

# Resolution

No. 21-92

REFERRING TO THE LĀNAʻI, MAUI, AND  
MOLOKAʻI PLANNING COMMISSIONS A  
PROPOSED BILL RELATING TO CONDITIONAL  
PERMIT AMENDMENTS

WHEREAS, the Council is considering a proposed bill to revoke the Planning Director's authority to amend Conditional Permits; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commissions review proposed land use ordinances and provide findings and recommendations to the Council; now therefore,

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

1. That it refers the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO CONDITIONAL PERMIT AMENDMENTS," a copy of which is attached as Exhibit "1," to the Lānaʻi, Maui, and Molokaʻi Planning Commissions for appropriate action, in accordance with Sections 8.8.4 and 8.8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it respectfully requests that the Lānaʻi, Maui, and Molokaʻi Planning Commissions transmit its findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, and the Lānaʻi, Maui, and Molokaʻi Planning Commissions.

**Exhibit "1"**

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2021)

**A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING  
ORDINANCE RELATING TO CONDITIONAL PERMIT AMENDMENTS**

**BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:**

SECTION 1. Section 19.40.080, Maui County Code, is amended to read  
as follows:

**"19.40.080 Conditions, amendments, modifications.** A. Conditional permits may be issued subject to such terms and conditions deemed reasonable and necessary to fulfill the intent and purposes of this title. All changes in the use or appearance of land or buildings allowed by the permit shall be in accordance with the specified conditions and the proposal as approved. Such permit shall be issued subject to compliance with and/or fulfillment of such terms and conditions and shall so state.

B. Any person who has been issued a conditional permit may request the commission to review a request to amend or delete any terms and conditions imposed upon such permit.

C. The commission on request or on its own initiative may recommend action to revoke any conditional permit or amend or delete any terms, conditions, and time stipulations of such conditional permit if such action is deemed necessary to effectuate the purpose and intent of this chapter. The commission shall provide due notice in writing to the applicant/permittee and an opportunity for a hearing.

[D. The planning director may approve amendments to the conditional permit if the amendments are not substantive and do not result in significant impacts above what would result from the approved conditional permit. Before approving any such amendments, the planning director shall notify the respective planning commission of the proposed non-substantive amendments. The commission may review the proposed non-substantive amendments and take action or waive review.]"

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 takes effect upon its approval.

paf:alkl:21-132b

**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 21-92, was adopted by the Council of the County of Maui, State of Hawaii, on the 4th day of June, 2021, by the following vote:**

<b>MEMBERS</b>	<b>Alice L. LEE Chair</b>	<b>Keani N. W. RAWLINS-FERNANDEZ Vice-Chair</b>	<b>Gabriel JOHNSON</b>	<b>Natalie A. KAMA</b>	<b>Kelly T. KING</b>	<b>Michael J. MOLINA</b>	<b>Tamara A. M. PALTIN</b>	<b>Shane M. SINENCI</b>	<b>Yuki Lei K. SUGIMURA</b>
<b>ROLL CALL</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>



COUNTY CLERK