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OFFICE OF THE
COUNTY COUNCIL

MEMO TO: GREAT-10(3) File

F R O M: Michael J. Molina, Chair

Government, Relations, Ethics, and Transparency Committee

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
RESOLUTION 22-144, CHARTER PROPOSAL TO AMEND
SECTION 13-2** (GREAT-10(3))

The attached legislative proposal pertains to Item 10(3) on the Committee's agenda.

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Attachment

Resolution

No. _____

PROPOSING AN AMENDMENT TO CHAPTER 8
OF ARTICLE 8 OF THE REVISED CHARTER OF
THE COUNTY OF MAUI (1983), AS AMENDED,
TO 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 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:

“Section 8-8.1. Organization. There shall be a department of planning consisting of [a Maui planning commission, a Molokaʻi planning commission and a Lānaʻi planning commission,] a planning director, a board of variances and appeals, planning commissions, and the necessary staff.”

2. 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:

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“Section 8-8.4. Planning Commissions. Each planning commission for each community plan area shall consist of nine members appointed by the mayor with the approval of the council. 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 planning commission shall be concerned with 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.] Each of Maui Island’s community plan areas may have its own planning commission. Each planning commission will be concerned with the area encompassing its community plan area and any islands lying within three nautical miles of the community plan area’s shores and the waters adjacent thereto. The South Maui (Kihei-Makena) planning commission will have jurisdiction over matters on Molokini and Kaho’olawe.

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.

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2. Review the general plan and revisions thereof prepared by the planning director, a citizen advisory committee, 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 the relevant community plan area 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;

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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 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;

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.

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INTRODUCED BY:

Kelly T. King

KELLY TAKAYA KING