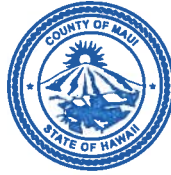


ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

April 4, 2016

**MEMO REPORT**

To: Maui Planning Commission  
Molokai Planning Commission  
Lanai Planning Commission

From:  William Spence  
Planning Director

**SUBJECT: RESOLUTION NO. 16-09 ENTITLED "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL TO REGULATE AGRICULTURAL TOURISM ACTIVITIES IN THE AGRICULTURAL DISTRICT."**

The Department of Planning (Department) received the above noted resolution on February 9, 2016 from the Maui County Council. Pursuant to Sec. 19.510.020(B)(2) of the Maui County Code (MCC), the deadline for the Planning Commissions to transmit comments back to the Council is June 8, 2016. Attached, for your use, is a copy of Resolution No. 16-09 (Exhibit 1). No committee report was remitted.

The proposed bill would amend MCC Chapter 19.30A to add definitions and standards for agricultural tourism activities and Chapter 19.36A to add parking standard for the new uses.

The Resolution was transmitted to agencies on February 9, 2016. Below is a summary of the comments:

Agency	Date	Summary	Exhibit
Fire and Public Safety	3/20/16	Concern over the use of unpermitted structures. Need for provision that buildings used for this activity show approved paper work.	2
Department of Water Supply		No comments received at this time.	3
Department of Public Works		DSA requests that any overnight accommodations be approved with a B&B permit or STRH permit.	
Police Department		No comments received at this time.	
Office of Economic Development		No comments received at this time.	

Office of Planning (OP)		No comments received at this time.	
Department of Business Economic Development and Tourism (DBEDT)		No comments received at this time.	
Department of Health, Maui	3/10/16	Any activity that involves making and/or selling of foods must comply with HAR Title 11, Chapter 50, Food Safety code.	4
Department of Health, Honolulu		No comments received at this time.	
Land Use Commission		No comments received at this time.	
Office of Hawaiian Affairs	3/24/16	Supports the protection of agricultural lands for agricultural uses and initiative to support local food production. The proposed ordinance does not appear to establish enforceable standards to ensure that agricultural tourism and agricultural tourism activities are conducted consistent with uses permitted in HRS 205-2(11) and (12). Ordinance may exacerbate problems relating to the lack of affordable housing by contributing to the rental housing shortage and rising property values. Expansion of uses should be narrowly tailored and include strong and practical enforcement. OHA makes strong recommendations on amendments to the proposed ordinance that would make it consistent with State law.	5
Kula Community Association		No comments received at this time.	
Makawao Community Association	3/24/16	No comments	6
Kihei Community Association	2/28/16	Support resolution and policies that will make agriculture viable in Maui	7
Paia Town Association		No comments received at this time.	
Maui Chamber of Commerce		No comments received at this time.	

The Department's primary concern with the proposal is that it is not consistent with HRS 205-2(11):

*Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; and provided further that this*

*paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5; or*

*HRS 205-2(12): Agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay within a county; provided that this paragraph shall apply only to a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities pursuant to section 205-5; provided further that the agricultural tourism activities coexist with a bona fide agricultural activity. For the purposes of this paragraph, "bona fide agricultural activity" means a farming operation as defined in section 165-2.*

Further, the Department does not believe the proposal is consistent with HRS 165-2 which defines Farming operation as follows:

*"Farming operation" means a commercial agricultural, silvicultural, or aquacultural facility or pursuit conducted, in whole or in part, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment. "Farming operation" includes but shall not be limited to:*

- (1) Agricultural-based commercial operations as described in section [205-2(d)(15)];*
- (2) Noises, odors, dust, and fumes emanating from a commercial agricultural or an aquacultural facility or pursuit;*
- (3) Operation of machinery and irrigation pumps;*
- (4) Ground and aerial seeding and spraying;*
- (5) he application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and*
- (6) The employment and use of labor.*

*A farming operation that conducts processing operations or salt, brackish, or freshwater aquaculture operations on land that is zoned for industrial, commercial, or other nonagricultural use shall not, by reason of that zoning, fall beyond the scope of this definition; provided that those processing operations form an integral part of operations that otherwise meet the requirements of this definition.*

These concerns are highlighted by the Office of Hawaiian Affairs comment letter (Exhibit 5).

Other Department concerns are as follows:

Proposed Section 19.30A.077(C)(8)(b) states *"if the agricultural tourism activity will be accessed by a private easement, the planning director shall have the discretion to require additional information documenting the easement and improvements as necessary to support the agricultural tourism activity use."* However, the bill does not provide any criteria for the director use to impose such improvements

Propose Section 19.30A.077(D) is titled Enforcement Report. The section indicates that it is a violation if the operation does not register and that the Department is to maintain a list of registered agricultural tourism activities. It further states that a report by the Director shall be given to the planning commissions. However, it does not provide a purpose for the registration or the report.

Proposed Section 19.30A.077(E) is entitled Parking. This section requires that parking be provided pursuant to Chapter 19.36A then indicates that if parking is violated on three separate occasions in a year, the agricultural tourism activity will result in a suspension until a Special Use permit is obtained. The Department finds this language to be inappropriate and confusing.

### **Recommendation and Options**

The Department is not in support of the proposed bill. The language of the bill is inconsistent with State law. Although the proposal is for operators to only register with the Department, it puts the Department in the awkward position of having to confirm the accuracy of the information. At best the bill would create confusion with the general public and land owners, as the Department would require a State Special Permit to conduct much of the activities proposed.

For the bill to be consistent State law, the agricultural tourism activity would need to be accessory and secondary to a principal agricultural use. Further, the use needs to be accessory to a **commercial** farming operation as defined by HRS 165-2.

The Commission has the following options:

1. Recommend approval of the proposed bill to the Maui County Council.
2. Recommend approval of the proposed bill with amendments to the Maui County Council.
3. Recommend denial of the proposed bill to the Maui County Council.
4. Vote to defer action on the proposed bill in order to gather specific additional information.

Attachment

xc: Michele McLean, Deputy Director  
Joseph Alueta; Administrative Planning Officer (via email)

WRS:JWA:atw

General File

PLANNING\ALL\APO\Reso 16-9\MemoReport to Commission.doc

# Resolution

No. 16-9

REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING  
COMMISSIONS A PROPOSED BILL TO REGULATE  
AGRICULTURAL TOURISM ACTIVITIES IN THE  
AGRICULTURAL DISTRICT

WHEREAS, agricultural tourism activities are permitted uses within the State Agricultural District pursuant to Sections 205-2 and 205-5, Hawaii Revised Statutes (“HRS”); and

WHEREAS, Section 205-2(d)(11), HRS, includes agricultural tourism within the State Agricultural District as an accessory use to a working farm, provided a county adopts ordinances regulating agricultural tourism activities pursuant to section 205-5, HRS; and

WHEREAS, Section 205-2(d)(12), HRS, allows agricultural tourism activities, including overnight accommodations of 21 days or less for any one stay within a county, within the State Agricultural District, as accessory uses to a farming operation, provided a county adopts ordinances regulating the activities pursuant to section 205-5, HRS; and

WHEREAS, the Council is considering a proposed bill to amend Title 19, Maui County Code, to implement Sections 205-2(d)(11) and (12), HRS, to allow agricultural tourism activities in the Agricultural District; and

WHEREAS, the implementation of Sections 205-2(d)(11) and (12), HRS, will promote agricultural development in the County, while ensuring the preservation and protection of agricultural resources; and

WHEREAS, allowing agricultural tourism activities will support the agricultural character of the County’s economy and lifestyle; now, therefore,

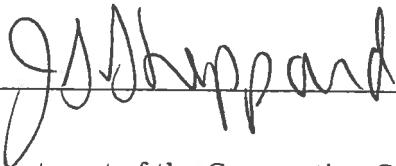
EXHIBIT - 1

**Resolution No.** 16-9

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO REGULATE AGRICULTURAL TOURISM ACTIVITIES IN THE AGRICULTURAL DISTRICT," a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Lanai, Maui, and Molokai planning commissions for appropriate action, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it respectfully requests that the Lanai, Maui, and Molokai planning commissions transmit their findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lanai Planning Commission, the Maui Planning Commission, and the Molokai Planning Commission.

APPROVED AS TO FORM AND LEGALITY

A handwritten signature in cursive script, appearing to read "J. Sheppard", is written over a horizontal line.

Department of the Corporation Counsel  
County of Maui

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2015)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,  
TO REGULATE AGRICULTURAL TOURISM ACTIVITIES IN THE  
AGRICULTURAL DISTRICT

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

SECTION 1. Purpose. The purpose of this ordinance is to implement Sections 205-2(d)(11) and (12), Hawaii Revised Statutes, to regulate agricultural tourism activities as accessory uses to an active agriculture operation within the County agricultural district, subject to appropriate restrictions and standards.

SECTION 2. Section 19.30A.015, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

“Agricultural tourism” means a commercial activity conducted on the site of an active agriculture operation for the enjoyment, education, or involvement of visitors.

“Agricultural tourism activity” means agricultural tourism that promotes, and does not interfere with, surrounding agriculture operations. Agricultural tourism activities include a ranch or farm stay involving overnight accommodations of twenty-one days or less for any one stay within the county; horseback riding; hunting; fishing; vineyards; distilleries; U-Pick farms or gardens; farm or ranch tours; arboretums and botanical gardens; hiking; mountain biking; fitness or health activities; petting zoos; animal rescue facilities; labyrinths or mazes; la’au lapa’au or heritage activities; lei making, flower arranging, basketry, or other agriculture-related education or craft classes; agriculture industry education; archery; adventure and challenge courses; and cultural or living history activities.”

**EXHIBIT “1”**

SECTION 3. Chapter 19.30A, Maui County Code, is amended to add a new section to be appropriately designated and to read as follows:

**“19.30A.077 Agricultural Tourism Activities. A. Ownership. An agricultural tourism activity within the agricultural district must be owned and operated by a producer or the producer’s designated agent.**

**B. Registration. The producer or producer’s agent must register the agricultural tourism activity with the planning department prior to the beginning of the activity’s operation. A registration is non-transferable and shall expire three years from the date of issuance. After an agricultural tourism activity is registered for a particular tax map key number, all subsequent agricultural tourism activities on that tax map key number shall require a separate registration.**

**C. Form. An agricultural tourism activity registration form shall include the following information:**

**1. The name, address, email, and telephone number of the producer and the producer's designated agent, if any;**

**2. Document verifying the producer is the owner, lessee, or licensee of the lot on which the agricultural tourism activity will be located;**

**3. The name, physical address, mailing address, email, and telephone number of the active agriculture operation associated with the agricultural tourism activity;**

**4. Copies of the general excise tax license and transient accommodations tax license, if applicable, for the agricultural tourism activity;**

**5. A description of the agricultural tourism activity;**

**6. A description of any services, activities, or amenities provided at the location of the agricultural tourism activity that are not agricultural tourism activities;**

**7. A map containing the tax map key number and a clear depiction of the real property where each agricultural tourism activity is located;**

**8. A description of public access to the location of the agricultural tourism activity, including an indication of whether the access will be by a public road or a private easement and, as applicable:**

**a. If the agricultural tourism activity will be accessed by a private easement, the map required by this section shall also contain the following information:**

**i. The access road for the agricultural tourism activity;**



ii. The access road surface material;  
and

iii. Houses and their proximity to the access road;

b. If the agricultural tourism activity will be accessed by a private easement, the planning director shall have the discretion to require additional information documenting the easement and improvements as necessary to support the agricultural tourism activity use;

9. Evidence of farm plan approval by the planning department;

10. A copy of a processed zoning and flood confirmation form;

11. Proof of commercial general liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, and automobile liability insurance with a combined single limit of not less than \$1,000,000, listing the County of Maui, its departments, agencies, officers, directors, employees and agents as additional insureds; and Workers Compensation insurance as required by law, that covers the agricultural tourism activity. The producer shall provide a certificate of insurance within 30 days of registration approval, and must notify the planning department of any cancellation or material change of the insurance, such as a reduction in coverage, within 30 days of the date of such cancellation or material change. The planning director may require additional insurance coverage as may be reasonably necessary considering the risk of the particular agricultural tourism activity;

12. The signature of the producer, certifying acknowledgment of and intent to comply with the requirements of this chapter and all other applicable laws and regulations, including those of the state department of health and the department of public works;

13. A copy of all applicable regulatory licenses, permits, and certifications required by county, state, and federal regulations;

14. A statement of the days and hours of operation of the agricultural tourism activity;

15. An acknowledgment signed by the producer that the agricultural tourism activity use shall automatically terminate upon the cessation of the principal active agriculture operation; and

16. Any additional information required by the planning director in the applicable rules.

D. Enforcement; Report. Failure of a producer to register an agricultural tourism activity as required by this chapter may be enforced pursuant to chapter 19.530 of this title. The planning department shall maintain a list of all agricultural tourism activities registered pursuant to this chapter. On an annual basis, the planning director shall notify the appropriate planning commissions of the agricultural tourism activities registered with the planning department pursuant to this chapter. The report shall be acknowledged by the planning commissions and include the name of the producer, the location and type of agricultural tourism activity, verification that the operation is in compliance with the requirements of this chapter, and a summary of complaints and their disposition received relating to the operation of agricultural tourism activities, if any.

E. Parking. An agricultural tourism activity shall provide parking as required by section 19.36A.010 of this title. In addition to any other penalties or remedies under this code, a violation of the provisions of section 19.36A.010 related to the agricultural tourism activity, on three separate occasions within a one year period, shall result in a suspension of the agricultural tourism activity until a special use permit is obtained pursuant to section 19.30A.060.

F. Additional requirements. Certain agricultural tourism activities shall be subject to additional requirements as follows:

1. Overnight stays. For ranch or farm stays involving overnight accommodations of twenty-one days or less for any one stay within the County, the producer must submit a short-term rental home permit approved pursuant to the provisions of chapter 19.65 of this code. In the event that the planning director determines the short-term rental home does not coexist with an active agriculture operation, the producer shall obtain a State special permit as required by section 19.30A.060(13) of this chapter.

2. Hunting. All persons hunting on private land as a part of agricultural tourism activity must possess a valid hunting license.

3. Accessory facilities. A commercial agricultural structure that is part of an agricultural tourism activity shall meet the requirements of section 19.30A.072 of this chapter.”

SECTION 4. Section 19.30A.015, Maui County Code, is amended by amending the definition of “Active agriculture operation” to read as follows:

“Active agriculture operation” means a commercial or subsistence agricultural, silvicultural, or aquacultural facility, activity, or pursuit, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.”

SECTION 5. Section 19.30A.050, Maui County Code, is amended to read as follows:

**“19.30A.050 Permitted uses.** The following uses and structures shall be permitted in the agricultural district provided they also comply with all other applicable laws:

A. Principal uses.

1. Agriculture.
2. Agricultural land conservation.
3. Agricultural parks, pursuant to chapter 171, Hawaii Revised Statutes.
4. Animal and livestock raising, including animal feed lots and sales yards.
5. Private agricultural parks as defined herein.
6. Minor utility facilities as defined in section 19.04.040 of this title.
7. Retention, restoration, rehabilitation, or improvement of buildings, sites, or cultural landscapes of historical or archaeological significance.
8. Solar energy facilities, as defined in section 19.04.040 of this title, and subject to the restrictions of chapter 205, Hawaii Revised Statutes, that are less than fifteen acres, occupy no more than thirty-five percent of the lot, and are compatible with existing agricultural uses; except that land with soil classified by the land study bureau’s detailed land classification as overall (master) productivity rating class D or E need not be compatible with existing agricultural uses.

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

1. Two farm dwellings per lot, one of which shall not exceed one thousand 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 shall meet two of the following three criteria:

a. Provide proof of at least \$35,000 of gross sales of agricultural product(s) 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 Molokai and Lanai, the owner or lessee of the lot shall 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 section 19.36A.010.

4. Storage, wholesale and distribution, including barns; greenhouses; storage facilities for agricultural supplies, products and irrigation water; farmer's cooperatives; and similar structures that are 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; this includes the burning of bagasse as part of an agricultural operation.

6. Energy systems, small-scale.

7. Small-scale animal-keeping.

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

9. Riding academies; if conducted on the island of Molokai, such uses shall have been approved by the 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; 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 Molokai, such uses shall have been approved by the Molokai planning commission as conforming to the intent of this chapter. All other open [Open] land recreation uses or structures [not specifically] are prohibited unless they are permitted by [this] subsection [or by subsection] 19.30A.050(B)(14), [19.30A.060(H) 19.30A.060(A)(7), or 19.30A.060(A)(14)]. [shall be prohibited; certain] Certain open land recreation uses or structures may also be required to obtain a State special permit [pursuant to] as provided in chapter 205, Hawaii Revised Statutes.

11. Except on Molokai, bed and breakfast homes permitted under chapter 19.64 of this title 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, provided that the bed and breakfast home is not subject to a condominium property regime pursuant to chapter 514A, Hawaii 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, Hawaii Revised Statutes; or

c. Located in sites listed on the State of Hawaii Historic Register or the National Register of Historic Places.

12. 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.

13. Family child care homes as defined in section 46-15.35(b), Hawaii Revised Statutes, that are registered pursuant to chapter 346, Hawaii Revised Statutes, and located in a legally permitted farm dwelling.

14. Agricultural tourism activities, subject to the applicable restrictions in section 19.30A.077.

15. Other uses that primarily support a permitted principal use; however, such uses shall be approved by the appropriate planning commission as conforming to the intent of this chapter.”

SECTION 6. Section 19.30A.060, Maui County Code, is amended to read

as follows:

**“19.30A.060 Special uses. A. Permit required.** The following uses and structures shall be permitted in the agricultural district if a special use permit, [pursuant to] as provided in section 19.510.070 of this title has been obtained; except that if a use described in this section also requires a State special permit [pursuant to] as provided in chapter 205, Hawaii Revised Statutes, and if the land area of the subject parcel is fifteen acres or less, the [state] State special permit shall fulfill the requirements of this section:

1. Additional farm dwellings beyond those permitted by subsection 19.30A.050(B)(1).
2. Farm labor dwellings that do not meet the criteria of subsection 19.30A.050(B)(2).
3. Commercial agricultural structures that do not meet the standards and restrictions of this chapter.
4. Public and quasi-public institutions that are necessary for agricultural practices.
5. Major utility facilities as defined in section 19.04.040 of this title.
6. Telecommunications and broadcasting antenna.
7. Open land recreation uses, structures or facilities [which] that do not meet the criteria of subsection [19.30A.050(B)(11)] 19.30A.050(B)(10), including commercial camping, gun or firing ranges, archery ranges, skeet shooting, paint ball, bungee jumping, skateboarding, rollerblading, playing fields, and accessory buildings and structures. Certain open land recreation uses or structures may also be required to obtain a State special permit [pursuant to] as provided in chapter 205, Hawaii Revised Statutes. The following uses or structures shall be prohibited: airports, heliports, drive-in theaters, country clubs, drag strips, motor sports facilities, golf courses, and golf driving ranges.
8. Cemeteries, crematories, and mausoleums.
9. Churches and religious institutions.
10. Mining and resource extraction.
11. Landfills.
12. Solar energy facilities that are greater than fifteen acres.
13. Short-term rental homes, subject to the provisions of chapter 19.65 of this title, that do not qualify as accessory uses under section 19.30A.050(B)(14); provided that[,] the applicant need not obtain a County special use

permit [pursuant to] as provided in section 19.510.070 of this title; and provided further that, if the property containing the short-term rental home is located in the State agricultural district, the applicant shall obtain a State special [use] permit, [pursuant to] as provided in section 205-6, Hawaii Revised Statutes, in addition to the short-term rental home permit required by chapter 19.65 of this title.

14. Agricultural tourism activities that do not meet the standards or restrictions of section 19.30A.050(B)(14).

B. State permit required. Home businesses shall be permitted in the agricultural district if a State special permit as provided in chapter 205, Hawaii Revised Statutes, is obtained; provided that, the home business shall comply with the provisions of chapter 19.67 of this title, and shall also obtain a County special use permit, if required by chapter 19.67 of this title."

SECTION 7. Section 19.36A.010, Maui County Code, is amended

to read as follows:

**"19.36A.010 Designated number of spaces.** Unless otherwise provided in this chapter, the following minimum numbers of accessible off-street facilities for the parking of self-propelled motor vehicles shall be provided on private property in connection with the use of any land, or the erection or remodeling of any building or structure. The number of off-street parking spaces required shall not be less than the sum total of spaces of the number of required parking spaces for each component use of land, building, or structure hereinafter specified:

USE	MINIMUM PARKING RATIO
Accessory dwelling	One parking space for each dwelling unit.
<u>Agricultural tourism activities as defined in section 19.30A.077 of this title</u>	<u>One parking space for each 10,000 square feet of gross floor area used principally for the agricultural tourism activity, but not fewer than three spaces dedicated for agricultural tourism use in addition to any other parking required for the property under this chapter. Separate bus parking may be required at the discretion of the planning director pursuant to an approved farm plan.</u>

Apartment house, apartment, apartment-motel with kitchen facility in room	Two parking spaces for each unit; provided that, two parking spaces assigned to a dwelling unit, or allocated for employee parking, may be situated in tandem thereby allowing two vehicles to park end to end.
Auditorium, theater, stadium, bleachers	One parking space for every six seats.
Banks and medical and dental clinics	One parking space for every [three hundred] <u>300</u> square feet of building; provided that, the minimum shall be three parking spaces.
Bed and breakfast home	One parking space for each bedroom used for bed and breakfast home use, in addition to any other parking space(s) required by this section for dwellings not used for short-term rental. Stalls may be situated in tandem.
Bowling alley	Five parking spaces for each alley.
Business building	One parking space for every [five hundred] <u>500</u> square feet of floor area of building; provided that, the minimum shall be three parking spaces.
Church, place of worship	One parking space for every [one hundred] <u>100</u> square feet of floor area of building.
Clubhouse, private club	One parking space for every [two hundred] <u>200</u> square feet of floor area of building.
Commercial agricultural structures as defined in section 19.30A.072 of this title	One parking space for every [two hundred] <u>200</u> square feet of floor area of building or, for farmer's markets, one parking space for every [two hundred] <u>200</u> square feet of retail floor space; provided that, the minimum shall be two parking spaces; further provided that, for agricultural food establishments, the parking requirements for restaurant, bar,



	nightclub, and amusement facilities shall apply.
Convertible apartment, hotel and apartment/hotel units, i.e., single units capable of being utilized as two or more units	An additional one parking space for every three convertible units shall be provided.
Day care facility	One parking space for each classroom.
Domestic type business in home	One parking space for each business.
Golf course	Three parking spaces for each hole in the course.
Golf driving range	Four parking spaces for each acre.
Hospitals	One parking space for every three beds.
Hotel	One parking space for every two guest rooms.
Industrial or storage uses in M-1 and M-2 industrial zones	One parking space for every [six hundred] <u>600</u> square feet of floor area of building or [twenty-five] <u>25</u> percent of the lot area, whichever is the greater.
Library, museum, art gallery	One parking space for every [three hundred] <u>300</u> square feet of floor area of building.
Live/work mixed use	One parking space for every [seven hundred fifty] <u>750</u> square feet of area used for live/work business; commercial uses and residential uses with a live/work configuration may share parking spaces. The spaces required for the residential unit on a live/work building lot may be applied toward the number of spaces required for a business use.
Lodging house	One parking space for every two lodging rooms.
Mortuary	One parking space for every [forty] <u>40</u> square feet of floor area of building.

Motel	One and one-half parking spaces for each unit.
Public utility substation	One parking space.
Restaurant, bar, nightclub, amusement centers	One parking space for every [one hundred] <u>100</u> square feet of serving and dining areas; provided that, there shall be a minimum of three parking spaces for patrons and a minimum of three additional spaces for employee parking for each such establishment.
Sanitarium, welfare institution, nursing home	One parking space for every eight beds.
SBR mixed-use establishment	Two parking spaces per dwelling unit plus one space for every [three hundred] <u>300</u> square feet of non-residential gross floor area.
SBR service establishment	One parking space for every [three hundred] <u>300</u> square feet of gross floor area.
School with students under fifteen years of age and with students fifteen years of age or older	Eight parking spaces for each classroom.
School with students under fifteen years of age	One parking space for each classroom.
School with students under fifteen years of age or older	Eight parking spaces for each classroom.
Self-storage	One parking space for every [three thousand] <u>3,000</u> square feet of storage.
Service station, repair shop, garage	One parking space for every [two hundred] <u>200</u> square feet of floor area of building or [forty] <u>40</u> percent of the lot area, whichever is the greater. The storing and keeping of damaged vehicles or parts thereof shall be within an enclosure bounded completely by a wall six feet in height

Shopping centers	One parking space for every [two hundred] <u>200</u> square feet of floor area of all buildings, except for restaurant, bar, nightclub, and amusement facilities, for which parking requirements under this section shall apply.
Short-term rental home	One parking space if there are more than four bedrooms used for short-term rental home use, in addition to any other parking requirements under this chapter. Parking stalls may be situated in tandem and on grasscrete.
Single-family dwelling, farm dwelling, duplex	Two parking spaces for each dwelling unit.
Swimming pool, gymnasium	One parking space for every [six hundred] <u>600</u> square feet of gross floor area of pool or building.
Taxi stand and bus stand	One parking space for each vehicle operating from that stand. The space shall be sufficient in size to accommodate the bus or vehicle, and shall be marked "Taxi Only" or "Bus Only."
Tennis courts	Six parking spaces for each court.
Transient vacation rental in the SBR service business residential district	One parking space for every [five hundred] <u>500</u> square feet of floor area, with a minimum of one parking space for each unit.
U-drive stand and storage	One parking space for each vehicle operating from that stand or storage. Where the U-drive business is within a hotel district, the storage area for the U-drive vehicles shall be physically separated from the hotel parking area, and shall be physically bounded and marked [for] "U-Drive Vehicles Only."

”

SECTION 8. 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 9. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

---

Department of the Corporation Counsel  
County of Maui

ear:misc:041abill02:scb

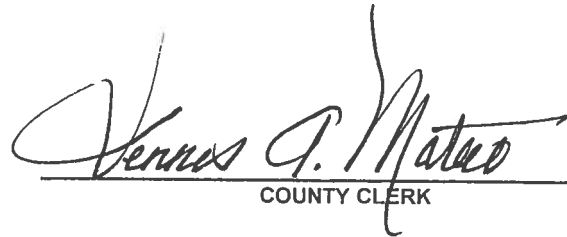
**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 16-9 was adopted by the Council of the County of Maui, State of Hawaii, on the 5th day of February, 2016, by the following vote:**

<b>MEMBERS</b>	<b>Michael B. WHITE Chair</b>	<b>Donald S. GUZMAN Vice-Chair</b>	<b>Gladys C. BAISA</b>	<b>Robert CARROLL</b>	<b>Eleanora COCHRAN</b>	<b>Donald G. COUCH, JR.</b>	<b>S. Stacy CRIVELLO</b>	<b>G. Riki HOKAMA</b>	<b>Michael P. VICTORINO</b>
<b>ROLL CALL</b>	<b>Aye</b>	<b>Aye</b>	<b>Excused</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Excused</b>

  
\_\_\_\_\_  
COUNTY CLERK

**Joseph Alueta - Resolution 16-9 : Amending 19.30A & 19.35: Agricultural Tourism Activities**

---

**From:** Paul Haake  
**To:** Joseph Alueta  
**Date:** 03/20/2016 4:20 PM  
**Subject:** Resolution 16-9 : Amending 19.30A & 19.35: Agricultural Tourism Activities

---

Howzit Joe,

Below are comments from our department in regards to the referenced subject.

Let me know if further assistance is needed.

Thanks,

Paul

\*\*\*\*\*

**March 18, 2016**

**Department of Planning  
Attn: Joseph W. Alueta  
2200 Main Street, Suite 315  
Wailuku, HI 96793**

**Re: Resolution 16-9  
Amending 19.30A & 19.35: Agricultural Tourism Activities**

Dear Joe:

Thank you for the opportunity to provide comment on this subject. At this time, our office provides the following comments:

- A possible concern for our department may be un-permitted buildings on parcels that will qualify for this use. To address this concern, should there be a provision to require proof that all buildings required to have a building permit (or buildings that will be used for this activity) have been properly permitted or have other approved paperwork that is acceptable to the AHJ? If the bill has wording to address this, then please disregard this comment.
- Otherwise, no issues with the resolution.

If there are any questions or comments, please feel free to contact me. Thank you for your attention to fire prevention and public safety.

Sincerely,

EXHIBIT -2

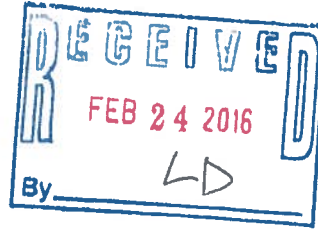
Paul Haake  
Captain - Fire Prevention Bureau  
Dept. of Fire & Public Safety  
County of Maui

313 Manea Place Wailuku, HI 96793  
876-4690 office  
876-4693 direct line  
244-1363 fax

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI

**DEPARTMENT OF PLANNING**

TRANSMITTAL

February 22, 2016

AGENCIES	
X	DBEDT
X	Dept of Health, Honolulu
X	Dept of Health, Maui (2)
X	Kihei Community Association
X	Land Use Commission (Hard Copy)
X	Office of Hawaiian Affairs
X	Office of Planning
X	Kula Community Association
X	Makawao Community Association
X	Paia Town Association

AGENCIES	
X	Dept of Public Works (3 Hard Copies)
X	Dept of Water Supply
X	Fire & Public Safety
X	Police Department
X	Maui Chamber of Commerce
X	Office of Economic Development

**PROJECT NAME:** RESOLUTION 16-9  
**APPLICANT:** County Clerk  
**DESCRIPTION:** Draft Bill amending title 19.30A and 19.35 relating to Agricultural tourism activities.

**TRANSMITTED TO YOU ARE THE FOLLOWING:**

Draft Bills, Resolutions, and Committee Reports

**THESE ARE TRANSMITTED AS CHECKED BELOW:**

For your Comment and Recommendation

**TRANSMITTED TO YOU ARE THE FOLLOWING:**

Resolution with Draft Ordinance and Committee Report

**THESE ARE TRANSMITTED AS CHECKED BELOW:**

For your Comment and Recommendation

Please submit your comments/recommendations by **March 25, 2016**

**Remarks:** If additional clarification is required, please contact me at 270-7743. If you have no comments please check and sign below, and return this transmittal form.

Sincerely,  
  
 JOSEPH W. ALUETA,  
 For: William Spence, Planning Director

xc: Joseph W. Alueta, Administrative Planning Officer  
General File

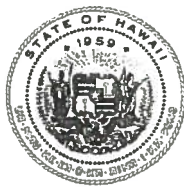
PLANNING\ALLI\APO\Reso 16-9\transmittal to agencies.doc

We have no comments to offer  Signed MAR 30 2016  
Comments Attached \_\_\_\_\_



16/1170

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
MAUI DISTRICT HEALTH OFFICE  
54 HIGH STREET  
WAILUKU, HAWAII 96793-3378

RECEIVED

LORRIN W. PANG, M.D., M.P.H.  
DISTRICT HEALTH OFFICER

2016 MAR 10 P 4:10

COUNTY OF MAUI  
DEPT. OF PLANNING  
ZONING DIVISION

March 10, 2016

Mr. William R. Spence  
Director  
Department of Planning  
One Main Plaza Building  
2200 Main Street, Suite 315  
Wailuku, Hawai'i 96793

Attn: Joseph W. Alueta

Dear Mr. Spence:

**Subject:** Resolution 16-9  
**Applicant:** County Clerk  
**Project Description:** Draft Bill amending title 19.30A and 19.35 relating to  
Agricultural tourism activities

Thank you for the opportunity to review this project. We have the following comments to offer:

Any Agricultural tourism activity that involves making and/or selling of foods must comply with Hawaii Administrative Rules, Title 11, Chapter 50, Food Safety Code. Please call our office at 808 984-8230 for more information.

It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/> be reviewed and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please contact me at 808 984-8230.

Sincerely,

Patti Kitkowski  
District Environmental Health Program Chief

c EPO

EXHIBIT - 4



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
560 N. NIMITZ HWY., SUITE 200  
HONOLULU, HAWAII 96817

March 24, 2016

William Spence, Planning Director  
Maui County Department of Planning  
2200 Main Street  
One Main Plaza Building, Suite 315  
Wailuku, Hawaii 'i 96793

Re: Comments on Draft Bill amending Maui County Code title 19.30A and 19.35 relating to Agricultural tourism activities

Aloha e Director Spence,

The Office of Hawaiian Affairs (OHA) is in receipt of the transmittal from the Maui County Department of Planning requesting comments and recommendations on a draft bill amending the Maui County Code, title 19.30A and 19.35 relating to Agricultural tourism activities.

As the constitutionally-established body responsible for protecting and promoting the rights of Native Hawaiians, OHA has substantive obligations to protect the cultural and natural resources of Hawai'i for its beneficiaries. Accordingly, OHA is required to serve as the principal public agency in the State of Hawai'i responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians; and is tasked with assessing policies and practices of other agencies impacting Native Hawaiians and conducting advocacy efforts for Native Hawaiians.<sup>1</sup> OHA's comments and recommendations below have been prepared with this kuleana in mind.

Resolution 16-9 seeks to establish an agricultural tourism activities ordinance to pursuant to HRS §§ 205-2 and 205-5. OHA supports the protection of agricultural land for agricultural uses, as well as initiatives to support local food production, small-scale farms, traditional Hawaiian farming systems, and the production of traditional Hawaiian crops. As discussed below, OHA has concerns that the proposed ordinance does not appear to establish enforceable standards to ensure that agricultural tourism and agricultural tourism activities are conducted consistent with the uses permitted in HRS 205-2(11) and -2(12), respectively. Further, the

proposed ordinance may exacerbate problems related to the lack of affordable housing by contributing to the rental housing shortage and to rising property values.

Due to the impacts that this proposed ordinance may have by expanding non-agriculture related permitted uses, including overnight accommodations, in the agricultural district, OHA recommends that any expansion of uses be narrowly tailored, include strong and practical enforcement provisions, and be accompanied by robust and meaningful enforcement of state and county land use regulations, including the enforcement of regulations related to short term rentals.

#### Agricultural Tourism pursuant to HRS § 205-2(11)

State law permits agricultural tourism in the agricultural district when “conducted on a working farm, or a farming operation . . . provided that the agricultural tourism activity is *accessory and secondary to the principal agricultural use . . .*” HRS §§ 205-5(11), 205-4.5(13) (emphasis added). In order to ensure that agricultural tourism occurs consistent with state law, and that the County’s ordinance is enforceable, OHA makes the follow recommendations.

First, the definition of “agricultural tourism” in the proposed ordinance does not include language from HRS § 205-2(11) that requires the permitted use be *accessory and secondary to the principal agricultural use*. For clarity, consistency, and to ensure that prospective agricultural tourism operators are aware of this requirement, OHA recommends that this language be inserted into the definition of “agricultural tourism” in the proposed ordinance.

Second, OHA recommends that operational or income requirements be established for a working farm or farming operation’s “principal agricultural use.” While “farming operation” is defined in HRS § 165-2, albeit rather broadly, it does not include minimum gross sales or revenue requirements, and there does not appear to be any definition of “principal agricultural use” in either state law or county ordinances. Without requirements for “principal agricultural use” or an alternative method to determine whether the agricultural use (rather than the agricultural *tourism* use) is indeed the principal use, it is unclear how the county can evaluate whether or not agricultural tourism is in fact a permitted use pursuant to HRS § 205-2(11). It is similarly unclear how farm operators can determine to what extent they can pursue agricultural tourism.

In light of the absence of criteria or standards “principal agricultural use,” and in order to ensure that the ordinance is both enforceable and in compliance with state law, OHA recommends that the proposed ordinance be amended to include minimum gross sales of agricultural products and/or profit minimums for the principal agriculture use. For example, the county could require that the principal (non-tourism) agricultural uses constitute at least fifty-one percent of the revenue generated by the working farm or farming operation. OHA notes that a bill introduced during the 2016 legislative session includes reasonable minimum criteria and standards for a bona fide farming operation that could be applied to this case.<sup>2</sup>

Agricultural Tourism Activities including overnight accommodations pursuant to HRS § 205-2(12)

Agricultural tourism activities, including overnight accommodations of twenty-one days or less, is a permitted use in the agricultural district on Maui, provided “that the agricultural tourism activities *coexist with a bona fide agricultural activity.*” HRS § 205-2(12) (emphasis added). “‘Bona fide agricultural activity’ means a farming operation as defined in HRS § 165-2.” Consistent to the first recommendation above, OHA recommends that the definition of “agricultural tourism activity” in the proposed ordinance be amended to include the requirement in HRS §205-5(12) that agricultural tourism activities *coexist with a bona fide agricultural activity.*

OHA is concerned that this ordinance will significantly expand the types of uses permitted within the agricultural district, and may lead to non-agricultural related tourist activities becoming the primary activities in certain areas, thereby significantly changing the character of the agricultural district. Such a change in the uses within the agricultural district will reduce agricultural production and activity, will make it harder for bona fide farmers to continue farming activity, and will contribute to increases in property values. In order to prevent an explosion of non-agricultural uses within the agricultural district, OHA recommends that the Department of Planning and Maui County Council consider limiting the types of activities that qualify as agricultural tourism activities to uses that are closely aligned with, related to, or dependent on agricultural production. Additionally, to ensure that agricultural tourism activities actually do coexist with bona fide agricultural activity, OHA recommends that minimum criteria or standards for bona fide agricultural activity be inserted into the proposed ordinance, as discussed above. Such an amendment is especially important for overnight accommodations.

Short term vacation rentals remove much-needed units from the residential rental market, contributing to increased property and housing costs. A 2014 study by the Department of Business, Economic Development & Tourism (DBEDT) indicates that the increase in demand for vacation rentals has contributed to an increase in demand for housing units.<sup>3</sup> Accordingly, the increase in vacation rental activity has correlated with major drops in available residential rental listings, including those for increasingly rare single family units.<sup>4</sup> Constrained supply and increased demand have been linked to higher housing prices.<sup>5</sup>

The impacts of the expansion of short term vacation rentals may particularly affect Native Hawaiians. Native Hawaiians, whose homeownership rate is lower than the state average, rely substantially on the rental housing market.<sup>6</sup> More than half of Native Hawaiian renters live in homes they are struggling to afford.<sup>7</sup> Furthermore, despite the fact that Native Hawaiians participate in the labor force at higher rates than the state average,<sup>8</sup> Native Hawaiians earn significantly less per capita than the average per capita income.<sup>9</sup> Accordingly, Native Hawaiians are particularly disadvantaged by land uses that contribute to rental housing shortages and increases in housing costs.

William Spence, Planning Director  
March 24, 2016  
Page 4

Mahalo for the opportunity to provide comments on this measure. Please have your staff contact Jessica Freedman at 594-1779 or via email at [jessicaf@oha.org](mailto:jessicaf@oha.org) with any questions.

'O au iho nō me ka 'oia'i'o,

  
Kamana'o pono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Officer

KC:jf

<sup>1</sup> HRS § 10-3.

<sup>2</sup> [http://www.capitol.hawaii.gov/session2016/bills/HB2091\\_HD1\\_PDF](http://www.capitol.hawaii.gov/session2016/bills/HB2091_HD1_PDF)

<sup>3</sup> DBEDT, MEASURING HOUSING DEMAND IN HAWAII, 2015-2025, April 2015, page 9, available at <http://files.hawaii.gov/dbedt/economic/reports/2015-05-housing-demand.pdf>.

<sup>4</sup> See HAWAII HOUSING AND FINANCE CORPORATION, RENTAL HOUSING STUDY UPDATE, 2014, available at <http://dbedt.hawaii.gov/hhfdc/resources/reports/>, showing decreases in single family listings for all counties. For example, Maui has experience a dramatic decrease in available rental housing for all income levels, with residential rental listings dropping by 80% in some areas. See RICK CASSIDAY, MAUI RENTAL MARKET AFFORDABLE RENTAL HOUSING STUDY UPDATE, 2014, available at [http://dbedt.hawaii.gov/hhfdc/files/2015/02/RENTAL\\_HOUSING\\_STUDY-2014-UPDATE-COUNTY-OF-MAUI.pdf](http://dbedt.hawaii.gov/hhfdc/files/2015/02/RENTAL_HOUSING_STUDY-2014-UPDATE-COUNTY-OF-MAUI.pdf).

<sup>5</sup> See MEASURING HOUSING DEMAND IN HAWAII, page 12, available at <http://files.hawaii.gov/dbedt/economic/reports/2015-05-housing-demand.pdf>.

<sup>6</sup> Out of 71,006 Native Hawaiian households, 37,562 households are owner-occupied. This figure is commonly used to represent the homeownership rate. Therefore, the homeownership rate for Native Hawaiians is 52.9%, compared to the statewide average of 56.7%. See OFFICE OF HAWAIIAN AFFAIRS, OHA DATA BOOK HOUSING TENURE BY RACE-ETHNICITY IN HAWAII 2014, available at <http://www.ohadatabook.com/T02-131-15u.pdf>. The 71,006 figure includes 8,329 DHHL residential lease "owner-occupied" property units. DHHL ANNUAL REPORT 2014, page 47, available at <http://dhh.hawaii.gov/wp-content/uploads/2011/11/DHHL-Annual-Report-2014-Web.pdf>. For non-DHHL properties, the Native Hawaiian homeownership rate is much lower at 41.2%, 15.5 percentage points below the statewide rate.

<sup>7</sup> See OFFICE OF HAWAIIAN AFFAIRS, 2010-2018 STRATEGIC RESULTS: RENTERS INDICATOR SHEET 2015, available at <http://www.oha.org/wp-content/uploads/Hookahua-Waiwai-Indicator-Sheet-Renter-2015.pdf>

<sup>8</sup> American Community Survey, 2013, Civilian Labor Force Datapoint, U.S. Census Bureau.

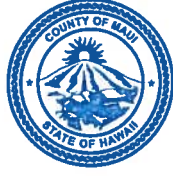
<sup>9</sup> In 2013, the per capita income for Native Hawaiians was \$9,105 less than the statewide per capita income. See OFFICE OF HAWAIIAN AFFAIRS, INCOME INEQUALITY AND NATIVE HAWAIIAN COMMUNITIES IN THE WAKE OF THE GREAT RECESSION: 2005 TO 2013 (2014) <http://www.oha.org/wp-content/uploads/2014/05/Income-Inequality-and-Native-Hawaiian-Communities-in-the-Wake-of-the-Great-Recession-2005-2013.pdf>.

16/1448

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

**TRANSMITTAL**

February 22, 2016

AGENCIES	
X	DBEDT
X	Dept of Health, Honolulu
X	Dept of Health, Maui (2)
X	Kihei Community Association
X	Land Use Commission (Hard Copy)
X	Office of Hawaiian Affairs
X	Office of Planning
X	Kula Community Association
X	Makawao Community Association
X	Paia Town Association

AGENCIES	
X	Dept of Public Works (3 Hard Copies)
X	Dept of Water Supply
X	Fire & Public Safety
X	Police Department
X	Maui Chamber of Commerce
X	Office of Economic Development

**PROJECT NAME:** RESOLUTION 16-9  
**APPLICANT:** County Clerk  
**DESCRIPTION:** Draft Bill amending title 19.30A and 19.35 relating to Agricultural tourism activities.

**TRANSMITTED TO YOU ARE THE FOLLOWING:**

<input checked="" type="checkbox"/>	Draft Bills, Resolutions, and Committee Reports
-------------------------------------	---

**THESE ARE TRANSMITTED AS CHECKED BELOW:**

<input checked="" type="checkbox"/>	For your Comment and Recommendation
-------------------------------------	-------------------------------------

**TRANSMITTED TO YOU ARE THE FOLLOWING:**

- Resolution with Draft Ordinance and Committee Report
- Report

**THESE ARE TRANSMITTED AS CHECKED BELOW:**

- For your Comment and Recommendation

RECEIVED  
2016 MAR 24 A 9:00  
COUNTY OF MAUI  
DEPT. OF PLANNING  
ZONING DIVISION

Please submit your comments/recommendations by **March 25, 2016**

**Remarks:** If additional clarification is required, please contact me at 270-7743. If you have no comments please check and sign below, and return this transmittal form.

Sincerely,  
  
JOSEPH W. ALUETA,  
For: William Spence, Planning Director

xc: Joseph W. Alueta, Administrative Planning Officer  
General File  
PLANNING\ALL\APO\Reso 16-9\transmittal to agencies.doc

**EXHIBIT -6**

We have no comments to offer  Signed Joseph W. Alueta, President  
Comments Attached \_\_\_\_\_



Kihei Community Association

"e malama pono"...dedicated to protecting,  
sustaining and enhancing our 'āina, kai and 'ohana

February 28, 2016

William Spence  
Director Planning Department  
2200 Main St.  
One Main Plaza Bldg  
Wailuku, HI 96753

RE: Planning Department requested comment of Resolution 16-9, Agricultural Tourism in  
Agricultural Districts

Dear Mr. Spence

The Maui Planning Department has requested (KCA) Kihei Community Association Input for  
Resolution 16-9. The resolution is for agricultural tourism in the agricultural districts.

KCA is very supportive of maintaining our agricultural areas. With the elimination of sugar cane  
agriculture, we believe it is very important to promote policies that will continue to make  
agriculture viable in Maui. Therefore, we support the concept of agricultural tourism as a way to  
make these lands viable for agriculture and prevent urban sprawl.

In summary, we support the concept.

Sincerely,

  
\_\_\_\_\_  
Mike Moran, President  
Kihei Community Association

EXHIBIT - 7