

# REQUEST FOR LEGAL SERVICES

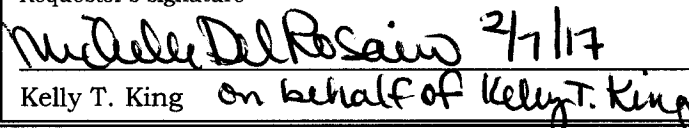
**Date:** February 7, 2017  
**From:** Kelly King, Chair  
Planning Committee

**TRANSMITTAL**  
**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Michael Hopper, Esq.

**Subject:** PLANNING COMMISSION AND HANA ADVISORY COMMITTEE MEMBERSHIP REQUIREMENTS (PC-6)

**Background Data:** Proposed bill relating to Planning Commission and Hana Advisory Committee membership requirements. In your response, please provide an original, signed hard copy.

**Work Requested:**  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

|  |  |
|--|--|
| Requestor's signature<br><br>Kelly T. King on behalf of Kelly T. King | Contact Person<br>Kimberley Willenbrink<br>(Telephone Extension: 7761) |
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ROUTINE (WITHIN 15 WORKING DAYS)       RUSH (WITHIN 5 WORKING DAYS)  
 PRIORITY (WITHIN 10 WORKING DAYS)       URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): 2/8/2017  
REASON: For posting on the 2/16/2017 Planning Committee meeting agenda.

### FOR CORPORATION COUNSEL'S RESPONSE

|              |                |     |
|--------------|----------------|-----|
| ASSIGNED TO: | ASSIGNMENT NO. | BY: |
|--------------|----------------|-----|

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): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_

(Rev. 7/03)

p:com:2017-18:com:pc:ltr:006acc01:kcw

Attachment

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION AND HANA ADVISORY COMMITTEE MEMBERSHIP REQUIREMENTS

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

SECTION 1. Chapter 2.28, Maui County Code, is amended to read as follows:

**“Chapter 2.28**

**PLANNING COMMISSIONS**

**Sections:**

- 2.28.010 Maui planning commission—establishment.**
- 2.28.020 Molokai planning commission—establishment.**
- 2.28.025 Lanai planning commission-establishment.**
- 2.28.030 General plan and community plans.**
- 2.28.040 Zoning regulations.**
- 2.28.060 Hana advisory committee.**
- 2.28.070 Planning Commission membership requirements.**
- 2.28.080 Planning commission and advisory committee training requirements.**

**2.28.010 Maui planning commission—establishment.**  
The Maui planning commission is established pursuant to section 8-8.4 of the revised charter of the County of Maui (1983), as amended.

**2.28.020 Molokai planning commission-establishment.**  
The Molokai planning commission is established pursuant to section 8-8.4 of the revised charter of the County of Maui (1983), as amended.

**2.28.025 Lanai planning commission—establishment.**

The Lanai planning commission is established pursuant to section 8-8.4 of the revised charter of the County of Maui (1983), as amended.

**2.28.030 General plan and community plans.** Any revision or amendment to any community plan shall be reviewed by the appropriate planning commission pursuant to chapter 2.80B of this code.

**2.28.040 Zoning regulations.** A. The appropriate planning commission shall also have the power to prepare and submit to the council appropriate zoning regulations regulating and limiting the height and bulk of buildings; determining the area of yards, courts and other open spaces; or regulating and restricting the location of trades and industries and the location of buildings designed for specific uses, including the establishment of building zones; or creating districts for any such purpose. After the submission of such regulations to the council, it may adopt the same, either in the form as submitted by the appropriate planning commission, or with such amendments as may be deemed requisite by the council.

B. The council may also require the appropriate planning commission to perform such other duties as it may hereafter, from time to time, prescribe.

**2.28.060 Hana advisory committee.** A. Establishment—members. There is established a Hana advisory committee to the Maui planning commission which shall consist of seven members appointed by the mayor with the approval of the council. Each member shall be a resident of the Hana district.

B. Member—residency requirement. To be eligible for appointment as a member of the Hana advisory committee, a person shall be a resident of the Hana district for a period of at least ninety consecutive days immediately preceding the person's appointment by the mayor. For the purposes of this section, the Hana district shall be delimited by section 4-1 of the Hawaii Revised Statutes. If a committee member ceases to be a resident of the Hana district, the committee member shall immediately forfeit office and the office shall thereupon be deemed vacant.

C. Terms and operation. Section 13-2 of the revised charter of the County of Maui (1983), as amended, shall apply to the Hana advisory committee in the same manner as said provisions apply to boards and commissions recognized by the revised charter of the County of Maui (1983), as amended.

D. Powers, duties, and functions. The Hana advisory committee shall advise the Maui planning commission on matters within its jurisdiction and shall carry out such duties as may be delegated to it by the Maui planning commission.

**2.28.070 Planning commission membership requirements.** A. At least one member of each planning commission shall have a background in conservation and natural resources, as evidenced by one or more of the following credentials:

1. A college degree in a relevant field, including forestry, wildlife conservation, geology, environmental science, or marine biology.

2. Work history sufficient to demonstrate an appropriate level of knowledge in the subject of land and natural resources, including parks and recreation, public lands management, natural area reserves, aquatic resources, boating and recreation, forestry and wildlife, water resources management, or conservation and resources.

3. A dedicated leadership position in a nonprofit organization sufficient to demonstrate an appropriate level of knowledge in a subject matter as noted in subsection 2 of this section.

B. At least one member of each planning commission, other than the member appointed pursuant to subsection A of this section, shall have demonstrated expertise in native Hawaiian traditional and customary practices, as evidenced by one or more of the following credentials:

1. A college degree in a relevant field, such as Hawaiian studies, native Hawaiian law, native Hawaiian traditional and customary practices, or related subject area.

2. Work history that demonstrates an appropriate level of knowledge in native Hawaiian traditional and customary practices.

3. Substantial experience as a native Hawaiian traditional and customary practitioner.

**2.28.080 Planning commission and advisory committee training requirements.** In addition to any other training offered to members, each planning commission member and Hana advisory committee member shall participate in the Native Hawaiian Law Training Course for Boards, Commissions, Councils and Lawmakers, given by the Ka Huli Ao Center for Excellence in Native Hawaiian Law, provided funding for the training is available through the Office of Hawaiian Affairs. Participation shall occur within one year of the member's term of appointment, unless the planning director approves an appointee's request for a six-month extension

for extenuating circumstances. Remote participation in training, through video and audio connection, shall satisfy this section's requirements.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:kcw:17-021c