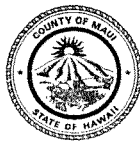


Council Chair
Mike White

Vice-Chair
Don S. Guzman

Presiding Officer Pro Tempore
Michael P. Victorino

Councilmembers
Gladys C. Baisa
Robert Carroll
Elle Cochran
Don Couch
Stacy Crivello
Riki Hokama



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

July 28, 2016

Director of Council Services
David M. Raatz, Jr., Esq.

RECEIVED

2016 JUL 29 AM 8:04

OFFICE OF THE
COUNTY CLERK

The Honorable Mike White
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair White:

**SUBJECT: QUALIFICATIONS AND TRAINING REQUIREMENTS
FOR PLANNING COMMISSION MEMBERS (PAF 16-122)**

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION MEMBERSHIP AND TRAINING," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in cursive script that reads "Elle Cochran".

ELLE COCHRAN
Councilmember

paf:gig:16-122b

Attachment

COUNTY COMMUNICATION NO. 16-173

ORDINANCE NO. _____

BILL NO. _____ (2016)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION MEMBERSHIP AND TRAINING

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 commissions membership requirements.
- 2.28.080 Planning commissions 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.

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.

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.

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 [2.80] 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 shall apply to the Hana advisory committee in the same manner as said provisions apply to boards and commissions recognized by the revised charter[; provided that of the seven members appointed, two shall serve for a term of five years; two shall serve for a term of four years; two shall serve for a term of three years, and one shall serve for a term of two years].

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 commissions 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 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.

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.

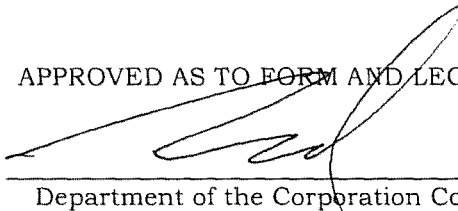
3. Substantial experience as a native Hawaiian traditional and customary practitioner.

2.28.080 Planning commissions 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 such training is available and funded through the Office of Hawaiian Affairs.

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:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a horizontal line.

Department of the Corporation Counsel
County of Maui
2016-0980

2016-07-27 Proposed Ordinance