

Great Committee

From: Dick Mayer <dickmayer@earthlink.net>
Sent: Monday, June 6, 2022 9:01 AM
To: Great Committee
Subject: Proposed Charter Amendment on Planning Commissions
Attachments: District Planning Commissions - Council Charter Amendment.pdf

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RE: Proposed Charter Amendment on Planning Commissions

Great Committee: **GREAT-10(3) Reso 22-144**

Aloha Council member,

I have attached a clearer version of the proposed charter amendment on planning commissions. I believe it will clarify several items that the present version leaves unclear.

The following are the changes that I am recommending:

1. The role and purpose for having a Maui County Planning Commission, as distinct from the district planning commissions.
2. The method by which the members of the Maui County Planning Commission will be selected.

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:

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:

Maui County Code Section 8-8.1 PLANNING

Section 8-8.4. District Planning Commissions and Maui County Planning Commission.

There shall be a planning commission for each Maui county community plan district, except Kaho`olawe, and a Maui county planning commission. (Amended 1996, 1992, 1988)

a. Each district planning commission shall consist of seven (7) members plus two (2) alternate members appointed by the mayor with the approval of the council. The members of each planning commission shall be residents of the community plan district of the planning commission in which the member serves. The directors of the departments of public works, environmental management, and water supply shall be non-voting, *ex officio* members of each commission.

b. Each Maui island district planning commission shall exercise its powers, duties, and functions as concerns the district encompassing its respective community plan area, except for the Kihei-Makena community planning commission which shall also be concerned with the island of Kaho`olawe.

c. 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.]

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

e. The appropriate district planning commission shall:

1. Advise the mayor, council, and the planning director in matters concerning planning and land use programs in its district.

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)] twenty (120) 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 within its district as the authority in all matters relating to the Coastal Zone Management law.

5. Adopt rules for their district 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.

f. The Maui County Planning Commission shall:

1. Consist of a member from each community plan district. The chair of the county planning commission shall be nominated by the mayor and approved by the council. There shall be one (1) member from each of the Lanai, Molokai, and Maui Island community plan districts. Each community plan district's chair or chair-designee appointed from among the members of that district planning commission shall be a member of the county planning commission. The directors of the departments of public works, environmental management, and water supply shall be non-voting, ex officio members of this commission.

2. Review countywide land use proposals, ordinances, and amendments 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.

2. 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;

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

4. 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?”

5. 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;

6. 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;

7. 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

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

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:pmg:22-101b

Proposed CHARTER QUESTION

“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?”

If the proposal DOES pass:

Residents and communities will be able to guide the future of their community plan district more effectively by having control over decisions on land use and planning within their community plan district.

If the proposal DOES NOT pass:

Final decisions on the land use and planning for each of Maui Island’s community planning districts will be made by a single Maui Island Planning Commission with minimal representation from the respective district.

Justification and Rationale:

Improve resident and community decision-making for the future of their district.

Description:

Molokai and Lanai already have Planning Commissions and that would not change. The existing East Maui, Haiku-Paia, and South Maui advisory committees would be replaced by planning commissions. The Charter Amendment would permit Planning Commissions for the three (3) remaining Maui Island community plan districts (Central, Upcountry, and West Maui).

There will be a planning commission for each community plan district, except Kaho’olawe. Each district planning commission would be made up of seven appointed residents of that community planning area.

Alternative format for the question:

“Shall the Charter be amended to allow each of the six community plan districts on Maui Island to have its own Planning Commission to deal with issues in its district, and have the Chair or a Chair delegate of each of the County’s planning commissions convene as a Maui County Planning Commission to make recommendations to the County Council on planning and land use matters that affect the whole County?”