

Resolution

No. _____

PROPOSING AMENDMENTS TO THE REVISED
CHARTER OF THE COUNTY OF MAUI (1983),
AS AMENDED, RELATING TO THE GENERAL
PLAN AND COMMUNITY PLANS

WHEREAS, Section 8-8.4 of the Revised Charter of the County of Maui (1983), as amended ("Charter") provides for planning commissions and their powers, duties, and functions; and

WHEREAS, Section 8-8.5 of the Charter states the general plan shall be developed after agency and public input, citizen advisory committees are charged with reviewing and recommending revisions to the community plan, and community plans are part of the general plan; and

WHEREAS, Section 8-8.6 of the Charter establishes the process for revisions to the general plan; and

WHEREAS, decennial revisions to the community plans are thoroughly reviewed by community plan advisory committees (formally known as citizen advisory committees or citizen advisory councils) for each community plan area in accordance with Section 8-8.5(4) of the Charter; and

WHEREAS, the public has an opportunity to provide testimony on decennial general plan and community plan revisions at each community plan advisory committee meeting; and

WHEREAS, planning commission review and approval of non-decennial general plan and community plan amendments should continue because community plan advisory committees do not review non-decennial amendments; and

WHEREAS, planning commission acceptance of decennial general plan and community plan revisions requires another agency review similar to the community plan advisory committee's review and adds time to the decennial general plan and community plan review process; and

WHEREAS, deleting the requirement of acceptance of decennial general plan and community plan revisions by the planning commission

RECEIVED AT PC MEETING ON 1/4/18
Committee Chair

Resolution No. _____

will streamline the decennial general plan and community plan review process; now, therefore,

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

1. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 8-8.4 of the Charter, pertaining to planning commissions, be amended to read as follows:

“Section 8-8.4. Planning Commissions. Each planning commission 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. The director of the department of public works [and 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 the area encompassing the islands of Maui and Kaho`olawe and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.

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 non-decennial 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

Resolution 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.”; and

2. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 8-8.5 of the Charter, pertaining to the general plan and community plans, be amended to read as follows:

“Section 8-8.5. General Plan and Community Plans.

1. The general plan shall be developed after input from state and county agencies and the general public, and shall be based on sound policy and information.

2. The general plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.

3. The planning director shall issue a report annually providing a detailed explanation of the implementation and enforcement of the general plan and the community plans to the mayor and the council.

4. There shall be a [citizen] community plan advisory committee for each community plan area. Each [citizen] community

Resolution No. _____

plan advisory committee shall consist of thirteen members, with nine appointed by the council and four appointed by the mayor. Each [citizen] community plan advisory committee is charged with reviewing and recommending revisions to the community plan for its community plan area. Each [citizen] community plan advisory committee shall remain in existence until its revisions are adopted, modified, or rejected by the council and until such action is approved, modified, or rejected by the mayor.

5. The community plans created and revised by the [citizen] community plan advisory committees shall set forth, in detail, land uses within the community plan [regions] areas of the county. The objectives of each community plan shall be to implement the policies of the general plan. Each community plan shall include implementing actions that clearly identify priorities, timelines, estimated costs, and the county department accountable for the completion of the implementing actions.

6. The community plans generated through the [citizen] community plan advisory [councils] committees and accepted by the [planning commission,] council[,] and mayor are part of the general plan.”; and

3. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 8-8.6 of the Charter, pertaining to adoption of the general plan and other land use ordinances, be amended by amending subsection (2) to read as follows:

“2. Any revisions of the general plan, zoning ordinance or other land use ordinance may be proposed by the council and, except for decennial revisions of community plans, shall be reviewed by the appropriate planning commission as if prepared by the planning director. Any such revision shall be referred to the appropriate planning commission by resolution. If the planning commission disapproves the proposed revision or recommends a modification thereof, not accepted by the council, or fails to make its report within a period of the hundred twenty (120) days after receipt of the referral, the council may nevertheless pass such revision, but only by the affirmative vote of at least two thirds of the council's entire membership.”; and

4. That material to be repealed is bracketed and new material is underscored; and

Resolution No. _____

5. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

6. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

7. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes the following question be placed on the next general election ballot:

“Shall Section 8-8.4 of the Charter be amended to correct the title of the department of public works and limit planning commission review to non-decennial revisions of the general plan?”; and

8. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes the following question be placed on the next general election ballot:

“Shall Section 8-8.5 of the Charter be amended to correct the title of community plan advisory committees and community plan areas and delete the requirement that planning commissions accept decennial revisions to the community plans?”; and

9. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes the following question be placed on the next general election ballot:

“Shall Section 8-8.6(2) of the Charter be amended to delete the requirement of review of community plan decennial revisions by the appropriate planning commission?”; and

10. That pursuant to Section 14-2(2) of the Charter, the County Clerk shall publish the proposed amendments as set forth in this resolution in their entirety in a newspaper of general circulation; and

11. That, upon approval by the majority of voters voting on the proposed amendment and upon official certification of such result, the amendments proposed herein shall take effect; and

Resolution No. _____

12. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY

Deputy Corporation Counsel
County of Maui

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