

COUNCIL OF THE COUNTY OF MAUI

AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION COMMITTEE

August 13, 2024

**Committee
Report No.** _____

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

Chair and Members:

Your Agriculture, Diversification, Environment, and Public Transportation Committee, having met on July 25, 2024, makes reference to Bill 17 (2022), entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT PRIVATE RESTRICTIONS ON SMALL-SCALE AGRICULTURAL USES AND THE KEEPING OF ANIMALS IN ANY RURAL DISTRICT.”

Bill 17’s purpose is to amend Chapter 19.29, Maui County Code, to prohibit instruments of conveyance from restricting small-scale agricultural uses and the keeping of animals in any County rural-zoning district.

Your Committee notes that the Council’s Agriculture and Public Trust Committee (2021-2023 Council term) previously met on this item on February 1, 2022.

Your Committee notes that the Council, at its meeting of July 23, 2021, adopted Resolution 21-113, which referred to the planning commissions for their findings and recommendations, a proposed bill to prohibit instruments of conveyance from restricting the growing and harvesting of any agricultural crop or product on lands within County rural districts.

By correspondence dated January 4, 2022, the Planning Director noted the following:

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1. The Department of Planning referred to the planning commissions a slightly modified bill from the version attached to Resolution 21-113.
2. The Maui and Molokai Planning Commissions met on October 12, 2021, and October 13, 2021, respectively, and recommended approval of the revised proposed bill. The Lānaʻi Planning Commission met on October 20, 2021, and recommended an additional revision to remove the word “considered.”
3. The Department of the Corporation Counsel further amended the bill to be consistent with the stated purpose and allowed uses in Chapter 19.29 and the provisions of Chapter 204-4.6, Hawaiʻi Revised Statutes.

A representative from the Department of Planning expressed support for Bill 17.

The Director of Agriculture said the bill would help to preserve and maintain rural lifestyles, support small farms, promote diversified agricultural products, and allow the raising of livestock to occur in any County rural-zoning district.

Your Committee expressed support for Bill 17, which would:

1. Establish design guidelines and standards to enhance urban and rural environments. (Countywide Policy Plan, page 76)
2. Allow coordination with the State to develop and revise regulations for rural development, within the State Rural

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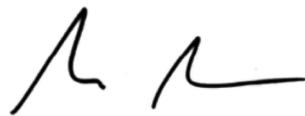
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District, to encourage creative design and sustainable communities. (Maui Island Plan, Page 7-15)

Your Committee voted 4-0 to recommend passage of Bill 17 (2022), on first reading. Committee Chair Johnson, Vice-Chair Sinenci, and members Cook and U‘u-Hodgins voted “aye.” Committee members Lee, Rawlins-Fernandez, and Sugimura were excused.

Your Agriculture, Diversification, Environment, and Public Transportation Committee RECOMMENDS that Bill 17 (2022), attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT PRIVATE RESTRICTIONS ON SMALL-SCALE AGRICULTURAL USES AND THE KEEPING OF ANIMALS IN ANY RURAL DISTRICT,” be PASSED ON FIRST READING and be ORDERED TO PRINT.

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



GABE JOHNSON, Chair

ORDINANCE NO. _____

BILL NO. 17 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29,
MAUI COUNTY CODE, TO PROHIBIT PRIVATE RESTRICTIONS
ON SMALL-SCALE AGRICULTURAL USES AND THE
KEEPING OF ANIMALS IN ANY RURAL DISTRICT

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

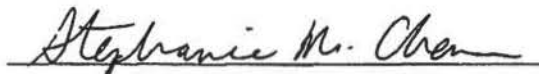
SECTION 1. Chapter 19.29, Maui County Code, is amended by adding a new section to read as follows:

“19.29.045 Private restrictions on small-scale agricultural uses and the keeping of animals. Any private restriction in any deed, agreement of sale, or other conveyance of land recorded in the bureau of conveyances limiting or prohibiting small-scale agricultural uses and the keeping of animals in any rural district is voidable. This section does not apply to any deed, agreement of sale, or other conveyance of land existing prior to the effective date of the ordinance establishing this section.”

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

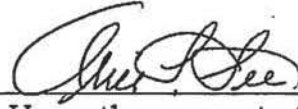
SECTION 3. This Ordinance takes effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:



STEPHANIE M. CHEN
Deputy Corporation Counsel
County of Maui
LF2021-1601
2021-11-4 ord amd ch 19.29

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.