

FARM DWELLING AND AGRICULTURAL STRUCTURES DECLARATION

RE: Tax Map Key(s) _____ ("Parcel")

The Parcel is located within the County's Agricultural Zoning District, regulated by Chapter 19.30A, Maui County Code (MCC) and Chapter 12-102, Administrative Rules, and/or is within the State's Agricultural District, regulated by Chapter 205, Hawaii Revised Statutes (HRS).

Chapter 19.30A MCC and Chapter 205 HRS do not authorize residential dwellings or residential use as a permitted use in the County or State agricultural district unless the dwelling is a farm dwelling.

"Farm dwelling" is defined in Chapter 19.04 MCC as "a single-family dwelling located on and used in connection with a farm" and is defined in Section 205-4.5 HRS as "a single-family dwelling located on and used in connection with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling."

"Farm" is defined in Chapter 19.04 MCC as "a lot on which the majority of the land is used for and the predominant activity is agriculture and/or agricultural land conservation."

Chapter 19.30A MCC and Chapter 205 HRS allow farm dwellings and other agricultural structures that are accessory to a

principal use of agriculture and agricultural land conservation; this means that agricultural or agricultural land conservation activities must be conducted in order for farm dwellings and other agricultural structures to be lawful. Such structures must be justified by supporting agricultural uses.

Agricultural and agricultural land conservation uses shall be maintained on the property for structures to remain lawful as long as the property is designated Agriculture by the state and county; otherwise, other approvals and designations must be obtained. Failure to maintain the property in agricultural or agricultural land conservation use shall constitute grounds for the County of Maui to revoke or suspend permits, and conduct other enforcement. The County, through and as determined by its Planning Department, may allow for lapses in agricultural or agricultural land conservation uses due to Acts of God or other uncontrollable forces or circumstances.

If the property is sold, this declaration must be disclosed to the buyer, and the new owner must submit a new declaration. No new permits will be approved by the Planning Department without a declaration on file by the current property owner.

The County of Maui, through its Planning Department, has a right to enforce the above-noted land use regulations, including the issuance of zoning violations and any fines related thereto.

Tax Map Key _____

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Violations of Chapter 19.30A MCC can be accompanied by an initial fine of \$1,000 and daily fines of \$1,000 per day until the violation is cured; violations of Chapter 205 HRS can be accompanied by a fine of up to \$5,000.

As the owner of the subject parcel, I hereby acknowledge the information herein and declare that the subject parcel will be developed and used in compliance with County and State regulations relating to the Agricultural Districts in a reasonable and timely manner as determined by the Planning Department.

Property Owner Name (print)

Property Owner Signature

Date

Planning Department Witness Name (print)

Planning Department Witness Signature

Date