

REQUEST FOR LEGAL SERVICES

Date: October 2, 2015
From: Don Couch, Chair
Planning Committee

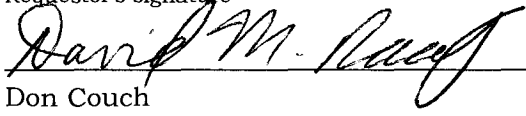
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael J. Hopper, Esq.

Subject: AMENDING COMMUNITY PLAN REQUIREMENTS RELATING TO LAND USE DESIGNATIONS (PC-21)

Background Data: The proposed resolution, attached hereto, refers to the planning commissions a proposed bill amending Chapter 2.80B, Maui County Code, relating to land use designations in the community plans. The proposed bill, attached hereto, establishes a definition of "land use designation" and codifies how land use designations relate to zoning.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER: Please approve as to form and legality both the proposed resolution, attached hereto, and the proposed bill, attached hereto.

Requestor's signature  Don Couch	Contact Person <u>Greg Garneau or Jordan Molina</u> (Telephone Extensions: 7664 and 7134, respectively)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 8, 2015
REASON: Planning Committee will consider matter at its meeting on Friday, October 9, 2015.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

pc:ltr:021acc01:gjg

Attachments

Resolution

No. _____

REFERRING TO THE LANAI, MAUI, AND
MOLOKAI PLANNING COMMISSIONS A
PROPOSED BILL AMENDING CHAPTER 2.80B,
MAUI COUNTY CODE, RELATING TO LAND USE
DESIGNATIONS IN THE COMMUNITY PLANS

WHEREAS, the Council is considering a proposed bill to amend Chapter 2.80B, Maui County Code, to define the term "land use designation" and to clarify the relationship between land use designations in community plans and uses and standards established by zoning; and

WHEREAS, the Council finds that review of the proposed bill by the planning commissions is warranted; now, therefore,

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

1. That it hereby refers the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, RELATING TO LAND USE DESIGNATIONS IN THE COMMUNITY PLANS," a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Lanai, Maui, and Molokai planning commissions;
2. That it respectfully requests the Lanai, Maui, and Molokai planning commissions transmit their findings and recommendations to the Council as expeditiously as possible; and
3. The certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lanai Planning Commission, the Maui Planning Commission, and the Molokai Planning Commission.

Resolution No. _____

APPROVED AS TO FORM AND LEGALITY

Department of the Corporation Counsel
County of Maui

pc:misc:021areso01:gjg

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, RELATING TO LAND USE DESIGNATIONS IN THE COMMUNITY PLANS

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

SECTION 1. The purpose of this ordinance is to define the term “land use designation” and to clarify the relationship between land use designations in community plans and uses and standards established by zoning.

SECTION 2. Section 2.80B.020, Maui County Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Land use designation” means a designation or category assigned to a property in a community plan’s land use map that identifies representative but not exclusive types of land use envisioned for that property throughout the community plan’s planning period.”

SECTION 3. Section 2.80B.070, Maui County Code, is amended by amending subsection E to read as follows:

- “E. Each community plan shall contain:
1. A statement of the major problems and opportunities concerning the needs and development of the community plan area[;].
 2. A statement of the social, economic, and environmental effects of such development[;].
 3. The desired sequence, patterns, and characteristics of future development[;].
 4. A description of the community plan area[;].
 5. A statement of planning standards and principles relating to land uses within the community plan area[;].

EXHIBIT “ 1 ”

6. A statement of urban and/or rural design principles and objectives for the community plan area[;].

7. For community plan areas on the island of Maui, urban and rural growth boundaries and a map delineating urban and rural growth areas, consistent with the general plan[;].

8. For community plan areas on the island of Maui, a designation of specific land uses within the urban and rural growth areas[;].

9. A list of areas, sites, and structures recognized as having historical or archaeological significance, and a list of scenic sites and resources[;].

10. A description of a projected multi-modal transportation system showing existing and proposed roadways, transit corridors, bikeways, and major thoroughfares[;].

11. Statements of intention relating to the location or improvement of all public service and transportation facilities[;].

12. Statements setting forth:

a. Problems relating to land uses; and

b. Projections relating to social, economic, and environmental effects of proposed development[;].

13. A statement of desired population density including visitors and residents[;].

14. [Specific] A land use map with specific land use designations based on property lines, to the extent practicable.

a. A land use designation determines the zoning that may be established for a property undergoing a change in zoning pursuant to title 19 of this code.

b. A land use designation shall not limit any use established by a property's zoning unless the community plan prohibits or restricts a particular use.

c. Notwithstanding the foregoing, a community plan may contain one or more project districts wherein permitted land uses are identified by percentage of total acreage and density in conformance with the general plan and community plan; provided, however, that the council shall subsequently zone each project district consistent with the identified land uses after holding a public hearing in the applicable community plan area[;].

15. A list of streetscape and landscaping principles and desired streetscape and landscaping improvements; and].

16. An Action Element. The action element shall identify specific programs, projects, and regulations that need to be developed over the twenty-year planning period to implement the community plan. Further, identification of specific programs, projects, and regulations that need to be accomplished during the first ten years of that planning period shall be separately identified. This element shall include a prioritized general schedule and identify each implementing agency or person.”

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:

Department of the Corporation Counsel
County of Maui

pc:misc:021abill01:jkm/gjg

ORDINANCE NO. _____

BILL NO. _____ (2015)

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“E. Each community plan shall contain:

1. A statement of the major problems and opportunities concerning the needs and development of the community plan area[;].

2. A statement of the social, economic, and environmental effects of such development[;].

3. The desired sequence, patterns, and characteristics of future development[;].

4. A description of the community plan area[;].

5. A statement of planning standards and principles relating to land uses within the community plan area[;].

6. A statement of urban and/or rural design principles and objectives for the community plan area[;].

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