

# Resolution

No. 22-144

PROPOSING AN AMENDMENT TO SECTION 13-2 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH THE MAUI COUNTY PLANNING COMMISSION, ESTABLISH PLANNING COMMISSIONS FOR ALL COMMUNITY PLAN AREAS ON MAUI, AND DISSOLVE THE MAUI PLANNING COMMISSION

WHEREAS, the Maui County Council proposes that the question be placed on the next General Election ballot of whether the Revised Charter of the County of Maui (1983), as amended (“Charter”), should be further amended to establish the Maui County Planning Commission, establish planning commissions for all community plan areas on Maui, and dissolve the Maui Planning Commission; and

WHEREAS, this proposed Charter amendment would promote home rule in land use and planning by giving each of Maui’s six community plan areas its own planning commission; now, therefore,

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

1. That in accordance with Charter Section 14-1(1), it proposes Charter Section 8-8.1 be amended by amending to read as follows, with deleted material in brackets and new material underscored:

“3. There shall be a department of planning consisting of [a Maui planning commission, a Moloka`i planning commission and a Lāna`i planning commission,] a planning director, a board of variances and appeals, planning commissions, and the necessary staff.”

1. That in accordance with Charter Section 14-1(1), it proposes Charter Section 8-8.4 be amended by amending to read as follows, with deleted material in brackets and new material underscored:

“3. Each planning commission for each community plan area shall consist of [~~nine~~] seven members appointed by the mayor with the approval of the council. The members of the Maui County planning commission shall consist of: its chair, who shall be appointed by the council; and the chair, or the chair’s designee, of each other planning commission. The members of each planning commission shall be residents of the [~~island~~] of the [~~planning commission on which the member serves.~~] relevant community plan area. The director of the department of public works, [~~and~~] the director of the department of environmental management, and the director of the department of water supply shall be non-voting ex-officio members of each commission.

Each planning commission shall exercise its powers, duties, and functions as follows:

1. The Maui County planning commission shall be concerned with countywide matters and the area encompassing the islands island of Maui and Kaho`olawe and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto[.], except when in conflict with another planning commission’s authority.

2. The Moloka`i planning commission shall be concerned with the area encompassing the island of Moloka`i and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto. [, except that portion of the island known as Kalaupapa, Kalawao, and Waikolu and commonly known and designated as the Kalaupapa Settlement.]

3. The Lāna`i planning commission shall be concerned with the area encompassing the island of Lāna`i and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.

The appropriate planning commission shall:

1. Advise the mayor, council, and the planning director in matters concerning planning programs.

2. Review the general plan and revisions thereof prepared by the planning director or at the request of the council. The commission shall hold public hearings on such plans and revisions thereof and shall transmit them, with its findings and recommendations to the council for

consideration and action no later than one hundred eighty (180) days after the final public hearing.

3. Review other proposed land use ordinances and amendments thereto prepared by the director or the council and, after public hearings, transmit such ordinances with its findings and recommendations thereon to the council for consideration and action no later than one hundred twenty (120) days after the final public hearing.

4. Act as the authority in all matters relating to the Coastal Zone Management law.

5. Adopt rules pursuant to land use ordinances or law.

6. Have such other powers and duties as may be provided by law.

7. The council by ordinance may establish transitional policies for the creation or dissolution of a planning commission or the change in the number of members to which a planning commission is entitled. The policies may include determinations of jurisdiction over pending or prospective matters and the waiver or extension of deadlines.

8. The council by ordinance must establish community plan area boundaries for the island of Maui.”

3. That, in accordance with Charter Section 14-2(1), this Resolution be submitted to the voters of the County of Maui at the next General Election;

4. That the County Clerk prepare the necessary ballot for presentation to the voters at the next General Election;

5. That, in accordance with Charter Section 14-1(1), it proposes that the following question be placed on the next General Election ballot:

“Shall the Charter be amended, effective July 1, 2023, to establish the Maui County Planning Commission, establish planning commissions for all community plan areas on Maui, and dissolve the Maui Planning Commission?”

6. That, in accordance with Charter Section 14-2(2), the County Clerk must publish the proposed amendment in this Resolution in its entirety in a newspaper of general circulation;

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7. That, upon approval by the majority of the voters voting on the proposed amendment and upon official certification of the result, the amendment proposed in this Resolution takes effect on July 1, 2023;

8. That as authorized by Charter Section 14-4, the County Clerk must revise and publish in its entirety a revised Charter including amendments adopted in this Resolution and renumbering provisions and cross-references as may be necessary by the approval of the revisions or amendments; and

9. That certified copies of this Resolution be transmitted to the Mayor and the County Clerk.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

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INTRODUCED BY:

*Kelly T. King*

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KELLY TAKAYA KING