

November 5, 2014

MEMO TO: PC-56 File

F R O M: Donald G. Couch, Jr., Chair
Planning Committee



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, RELATING TO
GENERAL AND COMMUNITY PLANS (PC-56)**

The attached legislative proposal pertains to Item 56 on the Committee's agenda.

pc:ltr:056afile01:csh

Attachment

cc: William Spence, Planning Director
Michael Hopper, Deputy Corporation Counsel

ORDINANCE NO. _____

BILL NO. _____ (2014)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY
CODE, RELATING TO PUBLIC HEARING REQUIREMENTS
FOR AMENDMENTS TO THE MAUI ISLAND PLAN

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

SECTION 1. The purpose of this bill is to establish that public hearings on amendments to the Maui Island Plan need to be held only on the island of Maui.

SECTION 2. Section 2.80B.060, Maui County Code, is amended to read as follows:

“2.80B.060 Nondecennial amendments to the [general] countywide policy plan[,] and Maui island plan. A. Nondecennial amendments to the [general] countywide policy plan and Maui island plan may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments [to the general plan] made pursuant to this subsection shall be processed in accordance with sections 8-8.4 and 8-8.6 of the [charter.] revised charter of the County of Maui (1983), as amended.

B. Nondecennial amendments to the [general] countywide policy plan and Maui island plan enacted pursuant to section 2.80B.050 [of this chapter] may be proposed by a person during July of each year, provided that such amendments shall not be accepted within one year after the enactment of a decennial revision [to the general plan pursuant to section 2.80B.050 of this chapter] to either the countywide policy plan or the Maui island plan. Applications shall follow the procedures set out in sections 19.510.010 and 19.510.020 of this code, shall include the application fee as set forth in the [County] annual budget, and shall be processed as if prepared by the planning director pursuant to section 8-8.4 of the [charter.] revised charter of the County of Maui (1983), as amended. An environmental assessment or environmental impact statement prepared in accordance with chapter 343, Hawaii Revised Statutes, shall be submitted along with the application.

C. Prior to approving any amendment to the [general] countywide policy plan pursuant to this section, the council shall hold public hearings on Lanai, Maui, and Molokai on the bill incorporating the amendment. Prior to approving any amendment to the Maui island plan pursuant to this section, the

council shall hold a public hearing on Maui on the bill incorporating the amendment.

D. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to the [general] countywide policy plan or Maui island plan directly triggers an amendment to a community plan, such matters shall be processed concurrently, subject to [Maui County Code] subsection 2.80B.110.A.”

SECTION 3. 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 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui