

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

September 7, 2012

Committee
Report No. _____

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

Chair and Members:

Your Planning Committee, having met on July 30, 2012, and August 28, 2012, makes reference to County Communication 12-143, from Councilmember Gladys C. Baisa, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, AND SECTION 3.04.020, MAUI COUNTY CODE, RELATING TO IMPLEMENTATION OF THE GENERAL PLAN".

The purpose of the proposed bill is to delete the requirement for an implementation program from the community plans and the Maui Island Plan, which are components of the General Plan, and establish a countywide implementation plan requirement.

Your Committee notes that Chapter 2.80B, Maui County Code ("MCC"), relating to the General Plan and community plans, requires (1) the Maui Island Plan and each community plan to include an implementation program; and (2) the Maui General Plan Advisory Committee to review the Maui Island Plan.

Your Committee further notes that Sections 8-8.5 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended ("Charter"), respectively require (1) the community plan advisory committees to review the community plans, which include implementing actions; and (2) the Lanai, Maui, and Molokai Planning Commissions to review revisions to the General Plan.

Your Committee further notes that Resolution 12-66 requires the Council to adopt the Maui Island Plan by ordinance no later than December 31, 2012.

The Chair of your Committee distributed a revised proposed bill that provides for (1) the adoption of the Maui Island Plan by ordinance within one year after receipt by the Council, except for the implementation program; (2) the adoption by ordinance of the implementation program no later than one year after the adoption of the other components of the Maui Island Plan; and (3) the disbanding of the Maui General Plan

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Advisory Committee upon the adoption of the Maui Island Plan, including the implementation program.

Your Committee notes that the revised proposed bill retains the Council's authority to extend the deadlines by resolution.

A representative from the Department of Planning expressed support for the revised proposed bill, which would leave the implementation program as a component of the Maui Island Plan, to be enacted by a separate ordinance. He further stated that the revised proposed bill would provide the Department with additional time to assess the overall review processes for the General Plan documents. The representative also noted that portions of the implementation program in the Maui Island Plan were outdated. Therefore, the additional time would allow the Department to review and update the implementation program component.

Your Committee was concerned that the implementation program must be revised whenever the County budget is amended. A Deputy Corporation Counsel stated that the implementation program acts as a guide and estimates budget demands. He further stated that the County budget would only need to be amended if the County's capital improvement projects or financial needs are drastically altered due to unforeseen circumstances. However, he cautioned that because the Charter requires implementing actions for each community plan, the implementation program may need to be revised if specific community plan implementing actions are revised.

A representative from the Department of Planning added that each chapter of the Maui Island Plan includes implementing actions, and a policy decision to delete an implementing action may trigger a revision to the implementation program.

Your Committee voiced concerns that the proposed bill would need to be reviewed by the planning commissions prior to its enactment. The Deputy Corporation Counsel stated that amendments to Chapter 2.80B, MCC, are not considered land use ordinances, and, therefore, do not require review by the planning commissions.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Couch, Vice-Chair Baisa, and members Pontanilla, Victorino, and White voted "aye". Committee members Cochran and Mateo were excused.

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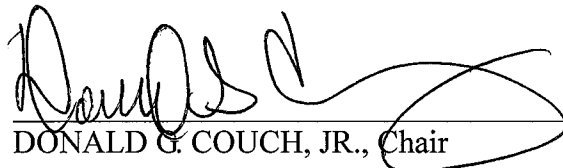
Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Planning Committee RECOMMENDS the following:

1. That Bill _____ (2012), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, AND SECTION 3.04.020, MAUI COUNTY CODE, RELATING TO IMPLEMENTATION OF THE GENERAL PLAN", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 12-143 be FILED.

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



DONALD G. COUCH, JR., Chair

ORDINANCE NO. _____

BILL NO. _____ (2012)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE,
AND SECTION 3.04.020, MAUI COUNTY CODE, RELATING TO
IMPLEMENTATION OF THE GENERAL PLAN

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

SECTION 1. Section 2.80B.030, Maui County Code, is amended by amending subsection G to read as follows:

"G. Maui Island Plan. The Maui island plan shall include:

1. An island-wide land use strategy for the island of Maui that shall include the following:

a. Vision Statement. The vision statement shall reference the island's economy, land use patterns, environmental and cultural resources, and social environment.

b. Managed and Directed Growth Plan. The managed and directed growth plan shall describe existing and future land use patterns and planned growth for the twenty-year planning period and include a discussion on how these patterns are consistent with and support the vision, principles, goals, and policies of the County and the island of Maui. The managed and directed growth plan shall include a map that delineates urban and rural growth areas, consistent with, and illustrative of, the Maui island plan's vision, principles, goals, and policies.

c. Action Plan. The action plan shall identify specific programs, projects, and regulations that will need to be developed over the twenty-year planning period to implement the island's vision, principles, goals, and policies. [This element shall include a general schedule and identify implementing agencies and persons.]

2. Water Element. The water element shall assess and discuss water supply, demand, and quality.

3. Nearshore Ecosystem Element. The nearshore ecosystem element shall assess the ecosystem in the nearshore waters of the County, and will discuss preservation and restoration of these waters.

4. Implementation Program. The implementation program shall include a capital improvement element, a financial element, and an implementation schedule.

a. Capital Improvement Element. The capital improvement element shall describe regional infrastructure systems and regional public facilities and services that will be needed over the twenty-year planning period.

b. Financial Element. The financial element shall describe a fiscally sound financial program for identified actions and capital improvements. Preparation of the County's annual operating budget and capital program, respectively developed pursuant to sections 3.04.030 and 3.04.040 of this code, shall implement the general plan to the extent practicable.

c. Implementation Schedule. The implementation schedule shall identify and numerically prioritize specific actions, the implementation actions' commencement and completion dates, the lead implementation agency or person, the estimated implementation cost, and the anticipated funding source or sources.

5. Milestones. The Maui island plan shall contain specific milestones designed to measure progress in the implementation of the Maui island plan's vision, principles, goals, and policies. In assessing each milestone, due consideration shall be given to federal, state, and County economic, demographic, and other significant quality-of-life indicators."

SECTION 2. Section 2.80B.050, Maui County Code, is amended by amending subsection D to read as follows:

"D. Time limits for council review of the countywide policy plan and the Maui island plan:

1. No later than one year after receipt of the countywide policy plan pursuant to subsection C.1 of this section, the council shall adopt the countywide policy plan by ordinance following a public hearing. The council may, by resolution, extend the time within which the ordinance must be enacted. Upon the adoption of the countywide policy plan, the Molokai and Lanai general plan advisory committees shall be disbanded.

2. No later than one year after receipt of the Maui island plan pursuant to subsection C.2 of this section, the council shall adopt the Maui island plan by ordinance following a public hearing[.], except for the implementation program component. No later than one year after the effective date of the ordinance adopting the Maui island plan, the council shall adopt the implementation program component of the Maui island plan by ordinance following a public hearing. Nothing in this section shall prohibit the council from adopting the Maui island plan in its entirety within one year from its receipt. The council may, by resolution, extend the time within which the [ordinance] ordinances must be enacted. Upon the adoption of the Maui island plan, including the implementation program component, the Maui general plan advisory committee shall be disbanded."

SECTION 3. Section 3.04.020, Maui County Code, is amended to read as follows:

"3.04.020 General. A. The minimum disclosures required in this chapter shall not be interpreted to restrict any [county] County agency from making additional or more detailed disclosures.

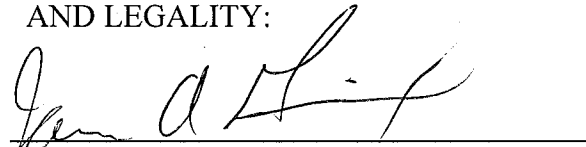
B. Information transmitted as required by this chapter shall include a disclosure of the specific fund or funds involved, where appropriate.

C. Preparation of the operating budget and capital program shall implement, to the extent practicable, the County's general plan enacted pursuant to chapter 2.80B of this code."

SECTION 4. 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 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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