

COUNCIL OF THE COUNTY OF MAUI
WATER AND INFRASTRUCTURE
COMMITTEE

April 4, 2025

Committee
Report No. _____

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

Chair and Members:

Your Water and Infrastructure Committee, having met on March 17, 2025, makes reference to Bill 28 (2025), entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.29, MAUI COUNTY CODE, RELATING TO FLOOD HAZARD AREAS.”

Bill 28’s purpose is 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 areas.

Your Committee notes that the County has regulated development in special flood hazard areas since 1981, as required by the National Flood Insurance Program.

The County has relied on the FIRM to determine how to apply flood regulations. FEMA last updated the County’s FIRM in 2015.

The Director of Public Works noted that participation in the National Flood Insurance Program allows the community access to subsidized flood-insurance premiums, federal disaster relief funds, federal assistance for properties in special flood hazard areas, and federal mortgage insurance for buildings in high-risk flood zones.

The Director further noted that FEMA and the State Department of Land and Natural Resources are conducting new flood studies to assess post-fire flood risks within the Lahaina burn zone. The results of the studies will produce updated flood maps that are expected to be completed by Summer 2025.

COUNCIL OF THE COUNTY OF MAUI
WATER AND INFRASTRUCTURE
COMMITTEE

Page 2

Committee
Report No. _____

The Director said approximately 1,000 parcels in Lahaina may require flood development permits, with consultants assisting the Department in permit processing.

Your Committee further notes that flood development permits will ensure that structures are elevated and do not contribute to flooding on neighboring properties.

The Director also said that broader flood studies are being conducted in Kihei. Updating FEMA flood maps is expected to cost between \$500,000 and \$1,000,000 per map.

Your Committee notes that the Council will be asked to adopt a new map by ordinance if the Director recommends additional high-risk flood areas to supplement the FIRM.

The Director noted that the Council may only approve or disapprove the map and would not have the ability to amend it.

Your Committee considered a proposed CD1 version of Bill 28, approved as to form and legality, that incorporated nonsubstantive revisions. Your Committee amended the proposed CD1 version by revising the definition of “flood insurance rate map (FIRM)” to begin with the acronym, “FIRM.” Your Committee noted this revision would facilitate the public’s ability to locate the meaning of that term in the Code provision containing definitions. Your Committee also amended Subsection 16.29.040(A), Maui County Code, to refer to the definition for “special flood hazard areas” in Section 16.29.030.

Your Committee expressed support for Bill 28, CD1, which establishes procedures to incorporate updated flood maps and ensure compliance with flood hazard regulations.

COUNCIL OF THE COUNTY OF MAUI
**WATER AND INFRASTRUCTURE
COMMITTEE**

Page 3

**Committee
Report No.** _____

Your Committee voted 9-0 to recommend passage of Bill 28, CD1 (2025), on first reading. Committee Chair Cook, Vice-Chair Sugimura, and members Johnson, Kama, Lee, Paltin, Rawlins-Fernandez, Sinenci, and U'u-Hodgins voted "aye."

Your Committee is in receipt of Bill 28, CD1 (2025), approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Water and Infrastructure Committee RECOMMENDS that Bill 28, CD1 (2025), attached, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.29, MAUI COUNTY CODE, RELATING TO FLOOD HAZARD AREAS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

This report is submitted in accordance with Rule 3 of the Rules of the Council.



TOM COOK, Chair

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 16.29.030, Maui County Code, is amended by amending the definition of “flood insurance rate map (FIRM)” to read as follows:

“~~“[Flood insurance rate map (FIRM)]~~ FIRM” means the flood insurance rate map, or map on which the FEMA or Federal Insurance Administration has delineated both the special flood hazard areas and the risk premium zones applicable to the community.”

SECTION 3. 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, as defined in section 16.29.030, 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 4. 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 5. 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 6. 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:005abill02:kjh

INTRODUCED BY:

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

ALICE L. LEE

Upon the request of the Mayor.