

PSLU Committee

From: Michele McLean <Michele.McLean@co.maui.hi.us>
Sent: Thursday, January 6, 2022 9:24 AM
To: Angela R. Lucero; PSLU Committee; Richard E. Mitchell; Tamara A. Paltin; Wilton A. Leauanae
Cc: Jacky Takakura; Michael Hopper
Subject: Signed bill - PSLU-31
Attachments: 2021-11-05 RFLS Takakura Ch 19.29 Rural No Ag ProhibitionClosing.PDF

Here is the signed bill.

Clear Form

REQUEST FOR LEGAL SERVICES

DATE: 10/21/2021

From: Jacky Takakura, Administrative Planning Officer

Department/Division: Planning Department / Zoning Admin & Enforcement Division

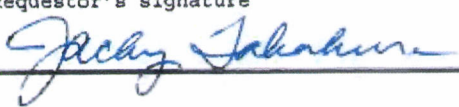
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: _____

Subject: Rural zoning district update to prohibit ag restrictions, from Council Resolution 21-113. The 3 planning commissions recommended approval of the bill for ordinance.

Background Data:

Department made some minor revisions to the proposed language which were approved by the 3 commissions. Lanai moved to recommend revising it to remove the word "considered" and Maui and Molokai approved Department's proposal as is.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER: _____

Requestor's signature 	Contact Person: Jacky Takakura (Telephone Extensions: 270-7743 Email: jacky.takakura@mauicounty.gov
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☒ ROUTINE (WITHIN 15 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS)
☐ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): _____

☐ RUSH (WITHIN 5 WORKING DAYS)
☐ URGENT (WITHIN 3 WORKING DAYS)

REASON:

↓ FOR CORPORATION COUNSEL'S RESPONSE ↓

ASSIGNED TO: SMC	ASSIGNMENT NO. 2021-1601	BY: jcm
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TO REQUESTOR: [] APPROVED [] DISAPPROVED ☒ OTHER (SEE COMMENTS BELOW)
 [] RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS
 AS NOTED: _____

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

Please see attached the signed bill with revisions.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 11/5/2021

By Stephanie Chen

(Rev. 10/2011)

Print Form

ORDINANCE NO. _____

BILL NO. _____ (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:

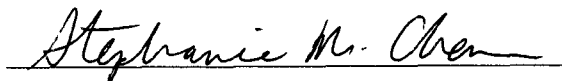
SECTION 1. Chapter 19.29, Maui County Code, is amended by adding a new section to read as follows:

“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