

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING COMMITTEE**

August 23, 2005

**Committee**  
**Report No.**

05-113

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

Chair and Members:

Your Planning Committee, having met on August 1, 2005, makes reference to a Miscellaneous Communication dated June 8, 2005, from the County Clerk, relating to the applicability of Chapter 2.80A and Chapter 2.80B, Maui County Code, to non-decennial community plan amendments.

Your Committee notes that the Miscellaneous Communication transmitted a copy of Land Use Committee Report No. 05-52, As Amended. As discussed on pages 10-11 of that report, the Corporation Counsel advised your Land Use Committee that the enactment of Ordinance No. 3166, which took effect on March 4, 2004, raised questions about the appropriate procedures for proposed amendments to existing community plans. Ordinance No. 3166 established Chapter 2.80B, which amended the process for updating and amending the General Plan and community plans.

Your Committee notes that among Chapter 2.80B's new procedures for Community Plan Amendments are requirements that the Council hold a public hearing within the relevant community plan area and act within one year. The Corporation Counsel opined that the Council should consider legislation to clearly address whether these new requirements shall apply only to amendments of community plans that will be adopted in the future pursuant to Chapter 2.80B, or also to amendments of existing community plans.

By correspondence dated July 12, 2005, the Corporation Counsel was requested to review and approve a draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE PROCESSING OF NON-DECENNIAL AMENDMENTS TO THE COMMUNITY PLANS". The purpose of the proposed bill is to clarify that all applications for community plan amendments filed and complete on or after March 4, 2004 shall be subject to Chapter 2.80B, Maui County Code, but that the requirements for a public hearing in the relevant community plan area and for Council action within one year shall apply only to amendments of community plans enacted pursuant to Section 2.80B.090, Maui County Code, decennial revisions to the community plans.

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING COMMITTEE**

August 23, 2005  
Page 2

**Committee**  
**Report No.**     05-113

By correspondence dated July 19, 2005, the Corporation Counsel transmitted the proposed bill, approved as to form and legality, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, RELATING TO THE PROCESSING OF NON-DECENNIAL AMENDMENTS TO THE COMMUNITY PLANS".

At its meeting, your Committee met with the Planning Director; the Administrator, Long Range Planning Division, Department of Planning; and a Deputy Corporation Counsel.

There was no public testimony.

Your Committee's Chair provided an overview of this matter, and explained the need to rectify the gap created by the passage of Ordinance No. 3166.

The Planning Director noted that he supported the bill and felt that it would help to provide clarity to applicants for community plan amendments.

After a brief discussion, your Committee voted to recommend passage of the proposed bill on first reading and filing of the communication.

Your Planning Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2005), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, RELATING TO THE PROCESSING OF NON-DECENNIAL AMENDMENTS TO THE COMMUNITY PLANS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That the Miscellaneous Communication be FILED.

Adoption of this report is respectfully requested.

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING COMMITTEE**

August 23, 2005  
Page 3

**Committee**  
**Report No.** 05-113

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**CHARMAINE TAVARES** **Chair**

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**JO ANNE JOHNSON** **Member**

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**DANNY A. MATEO** **Vice-Chair**

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**DAIN P. KANE** **Member**

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**MICHELLE ANDERSON** **Member**

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**MICHAEL J. MOLINA** **Member**

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**ROBERT CARROLL** **Member**

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**JOSEPH PONTANILLA** **Member**

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**G. RIKI HOKAMA** **Member**