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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

October 16, 2020

Director of Council Services  
Heath N. Pugh, Esq.

RECEIVED

2020 OCT 16 AM 9:36

OFFICE OF THE  
COUNTY CLERK

The Honorable Alice L. Lee  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: **WASTEWATER FACILITIES IN SEA LEVEL RISE  
EXPOSURE AREAS** (PAF 20-150)

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE RELATING TO COUNTY WASTEWATER FACILITIES IN SEA LEVEL RISE EXPOSURE AREAS," be placed on the next Council meeting agenda.

Sincerely,

Handwritten signature of Kelly Takaya King in cursive.

KELLY TAKAYA KING  
Councilmember

paf:kmat:20-150b

Enclosure

COUNTY COMMUNICATION NO. 20-521

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

BILL NO. \_\_\_\_\_ (2020)

A BILL FOR AN ORDINANCE RELATING TO COUNTY WASTEWATER  
FACILITIES IN SEA LEVEL RISE EXPOSURE AREAS

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

SECTION 1. The purpose of this Ordinance is to implement the following policies in the Countywide Policy Plan by prohibiting new County wastewater facilities in sea level rise exposure areas and planning for managed retreat of any County wastewater facility in a sea level rise exposure area:

- “Restrict development in areas that are prone to natural hazards, disasters, or sea-level rise.”
- “Discourage the development of critical infrastructure systems within hazard zones and the tsunami-inundation zone to the extent practical.”

SECTION 2. Article 2 of Title 14, Maui County Code, is amended to add a new chapter to read as follows:

**“Chapter 14.36**

**SEA LEVEL RISE EXPOSURE AREAS**

Sections:

- 14.36.100 Construction prohibited in sea level rise exposure area.
- 14.36.200 Managed retreat required for existing wastewater facility in sea level rise exposure area.

**14.36.100 Construction prohibited in sea level rise exposure area.** The department may not construct or cause to be constructed a wastewater facility in a sea level rise exposure area.

**14.36.200 Managed retreat required for wastewater facility in sea level rise exposure area.**

A. Within sixty days of this chapter's enactment, the department must seek the advice of the state planning director and the county planning director on a plan for managed retreat of any County wastewater facility in a sea level rise exposure area.

B. Within one hundred days of this chapter's enactment, the plan for managed retreat must be presented to the council for adoption by resolution.

C. The department must employ good-faith efforts to follow the plan for managed retreat for managed retreat of any County wastewater facility in a sea level rise exposure that is adopted by the council.

D. The department must submit annual reports to the council on its compliance with this section."

SECTION 3. Section 14.19A.040, Maui County Code, is amended by amending the definition of "department" to read as follows:

"Department" means the department of [public works and waste] environmental management, County of Maui.

SECTION 4. Section 14.19A.040, Maui County Code, is amended by amending the definition of "director" to read as follows:

"Director" means the director of [public works and waste] environmental management, County of Maui, or the director's authorized representative."

SECTION 5. Section 14.19A.040, Hawaii Revised Statutes, is amended by adding new definitions to be appropriately inserted and to read as follows:

"Managed retreat" means the orderly removal of buildings, equipment, and infrastructure from a sea level rise exposure area."

"Sea level rise exposure area" means a geographic location identified and officially designated by the Hawaii climate change mitigation and adaptation commission as a sea level rise exposure area."

SECTION 6. 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 7. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:kmat:20-150a