

Cultural Overlay District Bill

APT 39

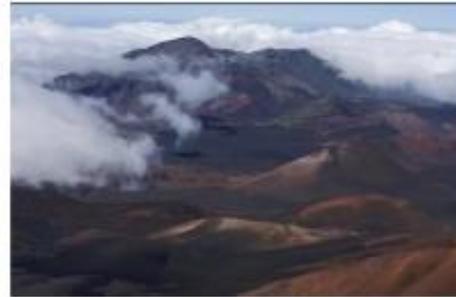


Purpose

Protect cultural resources in highly sensitive areas with better planning process



County of Maui 2030 General Plan Countywide Policy Plan



Vision: That which makes Maui County unique in the world will be preserved, celebrated, and protected for generations to come.

There remains a great deal to protect and preserve within Maui County and much to learn from the experiences of the past. The islands that comprise Maui County will be passed from one generation to the next, and it is our responsibility to share the best of the County with each other today, yet preserve this special place for future generations, and ultimately to perpetuate the Hawaiian value of malama 'aina.

CWPP Mandate

Plan Goals, Policies and Actions

B. Preserve Local Cultures and Traditions

Goal: Maui County will foster a spirit of pono and protect, perpetuate, and reinvigorate its residents' multicultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage.

Objective 4. Preserve and restore significant historic architecture, structures, cultural districts, and cultural landscapes.

Implementing Action (C). Enact an Archeological District Ordinance

Bill Summary

- Part 1- Starts with existing framework:
- gives CRC ability to refer Hana projects to Hana Advisory
 - changes CRC member nomination process
- Part 2 - Establishes process for creating new cultural overlay districts
- Part 3 - Establishes new requirements for projects within cultural overlay districts

Part 1

Cultural Resource Commission

Framework Changes

Uses Existing Regulatory Structure

We worked extensively with County Archeologist, Department of Planning and Corporation Counsel on crafting the bill

Bill places reviewing authority with Principal Archeologist and existing Cultural Resource Commission (CRC)



Cultural Resources Commission

Has the mandate to protect cultural resources and has the expertise and experience

SUBCHAPTER 3

ADVISORY AND REVIEW FUNCTION

§12-531-12 Areas of review. Areas of commission review as provided for in chapter 2.88 of the Maui County Code and in §12-531-6 of these rules which are not provided for in other subchapters of these rules, are as follows:

- (1) Historic preservation responsibilities of federal, state and county government agencies;
- (2) Design review for projects affecting any building or structure, site or district eligible for listing on the national or Hawaii register of historic places;
- (3) Recommendations to the county council or the administration for the expenditure of gifts and grants for projects connected with the identification, rehabilitation, restoration and reconstruction of historic properties, and the historic preservation planning process;
- (4) Archaeological reports, mitigation and preservation plans submitted as part of development proposals to various county agencies. [Eff 2/14/92] (Auth: HRS §§6E-14, 6E-15) (Imp: HRS §91-2)

CRC Administrative Rules

§12-531-6 Powers and duties. The following powers and duties are within the jurisdiction of the commission as stated in section 2.88.060 of the Maui County Code:

- (1) Advising and assisting federal, state and county government agencies in carrying out their historic preservation responsibilities;
- (2) Providing public information, education, training and technical assistance relating to the national, state and county historic preservation programs;
- (3) Initiating, accepting, reviewing and recommending to the state historic preservation officer, historic properties for inclusion on the Hawaii and national registers;
- (4) Maintaining a system for the survey, inventory and nomination of historic properties and archaeological sites within the county, and a system for site monitoring compatible with that of the state historic preservation office;
- (5) Administering the certified local government program of federal assistance for historic preservation within the county;
- (6) Providing design review for projects affecting any building or structure, site or district eligible for listing on the national or Hawaii register of historic places;
- (7) Developing and implementing a comprehensive county-wide historic preservation planning process;

- (8) Making recommendations to the county council for the expenditure of gifts and grants for projects connected with the identification, rehabilitation, restoration and reconstruction of historic properties, and the historic preservation planning process;
- (9) Administering the provisions of the historic districts established in title 19 of the Maui County Code, and advising on the establishment of historic districts and regulations thereof;
- (10) Reviewing and commenting on archaeological reports submitted as part of development proposals to various county agencies;
- (11) Undertaking such other action necessary and appropriate towards the implementation of its powers or duties as provided in chapter 2.88, Maui County Code;
- (12) Conducting proceedings for the adoption, amendment, or repeal of rules pursuant to section 91-3, Hawaii Revised Statutes; and
- (13) Hearing petitions for declaratory rulings. [Eff 2/14/92] (Auth: HRS §§6E-14, 46-5, 205A-22, 205A-41, 205-6) (Imp: HRS §§91-1, 91-2)

CRC tasked with maintaining an inventory of archaeological sites and reviewing and commenting on archaeological reports

Page 1 – Title 2 Section 2.28.050 Advisory Committees

This bill adds only Hana Advisory Committee to the CRC right now to review Hana related items.

This bills waits to add South Maui and Haiku advisory committees to the CRC until we designate cultural overlay districts in those areas.

ORDINANCE NO. _____

BILL NO. _____ (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.28, 2.88, 19.48, 19.52, AND 20.08, MAUI COUNTY CODE, RELATING TO THE CULTURAL RESOURCES COMMISSION AND MAUI COUNTY CULTURAL OVERLAY DISTRICTS

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

SECTION 1. The purpose of this Ordinance is to provide for the establishment of cultural overlay districts. As stated in the Countywide Policy Plan, the County of Maui has a responsibility to protect cultural resources. Certain geographically definable areas contain a great density of cultural and archaeological remains and development in these areas may disturb archaeological and burial sites. Such sites require consideration and careful planning to ensure preservation for the benefit of future generations. The establishment of cultural overlay districts is a useful mechanism to alert residents and potential developers that special considerations may be needed to accommodate important cultural resources.

SECTION 2. Section 2.28.050, Maui County Code, is amended to read as follows:

"Section 2.28.050 Advisory committees to the Maui planning commission[.] and cultural resources commission. A. The following advisory committees are established:

1. The Hana advisory committee to the Maui planning commission[.] and cultural resources commission.
2. The South Maui advisory committee to the Maui planning commission.

3. The Pā'ia-Ha'ikū advisory committee to the Maui planning commission.

B. To be eligible for appointment as a member or alternate of an advisory committee, a person must be a resident of the relevant community plan area for a period of at least twelve consecutive months immediately preceding the person's appointment.

C. The advisory committees must consist of seven members and up to two alternates; five members and up to two alternates of each advisory committee will be appointed by the council by resolution and two members appointed by the mayor.

D. If an advisory committee member or alternate ceases to be a resident of the relevant community plan area, the committee member or alternate immediately forfeits the office, and the office becomes vacant.

E. A mid-term vacancy exists when one of the following occurs:

1. The member or alternate has moved out of the community plan area.
2. The member or alternate has provided the mayor, council, or advisory committee chair a resignation letter.
3. The member or alternate is deceased.
4. The member is removed for failure to attend [fifty]

50 percent or more of meetings, or is absent from at least [twenty-five] 25 percent of meetings within thirty days of the member's last excused or unexcused absence, in accordance with section 2.41.090.

F. Mid-term vacancies in council-appointed seats will be filled by the council, and mid-term vacancies in mayor-appointed seats will be filled by the mayor; except that if an advisory committee has an alternate, the alternate will fill the remainder of the departing member's term; and if an advisory committee has two alternates, the advisory committee's chair will designate an alternate to fill the remainder of the departing member's term.

G. The following subsections of section 13-2 of the revised charter of the County of Maui (1983), as amended, apply to each advisory committee: subsections 2[, 4,] and 6-15.

H. The terms of committee members are five years, except initial terms must be staggered, with four members receiving five-year terms and three members receiving three-year terms, as selected by lot. A member receiving an initial three-year term may seek reappointment to a five-year term. The terms of alternates are three years.

I. Each advisory committee is authorized to:

1. Provide recommendations to the Maui planning commission on matters within its community plan area.

Page 2: Existing requirements for advisory committees



Page 3: Authorizes HAC to provide recommendations to CRC and to hold public hearings



2. Upon request by the Maui planning commission, hold public hearings, on behalf of the commission, on matters that pertain to its community plan area.

3. Carry out such duties as provided by law or as may be delegated to it by the Maui planning commission.

4. Adopt administrative rules.

J. When requested to review a matter by the Maui planning commission, an advisory committee must provide recommendations to the planning commission within ninety days from the first meeting held to review the matter. If additional time is required because of extenuating circumstances, the advisory committee must notify the Maui planning commission. Each recommendation must be read aloud during the Maui planning commission's review of the matter.

K. Each advisory committee must meet as needed, with meetings scheduled when appropriate to maximize community participation.

L. Each advisory committee must elect a chair and a vice-chair from its members. The vice-chair will act as the presiding officer in the event of the chair's absence or disability. Until the chair is elected, the planning director will preside at the meeting, except that the planning director will not have a vote.

M. The council must review the operations of each advisory committee within thirty-six months of its first meeting, but no

N. The Hāna advisory committee is authorized to:

1. Provide recommendations to the cultural resources commission on matters within its community plan area.

2. Upon request by the cultural resources commission, hold public hearings on behalf of the commission, on matters pertinent to its community plan area.

3. Carry out such duties as provided by law or as may be delegated to it by the cultural resources commission."

SECTION 3. Section 2.88.030, Maui County Code, is amended to read as

follows:

"Section 2.88.030 Commission—established. A. There is established a commission to be known as the "Maui County cultural resources commission," hereinafter referred to as the "commission."

B. The commission [shall] must consist of nine members [appointed by the mayor with the approval of the council] and [shall] must be chosen from professionals and persons with demonstrated experience in the following disciplines: architecture, history,

Page 3 – Changes

Appointment Process

Going forward: CRC
appointment process
updated to match new MPC
advisory committees:

- 6 appointed by Council
- 3 appointed by Mayor

Adds knowledge of cultural
resources as a requirement

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- 3 -

archaeology, planning, architectural history, Hawaiian culture, and ethnic history and culture of the County. Six members will be appointed by the council by resolution and three members will be appointed by the mayor. The council and the mayor [shall] must solicit lists of two or more persons, recommended by community and professional organizations, such as the Maui Historical Society, and the American Institute of Architects, Maui chapter, as well as the State office of Hawaiian affairs, for consideration in making commission appointments. Commission members should have a demonstrated interest, competence, and knowledge in historic and cultural resources preservation.

C. The majority of the commission members [shall] must be professionals, or persons with demonstrated experience, in the disciplines of archaeology, planning, architecture or architectural history, or Hawaiian culture or history, each having professional representation on the commission to the extent such professionals are available in the community. The commission [shall] must also include members from different areas of the County, with at least one representative from each island, who possess a knowledge and interest in local area history. When one of the disciplines is not professionally represented, the commission [shall] must seek, through appropriate means, the expertise of professionals in the disciplines when considering national register nominations and other actions that will impact properties which are normally evaluated by a professional in such a discipline.

Page 4 – No Changes to CRC Member Requirements

Title 2 Section 2.88.30 (C.)

Majority of members professionals in archaeology, planning, architecture, or Hawaiian culture or history

Members from different areas of County with one from Lanai and Molokai

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Page 4 - Adds New Mid-term Vacancy Appointments

2.88.030 (E.) Mirrors new MPC Advisory Committee appointment process:

- Mid-term vacancy due to resignation, death, or missing 50% or more meetings
- Council appoints Council seats
- Mayor appoints Mayor seats

D. [Section 13-2 of the Revised Charter of the County of Maui (1983), as amended, shall apply to the commission.] The following subsections of section 13-2 of the revised charter of the County of Maui (1983), as amended, apply to the commission: subsections 2 and 6-15.

E. All future appointments to the commission [shall] must be made in such a manner as will ensure that the terms of the members of the commission [shall] conform to [subsections] subsection C [and D]. No provision of this section [shall be deemed to extend] extends or [shorten] shortens the term of any current member of the commission.

E. A mid-term vacancy exists when one of the following occurs:

1. The member has provided the mayor, the council, or the commission chair a resignation letter.

2. The member is deceased.

3. The member is removed for failure to attend 50 percent or more of meetings, or is absent from at least 25 percent of meetings within thirty days of the member's last excused or unexcused absence, in accordance with section 2.41.090.

Page 5 - Adds Archeologist to CRC Staff and Makes Her the CRC SHPD Liaison

Title 2 Section 2.88.090 – Administration

- PA has access to state and private database & cultural maps
- has professional expertise, PhD. in archaeology

F. Mid-term vacancies in council-appointed seats will be filled by the council, and mid-term vacancies in mayor-appointed seats will be filled by the mayor.

SECTION 4. Section 2.88.090, Maui County Code, is amended to read as follows:

“Section 2.88.090 Administration. [A.] The director [shall] must appoint a professional from the disciplines of archaeology, architecture, architectural history, Hawaiian culture, history, or historic preservation, who may be an employee of the department, and the principal archaeologist to serve as resources to the commission. The principal archaeologist must act as the liaison [with] to the [state] State historic preservation [office] division pertaining to matters which deal with the purpose and intent of this chapter. [The liaison may be an employee of the planning department or a member of the commission.] The director [shall] must provide technical, clerical, administrative functions, and any other duties delegated by the commission.”

SECTION 5. Chapter 19.48, Maui County Code, is amended to read as follows:

“Chapter 19.48

[GENERAL PROVISIONS] MAUI COUNTY HISTORIC DISTRICTS AND CULTURAL OVERLAY DISTRICTS

Sections:

19.48.010	Title and purpose.
19.48.015	Definitions.
19.48.020	Establishment or modification of districts— Report and hearing.
19.48.030	Applicability.
19.48.040	Administration.
19.48.050	Enforcement.
19.48.060	Reserved.

19.48.010 Title and purpose. The ordinance codified in this article [shall be known and] may be cited as the “Maui County Historic Districts and Cultural Overlay Districts Ordinance[.]”. In order to promote the economic, cultural, and general welfare of the

Part 2

Establishing the Districts and Geographic Boundaries

Page 5 – Renames Chapter 19.48

The bill adds cultural overlay districts to existing Maui Code Title 19 Section 19.48

Renames Chapter 19.48 to:
MAUI COUNTY HISTORIC DISTRICTS
AND CULTURAL DISTRICTS

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Page 6 –Section 19.48.010

Existing Title and Purpose

“In order to promote the economic, cultural, and general welfare of the people of the County and to ensure the harmonious, orderly, and efficient growth and development of the County, it is deemed essential by the council that the qualities relating to the history and culture of the County be preserved, thereby creating attractions* for visitors and residents alike.”

people of the [county] County and to [insure] ensure the harmonious, orderly, and efficient growth and development of the [county] County, it is deemed essential by the [county] council that the qualities relating to the history and culture of the [county] County be preserved, thereby creating attractions for visitors and residents alike. Certain geographically definable areas contain a great density of cultural and archaeological resources and development in these areas may disturb cultural, archaeological, and burial sites. Many of these sites are significant, and require consideration and careful planning to ensure preservation. This chapter ensures that actions taken within the designated areas are conducted in a manner that will preserve, maintain, and enhance those characteristics that are recognized as culturally, historically, archeologically significant, and valuable to the public. Establishment of historic districts and cultural overlay districts also serves to alert developers to the potential for discovery of cultural deposits when there is ground disturbance related to construction and provides for additional review to ascertain and mitigate impacts.

19.48.015 Definitions. The following definitions apply to this article:

“Archeological eco-indicator” means any organism or physical land feature indicative of an environment or set of environmental conditions relating to cultural resources.

“Commission” means the cultural resources commission.

“Cultural overlay district” means an area with features that are culturally, historically, or archaeologically significant and where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered.

19.48.020 Establishment or modification of districts—report and hearing. A [Historic districts may be modified or extended and new historic districts established, provided in all such cases there shall be a report from the cultural resources commission to the State department of land and natural resources, State historic preservation division. At least one public hearing shall be held by the cultural resources commission.] Any agency, organization, or individual may nominate a historic district or cultural overlay district by completing an inventory of sites within the district, describing the relationships and significance of sites in accordance with subsection 19.48.020(B), and defining the district boundaries. Upon a determination by the commission that the nomination is complete, the nomination must be forwarded by the commission to the State historic preservation division, appropriate burial council, and the office of Hawaiian affairs for review and comment. The

Page 6- New Purpose Language

“Certain geographically definable areas contain a great density of cultural and archeological resources and development in these areas may disturb cultural, archaeological, and burial sites. Many of these sites are significant and require consideration and careful planning to ensure preservation.”

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New Purpose Language Continued...

“This chapter ensures that actions taken within the designated areas are conducted in a manner that will preserve, maintain, and enhance those characteristics that are recognized as culturally, historically, archeologically significant, and valuable to the public. Establishment of historic districts and cultural overlay districts also serve to alert developers to the potential for discovery of cultural deposits when there is ground disturbance related to construction and provides for additional review to ascertain and mitigate impacts.”

Page 6 - New Definitions

Archeological eco-indicator:

Any organism or physical land feature indicative of an environment or set of environmental conditions relating to cultural resources.

Cultural overlay district:

An area with features that are culturally, historically, or archaeologically significant and where certain additional requirements are superimposed upon a base zoning district or underlying district and **where the requirements of the base or underlying district may or may not be altered.**

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Page 6 - Who Can Nominate

Title 119 Section 19.48.020:

Any agency, organization, or individual may nominate

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Pages 6 -7: The Nomination Process

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- 6 -
commission must hold a public hearing on the nomination and make findings regarding the significance of the district. Upon a determination by the commission that a geographically defined area is historically or culturally significant, the commission must forward the nomination and findings to the appropriate planning commission for review and comment. Within ninety days of transmittal, the planning commission must transmit the nomination, the cultural resources commission's findings, and the planning commission's comments to the council. The council may establish a historic district or cultural overlay district by ordinance. A cultural overlay district does not alter the underlying zoning of a property.

The Process

Principal Archeologist
to
Cultural Resource Commission



Cultural Resource Commission
to
Maui Planning Commission



Planning Commission
to
Council within 90 days

Page 7 – Criteria for District Nomination

One or more:

1. Pattern of or complex of sites
2. An association with a historic event
3. An association with an important historic person
4. A particular type, period, or method of construction, or high artistic value
5. Importance to Native Hawaiian people or to another ethnic group because of associations with cultural practices, traditional beliefs, events, or oral accounts that are important to the group's history and cultural identity
6. Religious or spiritual value
7. Are or in close proximity to a known burial site or burial grounds

commission must hold a public hearing on the nomination and make findings regarding the significance of the district. Upon a determination by the commission that a geographically defined area is historically or culturally significant, the commission must forward the nomination and findings to the appropriate planning commission for review and comment. Within ninety days of transmittal, the planning commission must transmit the nomination, the cultural resources commission's findings, and the planning commission's comments to the council. The council may establish a historic district or cultural overlay district by ordinance. A cultural overlay district does not alter the underlying zoning of a property.

B. A historic district or cultural overlay district must be a geographically definable area that is culturally significant and must exhibit one or more of the following:

1. A pattern of or complex of sites.
2. An association with a historic event.
3. An association with an important historic person.
4. A particular type, period, or method of construction, or high artistic value.
5. Importance to native Hawaiian people or to another ethnic group because of associations with cultural practices, traditional beliefs, events, or oral accounts that are important to the group's history and cultural identity.
6. Religious or spiritual value.
7. Are or are in close proximity to a known burial site or burial grounds.

C. The principal archaeologist must prioritize areas for recommendation to the cultural resources commission for establishment of cultural overlay districts.

19.48.030 Applicability. In the event any provision of this article conflicts with the provisions of article II [of this title], the provisions of this article [shall prevail] prevail.

19.48.040 Administration. The director [shall] must provide planning, architectural, engineering, secretarial, and other services as may be required by the [cultural resources] commission.

19.48.050 Enforcement. Enforcement of this chapter [shall] will be pursuant to section 19.530.030[of this title].

19.48.060 Reserved."

Part 3

District Permit Review

Pages 8 - 9 Clean-up Language for Existing Historic District Process

Updates and clarifies existing code language for historic district plan review

No affect on cultural resources or mention of new districts

SECTION 6. Section 19.52.020, Maui County Code, is amended to read as follows:

19.52.020 Review of Plans. A. For any building or structure within any historic district established in this article, and for any building or structure of historic significance in the Lahaina Historic District (National Historic Landmark), the [cultural resources] commission [shall have] has the authority to approve all plans.

B. Application for an appropriate permit to construct, alter, repair, modify, move, or demolish any building or structure in the historic districts established in this article, or any building or structure of historic significance in the Lahaina Historic District (National Historic Landmark), [shall] must be made to the director of public works. The director of public works [shall] must immediately notify the [chair of the cultural resources commission] planning director of the receipt of the application. The planning director [and shall] must transmit [it together] the application with accompanying plans and other relevant information to the [cultural resources] commission. The [cultural resources] commission may delegate the approval of certain minor applications to the planning director pursuant to the [cultural resources] commission's rules of practice and procedure.

C. The [cultural resources] commission [shall] must meet within ninety days after [notification] transmittal by the [director of public works] planning director of [the filing of] the complete application, unless otherwise mutually agreed upon by the applicant and [cultural resources] commission, and [shall] must review the plans according to procedures as set forth in this article.

D. The [cultural resources] commission [shall] must approve or disapprove [such] the plans and may recommend conditions to mitigate project impacts or informational requirements such as signage. [and, if] approved, [shall] the commission must issue a letter of approval signed by the chair [of the cultural resources commission,] or the chair's designee, [and] must [attached] attach it to the application for a building permit, and immediately transmit it to the planning director for transmittal to the director of public works.

E. If the [cultural resources] commission disapproves [such] the plans, it [shall] must state its reasons for doing so and [shall] must transmit a record of such action and reasons in writing to the planning director for transmittal to the director of public works, and the applicant. The [cultural resources] commission may advise the applicant what it thinks is proper if it disapproves the plans submitted. The applicant may make modifications to the plans and [shall have the right to] may resubmit the application [at any

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time] after so doing. The decision of the [cultural resources] commission to disapprove [such] the plans [shall be considered] is a final decision of the [cultural resources] commission that is appealable under section 91-14, Hawaii Revised Statutes.

F. The failure of the [cultural resources] commission to approve or disapprove [such] the plans within ninety days from the date of [submittal] transmittal of [a] the complete application [for the building permit], unless otherwise mutually agreed upon by the applicant and the [cultural resources] commission, [shall be deemed to constitute] constitutes approval and the director of public works [shall] must proceed to process the application [without regard to a letter of approval].

G. Within any historic district established in this article, and for any building or structure of historic significance in the Lahaina Historic District (National Historic Landmark), the director of public works [shall] must not approve a building or demolition permit application unless a letter of approval has been issued by the [cultural resources] commission or the plans have been deemed approved pursuant to subsection 19.52.020(F).

H. For the purposes of this article, buildings or structures of historic significance [shall be] are those that are more than fifty years old and that are deemed by the State historic preservation officer to be eligible for listing in the National Register of Historic Places, based on federal criteria."

Pages 9 & 11- Grading & Grubbing Permits to be Reviewed

Grading and Grubbing permits to be first reviewed by principal archeologist and if potential impacts then reviewed by CRC

30 day time limit for review for Principal Archeologist to determine of potential impacts

SECTION 7. Chapter 19.52, Maui County Code, is amended by adding new section to be appropriately designated and to read as follows:

“19.52.025 Application for a grading or grubbing permit.

A. Application for a grading or grubbing permit in a cultural overlay district established in this article must be made to the director of public works. In accordance with section 20.08.160, the director of public works must immediately notify the principal archaeologist of the receipt of the application. If the principal archaeologist determines within thirty days of receipt of the application that the proposed action has the potential to affect cultural resources or historic properties, the principal archaeologist must transmit the application to the planning director for transmittal to the commission. The commission must process the application in accordance with subsections 19.52.020(C-F). If the principal archaeologist does not transmit the application to the planning director within thirty days of receipt, the principal archaeologist is deemed to have no comment and the director of public works must process the application.

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“20.08.160 Permit—Requirements. The permittee [shall] must notify the director at least two days prior to beginning any grading or grubbing. The director may require a pre-construction meeting prior to commencement of the work. The director must transmit any application for a grading or grubbing permit in a cultural overlay district established in accordance with article III of title 19 to the principal archaeologist for review. If the principal archaeologist determines that the proposed action has the potential to affect cultural resources or historic properties, the principal archaeologist must transmit the application to the director of planning for transmittal to the cultural resources commission within thirty days or will be deemed to have made no determination. Plans and specifications for grading or grubbing bearing the approval of the director [shall] must be maintained at the site during the progress of any work. Where it is found by inspection that the soil or other conditions are not the same as stated or shown in the application for a grading or grubbing permit, the director may stop the grading or grubbing until revised grading or grubbing plans, based upon the existing conditions, are submitted by the permittee and approved by the director. Permittees [shall] must comply with [state] State and [county] County laws and regulations; the recommendations of the soil and water conservation district(s) as approved by the County; and the requirements of the department of land and natural resources’ [state] State historic preservation division. The director or any [state] State or [county] County agency with authority relevant to the work, including soil and water conservation district(s), the department of planning, or the department of land and natural resources’ [state] State historic preservation division, [shall] must be allowed onto the property for which a grading and grubbing permit has been issued to ensure compliance with this section.”

Page 10 - Permit Review Criteria

1. Proximity to known cultural resources or archaeological sites
2. The presence of soil types, vegetation, and topography associated with cultural resources or archaeological eco-indicators warranting additional review
3. The presence of historic and existing waterways, wetlands, and back-filled areas
4. The location of important pre-contact & post-contact events
5. Proximity to a known burial, burial ground complex, or burial preserve
6. The effect on post-contact historic resources

The principal archaeologist must use the following criteria to determine whether the proposed action has the potential to affect cultural resources or historic properties:

1. Proximity to known cultural resources or archaeological sites.
2. The presence of soil types, vegetation, and topography associated with cultural resources or archaeological eco-indicators warranting additional review.
3. The presence of historic and existing waterways, wetlands, and back-filled areas.
4. The location of important pre-contact and post-contact events.
5. Proximity to a known burial, burial ground, complex, or burial preserve.
6. The effect on post-contact historic resources."

SECTION 8. Section 19.52.050, Maui County Code, is amended to read as

follows:

"19.52.050 Demolition or movement of buildings or structures. A. The [cultural resources] commission [shall] must not issue a letter of approval for the demolition or moving of a building or structure of historic significance, except in one or more of the following instances:

1. The director of public works or the State department of health deems the building or structure to be a hazard to public safety or health and repairs are impossible[;].
2. The building or structure is a deterrent to a major historic restoration or preservation program[; or].
3. The building or structure is of low priority and its retention would not materially contribute to the integrity of the historic district or the Lahaina Historic District (National Historic Landmark). In each instance, a letter of explanation [shall] must accompany the letter of approval.

B. Unless waived by the [cultural resources] commission, any building or structure that is eligible for or is listed individually or as part of a historic district in the Hawaii or national register of historic places, or the Lahaina Historic District (National Historic Landmark), that has been approved for demolition pursuant to this section [shall] must be recorded according to the Secretary of the United States Department of the Interior's standards for mitigation, which [shall include] includes the historic American building survey or historic American engineering record, as applicable."

Proposed Hana Cultural District

- The Hana bill included today is only for **informational purposes** to show the end result of a designated district
- The boundaries are based on the Hana Moku.
- The first bill must be enacted for the Hana bill to be approved, but the review process can begin.

The Bill Review Process

Principal Archeologist to
Hana Advisory Committee



Cultural Advisory Committee to
Maui Planning Commission



County Council has final authority

Questions?