

# REQUEST FOR LEGAL SERVICES

**Date:** March 10, 2025  
**From:** Tom Cook, Chair  
Water and Infrastructure Committee

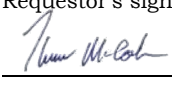
TRANSMITTAL

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

**Subject:** BILL 28 (2025), FLOOD HAZARD AREAS (WAI-5)

**Background Data:** Please see the proposed CD1 version of Bill 28 (2025). Please submit your response to wai.committee@mauicounty.us with a reference to WAI-5.

**Work Requested:**  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

Requestor's signature  Tom Cook, Chair	Contact Person <u>Keone J. Hurdle or Carla M. Nakata</u> (Telephone Extension: <u>7659 or 5519 Respectively</u> )
---	---

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): March 14, 2025  
REASON: For consideration at the March 17, 2025, WAI Committee meeting.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

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 3/11/25

By MJH

(Rev. 7/03)

wai:ltr:005acc01:kjh

Attachment

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

BILL NO. 28, CD1 (2025)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.29, MAUI COUNTY  
CODE, RELATING TO FLOOD HAZARD AREAS

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

SECTION 1. This Ordinance’s purpose is to amend Chapter 16.29, Maui County Code, to allow additional flood-prone areas not delineated on the Federal Emergency Management Agency (FEMA) flood insurance rate map (FIRM), to be included within the special flood hazard area.

SECTION 2. Section 16.29.040, Maui County Code, is amended to read as follows:

**“16.29.040 Special flood hazard areas.** A. Applicability.

[1.] This chapter [must apply] applies to all land within the special flood hazard areas and corresponding areas of special flood hazard delineated on the FIRM, as prepared by FEMA. The following special flood hazard areas are established:

- [a.] 1. Floodway area (floodway in zone AEF).
- [b.] 2. Flood fringe area (zones AE, AH, AO).
- [c.] 3. Coastal high hazard area (zones V, VE).
- [d.] 4. General floodplain area (zones A, D, V).

B. Identification of special flood hazard areas.

1. The flood insurance rate map and flood insurance study effective September 25, 2009, and any subsequent revisions and amendments, are adopted and declared to be part of this section, and will be on file at the [County of Maui,] department of public works.

2. The special flood hazard areas delineated on the FIRM may be supplemented by additional flood-prone areas, as determined by the director. No map delineating additional flood-prone areas may take effect until the map is adopted by ordinance. The director must publish maps of the modified special flood hazard areas to be kept on file at the department

of public works.

C. Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another title or chapter of this code, easement, covenant, or deed restriction conflict, the more stringent restrictions prevail.

D. Interpretation. All provisions of this chapter must be considered as minimum requirements and liberally construed in favor of the County. This chapter neither limits nor repeals any powers granted under State statute.”

SECTION 3. Section 16.29.050, Maui County Code, is amended by amending subsection C to read as follows:

“C. Use of other base flood data.

1. Where base flood elevations have not been determined, the director must obtain, review, and reasonably use any base flood elevation and floodway data available from a federal or state agency, or other source, in administering section 16.29.060.

2. Where a federal or state agency or other source has provided flood advisory maps, base level engineering, or other base flood data outside of the special flood hazard areas delineated on the FIRM, the director must recommend additional flood-prone areas to supplement the FIRM in accordance with subsection 16.29.040(B).”

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 takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

---

MICHAEL J. HOPPER  
Department of the Corporation Counsel  
County of Maui

wai:misc:005abill01:kjh

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

---

ALICE L. LEE

Upon the request of the Mayor.

## WAI Committee

---

**From:** Melody A. Andrion <Melody.Andrion@co.maui.hi.us>  
**Sent:** Wednesday, March 12, 2025 8:12 AM  
**To:** WAI Committee  
**Cc:** Keone J. Hurdle; Carla M. Nakata  
**Subject:** WAI-5 Bill 28 CD1 (2025) Flood Hazard Areas  
**Attachments:** WAI-5 2025-03-11 RAFL Closing Bill 28 (2025) Flood Hazard Areas.pdf

**Importance:** High

See attached closing of RFLS received on 03/10/2025 e-signed by Michael Hopper regarding the subject matter. Thanks!

**\*For posting for the March 17, 2025, WAI Committee meeting.\***

**NOTICE:** The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of, the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you!