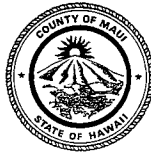


KATHY L. KAOHU
County Clerk



JAMES G.M. KRUEGER
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

July 26, 2021

Honorable Tamara Paltin, Chair
Planning and Sustainable Land Use Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Paltin:

By letter dated July 15, 2021 (County Communication No. 21-371), Councilmember Tamara Paltin transmitted a proposed resolution entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS A PROPOSED BILL AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT INSTRUMENTS OF CONVEYANCE FROM RESTRICTING THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR PRODUCT".

At the July 23, 2021 Council meeting, County Communication 21-371 was referred to your Committee and the proposed resolution was adopted. Attached is a copy of Resolution No. 21-113.

Respectfully,

A handwritten signature in cursive script that reads "Kathy L. KaoHu".

KATHY L. KAOHU
County Clerk

/lks

Enclosure

cc: Director of Council Services

RECEIVED
2021 JUL 26 PM 1:32
OFFICE OF THE
COUNTY COUNCIL

Resolution

No. 21-113

REFERRING TO THE LĀNA'I, MAUI, AND
MOLOKA'I PLANNING COMMISSIONS A
PROPOSED BILL AMENDING CHAPTER 19.29,
MAUI COUNTY CODE, TO PROHIBIT
INSTRUMENTS OF CONVEYANCE FROM
RESTRICTING THE GROWING AND
HARVESTING OF ANY AGRICULTURAL CROP
OR PRODUCT

WHEREAS, the Council is considering a proposed bill amending Chapter 19.29, Maui County Code, to prohibit instruments of conveyance from restricting the growing and harvesting of any agricultural crop or product; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commissions must review proposed land use ordinances and amendments and provide findings and recommendations to the Council; now, therefore,

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

1. That it refers the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT INSTRUMENTS OF CONVEYANCE FROM RESTRICTING THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR PRODUCT," a copy of which is attached as Exhibit "1," to the Lāna'i Planning Commission, the Maui Planning Commission, and the Moloka'i Planning Commission for appropriate action under 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 Lāna'i, Maui, and Moloka'i Planning Commissions transmit their findings and recommendations to the Council as expeditiously as possible; and

Resolution No. 21-113

3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lānaʻi Planning Commission, the Maui Planning Commission, and the Molokaʻi Planning Commission.

paf:wal:21-175c

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT INSTRUMENTS OF CONVEYANCE FROM RESTRICTING THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR PRODUCT

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 Instruments of conveyance. No deed, lease, agreement of sale, mortgage, or other instrument of conveyance may be interpreted to contain any covenant or clause that restricts, directly or indirectly, the growing and harvesting of any agricultural crop or product on lands within the RU-0.5, RU-1, RU-2, RU-5, RU-10, and County rural districts. This section does not apply to any covenant or clause 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:

Department of the Corporation Counsel
County of Maui

paf:wal:21-175a

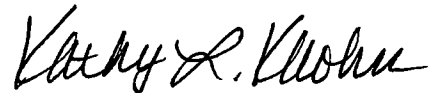
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 21-113, was adopted by the Council of the County of Maui, State of Hawaii, on the 23rd day of July, 2021, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Excused	Excused	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK