

Agri-Tourism Compliance and Planning

A pair of hands is shown from a top-down perspective, cupped together and holding a large quantity of small, round, red and yellow fruits, likely cherry tomatoes. The hands are positioned in the center of the frame. The background is filled with lush green foliage, including large, glossy leaves and stems, suggesting a garden or farm setting. The overall image has a vibrant, natural feel.

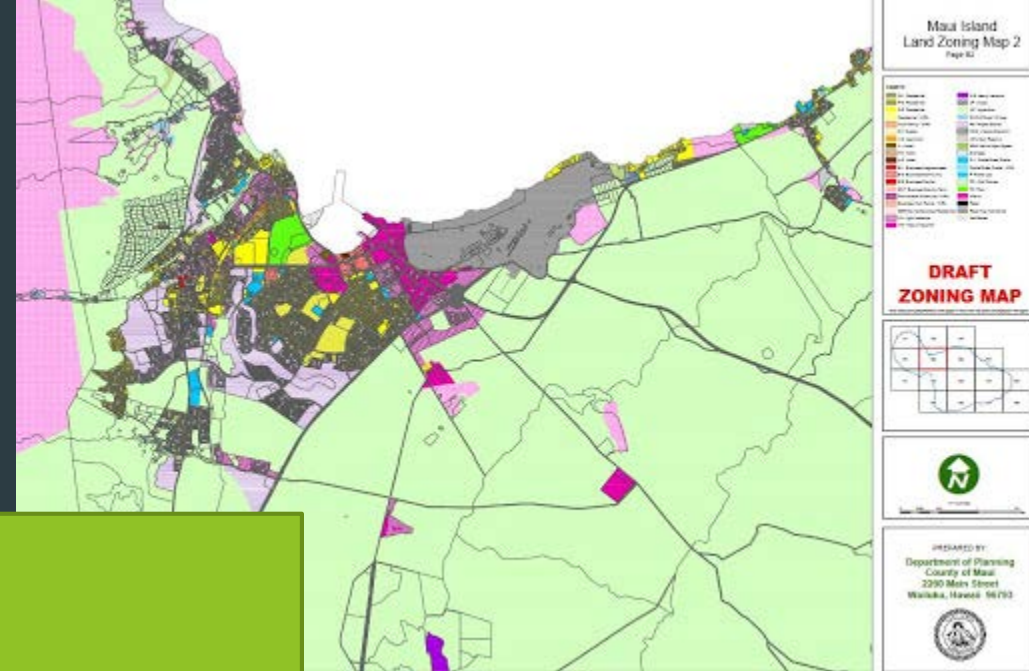
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PHOTO BY BRYAN BERKOWITZ

What is the Planning Department's Role?

- ▶ To manage growth in a sustainable manner that balances our economy, culture and environment.
- ▶ Three Divisions
 - ▶ Current Division - regulates land use and administers a variety of land use permits
 - ▶ Zoning and Enforcement Division - administers zoning code, violations, and building permit review
 - ▶ Long Range Division - community plans, Maui Island plan, geographic information systems

Zoning and Land Use



Digital Zoning Maps online

<https://www.mauicounty.gov/2159/Digital-Zoning-Map-Update-Project>

Zoning and Flood Confirmation Form

<https://www.mauicounty.gov/1402/Zoning-Flood-Confirmation-Form>

Municode

https://library.municode.com/hi/county_of_maui/codes/code_of_ordinances?nodeId=TIT19ZO_ARTIICOZOPR_CH19.30AAGDI

Permitted Uses - §19.30.A.050

- ▶ 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 code.
- ▶ 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 code, and subject to the restrictions of chapter 205, Hawaii Revised Statutes, that are less than fifteen acres, occupy no more than 35 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.

Accessory Uses - §19.30.A.050

- ▶ Uses that are incidental or subordinate to, or customarily used in conjunction with, a permitted principal use, as follows:
 - ▶ 3. A maximum of two commercial agricultural structures per lot, subject to parking requirements of [chapter 19.36B](#) of this code.
 - ▶ 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.



Accessory Uses

- ▶ 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. Open land recreation uses or structures not specifically permitted by this subsection or by subsection [19.30A.060\(A\)\(7\)](#) shall be prohibited; certain open land recreation uses or structures may also be required to obtain a special permit pursuant to chapter 205, Hawaii Revised Statutes.



Commercial Agricultural Structures

- ▶ Agricultural products stands. An agricultural products stand that is more than one thousand square feet in total floor area shall require a special use permit.
- ▶ Farmer's markets. All farmer's markets are subject to the following requirements:
 - ▶ 1. A farmer's market that is more than three thousand square feet in total floor area shall require a special use permit.
 - ▶ 2. All farmer's markets shall operate only during daylight hours.
- ▶ Agricultural retail structures. Agricultural retail structures are subject to the following requirements:
 - ▶ 1. An agricultural retail structure that is more than one thousand square feet in total floor area shall require a special use permit.
 - ▶ 2. All agricultural retail structures that serve food shall require a permit as required under [title 11, chapter 50](#) of the rules of the state department of health.
 - ▶ 3. Within an agricultural retail structure, other food items and logo items shall occupy no more than forty percent of the total floor area.
- ▶ Agricultural food establishments. All agricultural food establishments are subject to the following requirements:
 - ▶ 1. An agricultural food establishment that is more than one thousand square feet in total floor area shall require a special use permit.
 - ▶ 2. All food must be prepared in accordance with the State Department of Health rules and regulations.

Commercial Agricultural Structures

- ▶ Registration. Producers who propose to own or operate a commercial agricultural structure shall register the structure with the department of planning. The registration form shall include the following information:
 - ▶ 1. The name, address, and contact information for the producer.
 - ▶ 2. The tax map key number of the lot on which the proposed commercial agricultural structure is located.
 - ▶ 3. Verification that the producer is the owner, lessee, or licensee of the lot on which the proposed commercial agricultural structure is located. If the producer is the lessee or licensee, authorization of the owner shall 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 structure is located, or will be located.
 - ▶ 4. The type of commercial agricultural structure(s) being registered.
 - ▶ 5. The signature of the producer, certifying acknowledgment of and compliance 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.
 - ▶ 6. Any additional information requested by the planning director.
- ▶ Separate registration. Each commercial agricultural structure shall require a separate registration.

Exemption. Agricultural product stands that are three hundred square feet or less in total floor area are exempt from the registration requirements of this section.



Special Use Permit - §19.30A.060

- ▶ A. The following uses and structures are permitted in the agricultural district if a special use permit, as provided in [section 19.510.070](#) of this title, is obtained; except that if a use described in this section also requires a special permit as provided in chapter 205, Hawaii Revised Statutes, and if the land area of the subject parcel is fifteen acres or less, the State special permit shall fulfill the requirements of this section:
 - ▶ 3. Commercial agricultural structures that do not meet the standards and restrictions of this chapter.
 - ▶ 7. Open land recreation uses, structures, or facilities that do not meet the criteria of subsection [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 special permit as provided in section 205-6, Hawaii Revised Statutes. The following uses or structures are prohibited: airports, heliports, drive-in theaters, country clubs, drag strips, motor sports facilities, golf courses, and golf driving ranges.
- ▶ Application available: <https://www.mauicounty.gov/1313/County-Special-Use-Permit>

Conditional Permit - \$19.40

- ▶ Less than 15 acres, County Council is final approving authority
 - ▶ <https://www.mauicounty.gov/1250/Conditional-Permit>
- ▶ Larger than 15 acres, State Land Use Commission is the final approving authority
 - ▶ <https://www.mauicounty.gov/1283/Land-Use-Commission-Special-Permit>



To Review: Where do I start?

- ▶ Zoning and Flood Confirmation Form
- ▶ Check the Municode online (Title 19) to see which category your use falls into (permitted, accessory, special or conditional)
 - ▶ If you are unsure, call or email the Planning Department: (808) 270-7735, planning@mauicounty.gov
- ▶ Download and apply for the appropriate land use permits
- ▶ Check with Development Services Administration regarding Building Permits
- ▶ Other County and State Agencies may be involved as well such as Department of Health, Fire Department, etc.

What does this all mean for Agri-Tourism?

- ▶ Farm Tours
- ▶ Market/Dining
- ▶ Retail (ag and non-agricultural products)
- ▶ Weddings and Events
- ▶ Educational Activities
- ▶ U pick
- ▶ Food Truck

Quick Note: Agricultural Structures Building Permit Exemption

- ▶ <https://www.mauicounty.gov/DocumentCenter/View/115655/AG-DECLARATION-FINAL>
 - ▶ Please contact Zoning and Enforcement Division for more info
- ▶ <https://www.mauicounty.gov/DocumentCenter/View/88194/Declaration-of-ComplianceFinal-As-Built-Notification-Act-70-Relating-to-Agricultural-Structures?bidld=>
 - ▶ Please contact Development Services Administration for more info
- ▶ Does NOT exempt from applying for:
 - ▶ Plumbing
 - ▶ Electric
 - ▶ Flood Development
 - ▶ Special Management Area

Mahalo!