

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

December 2, 2016

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on November 14, 2016, makes reference to County Communication 16-173, from Councilmember Elle Cochran, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION MEMBERSHIP AND TRAINING."

The purpose of the proposed bill is to require at least one member sitting on each planning commission to have certain qualifications in conservation and natural resources, and Native Hawaiian traditional and customary practices, respectively; and to require all members of the planning commissions and Hana Advisory Committee to participate in a Native Hawaiian law training course taught by the Ka Huli Ao Center for Excellence in Native Hawaiian Law.

The Planning Director noted the difficulty of filling vacancies on the planning commissions and said requiring members to have certain qualifications may increase the difficulty.

Your Committee revised the proposed bill to remove the requirements that at least one member sitting on each planning commission have certain qualifications in conservation and natural resources, and Native Hawaiian traditional and customary practices.

Your Committee agreed participation in a Native Hawaiian law training course had merit, and noted the Office of Hawaiian Affairs would cover the cost of the training.

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Your Committee voted 6-1 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Cochran, Crivello, and White voted "aye." Committee member Hokama voted "no." Committee members Carroll and Guzman were excused.

Your Committee is in receipt of a revised proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION AND HANA ADVISORY COMMITTEE TRAINING REQUIREMENTS," approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

1. That Bill _____ (2016), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION AND HANA ADVISORY COMMITTEE TRAINING REQUIREMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 16-173 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

ORDINANCE NO. _____

BILL NO. _____ (2016)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY
CODE, RELATING TO PLANNING COMMISSION AND HANA ADVISORY
COMMITTEE TRAINING 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.~~
commission—establishment.**
- 2.28.020 Molokai planning [~~commission—Establishment.~~
commission—establishment.**
- 2.28.025 Lanai planning [~~commission—Establishment.~~
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 and advisory committee
training requirements.**

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

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

2.28.025 Lanai planning [~~commission—Establishment.~~]
commission—establishment. The Lanai planning commission is established pursuant to section 8-8.4 of the revised charter of the [county.] 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 [2.80] 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.~~] 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.~~] 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.~~] operation. Section 13-2 of the revised charter of the [county] 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]; 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] of the County of Maui (1983), as amended.

D. Powers, [Duties,] duties, and [Functions.] 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 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."

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:



MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui
2014-2966
PIA-71 2016-11-18 Ordinance