

Planning Department Suggestions for Planning Commission Rule Changes 2026

updated 03/31/2026

All Rules

- Modernize and update to be consistent with any recent changes in Hawai‘i Revised Statutes (HRS) and Hawai‘i County Code (HCC).
- Convert to plain language to make rules easier to understand.

PC Rule 1 (General Rules)

- Clarify who sets the agenda. When deferred items are placed back on the agenda.
- Clarify how Joint PC meeting minutes are approved/adopted when Joint PC meetings are held infrequently.
- Consider adding duties and functions of PCs from the Charter.
- Consider granting the PC chair the authority to grant applicant/department requests to defer or postpone an item (application) to a future hearing and sign letters to that effect.
- Update definitions, procedures for testimony, public records to be consistent with current Sunshine Law.
- Clarify role of Planning Department support staff. See Kauai Rule 1-2-8 (Officers and Their Duties)
- Consider adding a decorum section (see Kauai PC rules)
- Consider adding a standards of conduct section (see Kauai PC rules).
- Add exparte communication statement.

PC Rule 2 (Petition for Adoption, Amendment, or Repeal of Rules)

- Consider adding ability for Planning Director to initiate rulemaking (without fee).
- Change PC Rule 2-1(c) since PC cannot deny the petition or initiate public rulemaking without first holding a public hearing.

PC Rule 3 (Declaratory Rulings)

- Clarify purpose and authority of declaratory ruling.
- Clarify procedure in PC Rule 3-1(c), since PC cannot deny a petition or issue a declaratory order without holding a public hearing.
- Clarify PC Rule 3-1 (c) whether "set the matter for a public hearing" means schedule the hearing or hold the hearing within 60 days of petition filing.
- Amend PC Rule 3-2 to remove that a petitioner must request a public hearing because all decisions of the PC must occur at a public hearing even if a public hearing is not formally requested.

PC Rule 4 (Contested Case Procedures)

- Create clear and distinct procedures between a regular planning commission meeting and a contested case hearing. Ensure contested case procedure is consistent with HRS 91.
- Amend PC Rule 4-6(i) (Mediation) so that the mediation conference is not required to be held within 30 days of standing being granted. It typically takes longer for selection of a mediator and scheduling of the mediation conference by the mediator.
- Remove reference to "one or more members to act as hearings officer(s), under PC Rule 4-6(h). There should be only one "presiding officer" as listed in PC Rule 4-4(a).
- Determine whether verbatim transcripts or a recording is sufficient, and who bears the cost of a verbatim transcript.
- Add language stating the circumstances for taking new evidence in a contested case hearing after receiving hearing's officers report is transmitted to PC: clear errors; error of law; new information that was not available at time of hearing.

PC Rule 5 (General Plan Amendments)

- None.

PC Rule 6 (Special Permits), PC Rule 7 (Use Permits), PC Rule 8 (Shoreline Setback Variance), PC Rule 9 (Special Management Area), PC Rule 10 (Zoning Amendments), PC Rule 13 (State Land Use District Boundary Amendment), PC Rule 14 (Agricultural Project Districts), PC Rule 15 (Project Districts), PC Rule 16 (Planned Unit Development)

- Create new rules to address the following related to permit applications:
 - Application Content Requirements and Filing Fees. Create minimum application content requirements and filing fee schedule.
 - Public Notice, Surrounding Property Owner Notice, and Sign Posting Requirements
 - Hearing Procedures- order of proceedings, request for continued hearing, testimony, presiding officer, record, findings, commission decision.
 - Permit Modifications and Extensions
 - Enforcement and Revocation- consider a cross reference to the enforcement process in Planning Department rules and/or add procedure for non-compliance.
- Keep authority, purpose, and criteria for granting approval in individual permit rules.

PC Rule 8 (Shoreline Setback Variance)

- Consider moving definitions into PC Rule 1.

PC Rule 9 (Special Management Area)

- Consider moving definitions into PC Rule 1.
- Amend PC Rule 9-4 (x) & (y); 9-10(a), (d), (e), (f); 9-11 (b) to make valuation threshold consistent with HRS 205A-22.
- Amend SMA permit revocation process to be consistent with other permit types.
- Consider removing separate contested case hearing procedures in PC Rule 9-21 and use procedure in PC Rule 4 instead.

PC Rule 10 (Zoning Amendments)

- None.

PC Rule 11 (Geothermal Resource Permits)

- Consider deleting permitting process in this rule but keeping enforcement section to enforce existing permits, since geothermal development and exploration permitting is now done by State DLNR rather than the County.

PC Rule 12 (Geothermal Asset Fund)

- Need to keep this rule; see HCC Chapter 2-176 and WPC duties in Charter.

PC Rule 13 (State Land Use District Boundary Amendment)

- Modernize and ensure that the rule is still consistent with State land use laws, HCC Chapter 28, and Land Use Commission rules for state land use boundary amendments.

PC Rule 14 (Agricultural Project Districts)

- None

PC Rule 15 (Project Districts)

- None

PC Rule 16 (Planned Unit Development)

- Add that all variances from HCC Chapter 23 and HCC Chapter 25, except variances for minimum water requirements, must be comprehensive and

applied for under PUD. No administrative variances can subsequently be issued.

County Charter Amendment Suggestions

- County Charter Sec 6-7.5(a)(4): Remove the requirement for newspaper publication of agendas and public notices and provide notice consistent with current Sunshine Law in HRS.
- County Charter Sec 6-7.5 (affects Sec 13-4 “except as otherwise provided in this charter”): Allow continuous consecutive terms for commissioners so that knowledge is not lost.