving not required).</u>
General merchandising of only large items such as furniture, flooring, mattresses, and appliances.	One per 1,000 square feet for all areas, including office, storage, and showroom.
Animal boarding facility.	Three plus one per 20 boarding units above 60 boarding units. The parking spaces may be shared with animal hospital parking space requirements.
Bank.	One per 300 square feet, except that the minimum is three.
Eating and drinking establishment or agricultural food establishment as defined in section 19.30A.015 with dining areas.	One per 100 square feet of amusement, serving, and dining areas (not counting drive-through uses), except that the minimum is four; two or more establishments in a “food court” configuration may share amusement and dining areas. Mobile food trucks or trailers may not occupy any parking space required by this title.
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.”	One per 500 square feet of serving area, except that the minimum is three for each establishment. Mobile food trucks or trailers may not occupy any parking space required by this title.
Mobile food truck, except where permitted in the agricultural district.	None; mobile food trucks may not occupy any parking space required by this title.
Industrial or storage uses, warehouse.	One per 1,500 square feet, except that the minimum is three.
SBR mixed-use establishment.	Two for each dwelling unit, plus one per 300 square feet of non-residential floor area.

SBR service establishment.	One per 300 square feet.	
Self-storage.	One per 5,000 square feet.	
Service station, repair shop, public garage, automobile services.	One per 200 square feet, excluding drive-through fueling areas, which must not be used for required parking, or one per 40 percent of lot area, whichever is greater. The storing and keeping of damaged vehicles or vehicle parts must be within an enclosure bounded completely by a wall at least six feet in height.	
Shopping center.	One per 300 square feet of leasable or commercial area (not subject to component use requirements).	
Swap meet.	One per 500 square feet.	
Vehicle and equipment rental or sales.	One per 500 square feet for sales, showrooms, services, offices, and parts facilities, except that the minimum is three; none for outdoor storage of vehicles and equipment.	
3) RECREATION OR ENTERTAINMENT (PUBLIC OR COMMERCIAL)		
Amusement center, entertainment establishment.	One per 100 square feet.	
Auditorium, theater, stadium, assembly area, arena, gymnasium.	One per 300 square feet, one per four seats, or one per eight feet of bleacher length, whichever is greatest.	
Bowling alley.	Three per lane.	
Clubhouse, private club, fitness center, health club.	One per 200 square feet.	
Golf course.	Three 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.	One per tee.	
Miniature golf course.	One per hole.	
Swimming pool.	One per 600 square feet of pool and associated buildings.	
Tennis court.	Four for each court.	
Passive recreation.	None for up to two acres; four for above two 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; no additional for adjacent practice field; 10 for practice field

		without a full-sized field.
	Outdoor basketball court.	Six per court.
	Children's playground.	None.
	Skate park.	One per 500 square feet.
	Site for motor sports, paintball, zip lines, fitness course.	One per two participants at regular capacity.
Arboretum, botanical garden.	Three plus one per acre, except that the maximum number of required parking spaces 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.	None; any offices or other accessory uses to be determined separately.	
Church, including place of worship.	One per 300 square feet, one per five seats, or one per eight feet of bench length, whichever is greatest.	
Community center.	One per 100 square feet.	
Day care facility, nursing home, assisted living facility.	One per six clients, plus one per employee onsite at one time.	
Fire station, police station.	To be determined by the fire chief, police chief.	
Library, museum.	One per 500 square feet, except that the minimum is three.	
Minor medical center, medical or dental clinic.	One per 300 square feet, except that the minimum is three.	
Major medical center.	One per two beds.	
Mortuary, funeral home.	One per 100 square feet.	
Public utility substation.	One.	
Recycling, redemption facility.	Three.	

WE HEREBY CERTIFY that the foregoing BILL NO. 75, CD1, FD1 (2025)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 25th day of July, 2025, by the following vote:

Alice L. LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS-FERNANDEZ	Shane M. SINENCI	Nohelani U'U-HODGINS
Aye 'Ae	Aye 'Ae	Excused Ua ho'oku'u 'ia	Aye 'Ae	Aye 'Ae	Aye 'Ae	Excused Ua ho'oku'u 'ia	Aye 'Ae	Aye 'Ae

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 25th day of July, 2025.

DATED AT WAILUKU, MAUI, HAWAII, this 25th day of July, 2025.

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OFFICE OF THE MAYOR

ALICE L. LEE, CHAIR
Council of the County of Maui

MOANA M. LUTEY, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 28th DAY OF July, 2025.

RICHARD T. BISSEN, JR. MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 5839 of the County of Maui, State of Hawaii.

MOANA M. LUTEY, COUNTY CLERK
County of Maui

Passed First Reading on July 8, 2025
Effective date of Ordinance July 28, 2025

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OFFICE OF THE COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 5839, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui