

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

BILL NO. 84 (2022)

A BILL FOR AN ORDINANCE TO AMEND THE EXCLUSION FOR GRADING AND GRUBBING PERMITS FOR TRENCHING FOR UNDERGROUND UTILITIES

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

SECTION 1. Section 20.08.031, Maui County Code, is amended to read as follows:

**“20.08.031 Limited exclusions.** Sections 20.08.040 through 20.08.160 regarding permit applications and requirements do not apply to the following; however, all other provisions of this chapter, including the provision of minimum bmps as required by section 20.08.035, remain applicable to all work performed, and the following exclusions do not affect the applicability of section 20.08.040.C relating to cut or fill activity in special management areas:

A. Subsurface excavations and backfill for buildings and other structures authorized by a valid building permit issued by the land use and codes administration or excavations and backfill for cesspools and septic tanks authorized by the state department of health, except that this exclusion does not apply in an area determined by the County archaeologist as likely to involve a burial site or historic property, as defined by Hawai'i Revised Statutes chapter 6E. This exclusion does not affect the applicability of this chapter to the placing of fill materials obtained from the excavations on other premises.

B. Excavation, fill, or stockpiling that does not alter the general drainage pattern with respect to abutting properties and that does not exceed [one hundred] fifty cubic yards of material on any one site and does not exceed four feet in vertical height at its highest point; except that the slope face may not be steeper in slope and be located a minimum distance from neighboring properties, as enumerated in sections 20.08.170 through 20.08.210; and except that this exclusion does not apply in an area determined by the County archaeologist as likely to involve a burial site or historic property, as defined by Hawai'i Revised Statutes chapter 6E.

C. Grubbing that does not alter the general drainage pattern with respect to abutting properties [and does not exceed one acre], except that this exclusion does not apply in an area determined by the County archaeologist as likely to involve a burial site or historic property, as defined by Hawai'i Revised Statutes chapter 6E.

D. Trenching for underground utilities, involving trenches less than two feet deep and less than fifty cubic yards, provided the trenches are backfilled and the surface restored to its pre-existing grade and ground cover, except that this exclusion does not apply in an area determined by the County archaeologist as likely to involve a burial site or historic property, as defined by Hawai'i Revised Statutes chapter 6E.”

SECTION 2. 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 3. This Ordinance takes effect on approval.

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INTRODUCED BY:

James M. J. [Signature]