

ORDINANCE NO. \_\_\_\_\_

BILL NO. 53 (2006)

A BILL FOR AN ORDINANCE AMENDING  
CHAPTER 2.80B, MAUI COUNTY CODE, PERTAINING TO  
THE GENERAL PLAN AND THE COMMUNITY PLANS

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

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

"2.80B.030 General plan. A. Exhibit A of this chapter, entitled "The General Plan of the County of Maui 1990 Update," with an effective date of September 27, 1991, as may be amended, which is on file with the office of the [County] county clerk, is adopted as the general plan of the County and by reference made a part of this chapter.

B. All agencies shall comply with the general plan. Notwithstanding any other provision, all community plans, zoning ordinances, subdivision ordinances, and administrative actions by agencies shall conform to the general plan. Preparation of County budgets and capital improvement programs shall implement the general plan to the extent practicable. The countywide policy plan, Maui island plan, and community plans authorized in this chapter are and shall be [part of] the general plan of the County, as provided by section 8-8.5 of the charter.

C. The documents that comprise the general plan [and the community plans] shall constitute minimum compliance with the requirements set forth in this chapter, and shall be internally consistent, with compatible vision, principles, goals, policies, implementing actions, and land use maps. The planning period of the general plan shall be twenty years.

D. The general plan shall be developed with public notification and participation, facilitated by the use of tools such as public opinion surveys, community design charettes, public hearings and informational meetings, radio, newspaper, television, and other types of communication and direct consultation with different age, economic, and other groups.

E. The general plan shall be developed after input from state and County agencies and the general public, and shall be based on sound policy and information. The general plan shall: indicate desired population and physical development patterns for each island and region

within the County; address the unique problems and needs of each island and region; explain the opportunities and the social, economic, and environmental consequences related to potential developments; and set forth the desired sequence, patterns, and characteristics of future developments.

The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development. The general plan shall also identify the vision, principles, goals, and policies for the County and for each island.

[In addition, the general plan shall include the following elements: island-wide land use strategies for Lanai, Maui, and Molokai, water element; implementation program; milestones; and technical plans and studies.]

F. Countywide policy plan. The countywide policy plan shall provide broad policies and objectives which portray the desired direction of the County's future. The countywide policy plan shall include:

1. A vision for the County;
2. A statement of core themes or principles for the County; and
3. A list of countywide objectives and policies for population, land use, the environment, the economy, and housing.

G. Maui island plan. The Maui island plan shall include:

1. An [Island-wide] island-wide land use [strategies for Lanai, Maui, and Molokai.] strategy for the island of Maui that shall include the following:

- a. Vision statement. The vision statement [for each island] 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 [for each island] 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. [For the island of Maui, the] The managed and directed growth plan shall include a map that delineates urban

and rural growth areas, consistent with, and illustrative of, the [general] Maui island plan's vision, principles, goals, and policies.

c. Action plan. The action plan [for each island] 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.

[3.] 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. [This element shall be broken into a twenty-year financial plan, a ten-year financial plan, and a five-year financial plan.] 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.

[4.] 5. Milestones. The [general] Maui island plan shall contain specific milestones

designed to measure progress in the implementation of the [general] 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.

[5.] H. Technical plans and studies. [The] As part of the planning director's proposed decennial revisions to the general plan, the planning director shall prepare the following technical plans and studies [shall include a socio-economic forecast, an infrastructure study, and an additional resource study.]

[a.] 1. Socio-economic forecast. The socio-economic forecast shall include twenty-year forecasts of resident and de facto population; age distribution; job growth by industry; migration; income; housing demand, labor demand, and unemployment; and average visitor census, visitor arrivals, visitor expenditures, and other relevant data about visitors. The data shall be analyzed assuming at least two different rates of population and economic growth. The data shall be provided for the County as a whole, by island, and by community plan area. At least every two years, the planning director shall propose a new socio-economic forecast[, which shall be processed as a non-decennial amendment to the general plan] pursuant to this chapter, unless the forecast is included as part of the planning director's proposed decennial revisions to the general plan.

[b.] 2. Infrastructure study. The infrastructure study shall assess the adequacy, limitations, and opportunities relating to physical infrastructure, including public facilities, water systems, health care systems, and telecommunications systems. In particular, for each assessed component of physical infrastructure, the study shall assess future system requirements and costs based on the following: population projections over the twenty-year planning period; national or local planning standards; a baseline inventory of current capacity; and existing capacity deficits or excesses relating to national or other appropriate standards.

[c.] 3. Additional resource study. The additional resource study shall assess additional resources, including environmental, historic, cultural, educational, scenic, and significant view plane resources.

[F.] I. Status reports. Each agency shall prepare a status report on its implementation and enforcement of

the general plan, which shall be transmitted to the planning director [of planning] at the same time the agency submits the third-quarter budget implementation report pursuant to section 3.04.050 of this code. The planning director [of planning] shall also contact persons outside County government for status reports on appropriately assigned implementation actions. The planning director [of planning] shall issue a report annually providing a detailed explanation of the implementation and enforcement of the general plan and the community plans to the mayor and the council."

SECTION 2. Section 2.80B.040, Maui County Code, is amended to read as follows:

"2.80B.040 General plan advisory committees. A At least every ten years (decennial), the planning director [of planning] shall prepare and recommend proposed revisions to the general plan.

B. There shall be separate general plan advisory committees for the islands of Lanai, Maui, and Molokai to comment, advise, and provide recommendations to the planning director [of planning] regarding the proposed revisions prepared and recommended by the planning director [of planning], as follows:

1. The Lanai general plan advisory committee shall be composed of thirteen members, nine appointed by the council and four appointed by the mayor.

2. The Maui general plan advisory committee shall be composed of twenty-five members, one appointed by the mayor from each Maui community plan area, four appointed by the council from the Wailuku-Kahului community plan area, and three appointed by the council from each of the other Maui community plan areas.

3. The Molokai general plan advisory committee shall be composed of thirteen members, nine appointed by the council and four appointed by the mayor.

C. The planning director [of planning] shall be responsible for providing staff to support the work of the general plan advisory committees, which shall include department staff and, at the discretion of the planning director [of planning], outside consultant services. Each general plan advisory committee shall select a chair and vice-chair and shall adopt rules relating to committee meetings.

D. [Within one hundred eighty days after its first meeting, a general plan advisory committee shall forward

its recommendations and proposed revisions to the director of planning unless the council, by resolution, extends the time within which to forward the recommendations.] Time limits for general plan advisory committee review of the countywide policy plan and the Maui island plan:

1. No later than one hundred twenty days after the Maui, Molokai and Lanai general plan advisory committees hold their respective first public meeting after their receipt of the countywide policy plan, the general plan advisory committees shall forward their recommendations and proposed revisions to the planning director unless the council, by resolution, extends the time within which to forward the recommendations.

2. No later than one hundred eighty days after the Maui general plan advisory committee holds its first public meeting after its receipt of the Maui island plan, the Maui general plan advisory committee shall forward its recommendations and proposed revisions to the planning director unless the council, by resolution, extends the time within which to forward the recommendations."

SECTION 3. Section 2.80B.050, Maui County Code, is amended to read as follows:

"2.80B.050 Decennial revisions to the general plan.

A. In processing proposed decennial revisions to the general plan, the planning director [of planning] shall:

1. Simultaneously transmit the planning director's proposed revisions [prepared and recommended by the director of planning] to the countywide policy plan to the three general plan advisory committees;

2. Transmit the planning director's proposed Maui island plan to the Maui general plan advisory committee.

[2.] 3. Make the revisions to the countywide policy plan and the Maui island plan prepared and recommended by the planning director [of planning] available for public inspection and copying pursuant to the Uniform Information Practices Act; and

[3.] 4. Assist the general plan advisory committees to conduct public meetings, public workshops, and public hearings.

B. [Within thirty days after a general plan advisory committee has forwarded its recommendations and proposed revisions to the director of planning, the director of planning shall simultaneously place the

following on a meeting agenda for the planning commission of the same island as the general plan advisory committee: the proposed revisions prepared and recommended by the director of planning; and the general plan advisory committee's recommendations and proposed revisions.] Time limits for the planning director to transmit general plan advisory committee recommendations regarding the countywide policy plan and Maui island plan to the planning commissions:

1. Within thirty days after the Maui, Molokai, and Lanai general plan advisory committees forward their respective recommendations and proposed revisions to the countywide policy plan to the planning director, the planning director shall place, on a meeting agenda for the planning commission of the same island as the general plan advisory committee, the proposed revisions prepared and recommended by the planning director and the general plan advisory committee's recommendations and proposed revisions.

2. Within thirty days after the Maui general plan advisory committee forwards its recommendations and proposed revisions to the Maui island plan to the planning director, the planning director shall place on a meeting agenda for the Maui planning commission the proposed revisions to the Maui island plan prepared and recommended by the planning director and the recommendations and proposed revisions to the Maui island plan recommended by the Maui general plan advisory committee.

C. [No later than one hundred eighty days after a planning commission holds its first public hearing, the planning commission shall transmit the following to the council: the proposed revisions prepared and recommended by the director of planning; the general plan advisory committee's recommendations and proposed revisions; and the planning commission's recommendations, findings, and proposed revisions. The council may, by resolution, extend the time within which the transmittal may be made. The transmittals made pursuant to this subsection shall collectively be considered "revisions to the general plan proposed by the director of planning" as that term is used in section 8-8.6(3) of the charter.] Time limits for planning commission review of the countywide policy plan and the Maui island plan:

1. No later than one hundred twenty days after the Maui, Molokai, and Lanai planning commissions hold their respective first public hearing to discuss the countywide policy plan, the planning commissions shall transmit the following to

the council: the proposed revisions prepared and recommended by the planning director; the general plan advisory committee's recommendations and proposed revisions; and the planning commission's recommendations, findings, and proposed revisions. The council may, by resolution, extend the time within which the transmittal may be made.

2. No later than one hundred eighty days after the Maui planning commission holds its first public hearing to discuss the Maui island plan, the Maui planning commission shall transmit the following to the council: the proposed revisions prepared and recommended by the planning director; the general plan advisory committee's recommendations and proposed revisions; and the planning commission's recommendations, findings, and proposed revisions. The council may, by resolution, extend the time within which the transmittal may be made.

D. [No later than one year after receipt of the final transmittal pursuant to subsection C, the council shall adopt the general plan by ordinance following a public hearing. Upon the adoption of the general plan, the general plan advisory committees shall be disbanded.]  
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), the council shall adopt the countywide policy plan by ordinance following a public hearing. 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), the council shall adopt the Maui island plan by ordinance following a public hearing. Upon the adoption of the Maui island plan, the Maui general plan advisory committee shall be disbanded.

E. The documents that comprise the general plan and any revisions thereto shall be in printed form and shall be attached to and be incorporated by reference into the ordinances adopting the general plan.

F. The Maui general plan advisory committee may begin its review of the Maui island plan prior to its final review and recommendations on the countywide policy plan, provided that the Maui general plan advisory committee shall make its final recommendations on the countywide policy plan concurrent with or prior to its recommendations on the Maui island plan."



SECTION 4. Section 2.80B.060, Maui County Code, is amended by amending subsections A and B to read as follows:

"A. Non-decennial amendments to the general plan may be proposed by the planning director [of planning] or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for non-decennial 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.

B. Non-decennial amendments to the general plan enacted pursuant to section 2.80B.050 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. 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 budget, and shall be processed as if prepared by the planning director [of planning] pursuant to section 8-8.4 of the charter. An environmental assessment or environmental impact statement prepared in accordance with chapter 343, Hawaii Revised Statutes, shall be submitted along with the application."

SECTION 5. Section 2.80B.070, Maui County Code, is amended by amending subsection F to read as follows:

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

1. Capital improvement element. The capital improvement element shall describe infrastructure systems and public facilities and services that will be needed over the twenty-year planning period, in two-year increments, to implement the community plan's vision, principles, goals, and policies. Consideration shall be given to roads, sidewalks, bikepaths, and pedestrian ways; local water and utility systems; local drainage improvements; community and neighborhood parks; and local public facilities.

2. Financial element. The financial element shall describe a fiscally sound financial program for identified actions and capital improvements. [This element shall be broken into a twenty-year financial plan, a ten-year financial plan, and a

five-year financial plan.] Preparation of the County's annual operating budget and capital improvement program, respectively developed pursuant to sections 3.04.030 and 3.04.040 of this code, shall implement the community plans to the extent practicable.

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

SECTION 6. Section 2.80B.070, Maui County Code, is amended by amending subsection H to read as follows:

"H. Status reports. Each agency shall prepare a status report on its implementation and enforcement of the community plans, which shall be transmitted to the director of planning at the same time the agency submits the third-quarter budget implementation report pursuant to section 3.04.050 of this code. The planning director [of planning] shall issue annually a report providing a detailed explanation of the implementation and enforcement of the general plan and the community plans to the mayor and the council."

SECTION 7. Section 2.80B.080, Maui County Code, is amended by amending subsection A to read as follows:

"A. [At least every ten years (decennial), the director of planning shall prepare and recommend proposed revisions to the community plans, beginning with the community plan first adopted in the previous decennial revision process and continuing with the revisions to the community plan next adopted in the previous decennial revision process and so on until all nine community plans have been revised.] Each of the County's nine community plans shall, to the extent practicable, be updated within ten years (decennially) of the respective plan's adoption. The decision as to the order of updating the nine community plans shall be decided by the council."

Section 8. Section 2.80B.080, Maui County Code, is amended by amending subsections D and E to read as follows:

"D. Each community plan advisory committee shall select a chair and vice-chair. The planning director [of planning] shall be responsible for providing staff to support the work of the community plan advisory committees, which shall include department staff and, at the [director of planning's] planning director's discretion, outside consultant services. Each community plan advisory committee shall hold at least seven public workshops at times and locations convenient to the general public to allow public participation in the process. The public workshops shall be facilitated by a qualified professional and shall include one or more table-top exercises where the public will be invited to provide input using maps and other devices.

E. Within one hundred eighty days after its first meeting, a community plan advisory committee shall forward its recommended revisions to the planning director [of planning]."

SECTION 9. Section 2.80B.090, Maui County Code, is amended by amending subsections A and B to read as follows:

"A. In processing proposed decennial community plan revisions, the planning director [of planning] shall:

1. Transmit revisions prepared and recommended by the planning director [of planning] to the appropriate community plan advisory committee;

2. Make the revisions prepared and recommended by the planning director [of planning] available for public inspection and copying pursuant to the Uniform Information Practices Act; and

3. Assist the appropriate community plan advisory committee to conduct public meetings, public workshops, and public hearings.

B. Within thirty days after a community plan advisory committee has forwarded its recommended revisions, the planning director [of planning] shall place the community plan advisory committee's recommended revisions on a meeting agenda of the appropriate planning commission for a meeting in the community plan area."

SECTION 10. Section 2.80B.110, Maui County Code, is amended by amending subsection F to read as follows:

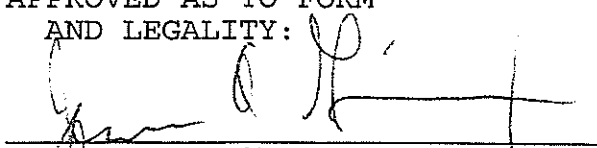
"F. Effect of [Adoption] adoption of the [General Plan] general plan and the [Community Plans] community plans. Until revised or amended pursuant to this

chapter, the general plan and the current community plan for each community plan district shall remain in full force and effect."

SECTION 11. 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 12. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:



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JAMES A. GIROUX  
Deputy Corporation Counsel  
County of Maui

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DIGEST

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 53 (2006)

A BILL FOR AN ORDINANCE AMENDING  
CHAPTER 2.80B, MAUI COUNTY CODE, PERTAINING TO  
THE GENERAL PLAN AND THE COMMUNITY PLANS

This bill proposes to amend Chapter 2.80B, Maui County Code, pertaining to the General Plan and the Community Plans, by refining the General Plan update process.

I, JEFFREY T. KUWADA, Deputy County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 53 (2006) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 6th day of October, 2006, by the following vote:

AYES: Councilmembers Michelle Anderson, Jo Anne Johnson, Dain P. Kane, Dennis A. Mateo, Michael J. Molina, Joseph Pontanilla, Charmaine Tavares, Vice-Chair Robert Carroll, and Chair G. Riki Hokama.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 11th day of October, 2006.

  
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JEFFREY T. KUWADA, DEPUTY COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.

