

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

RECEIVED

2021 FEB 22 PM 3:35

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

OFFICE OF THE
COUNTY CLERK

February 22, 2021

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

Dear Chair Lee:

**SUBJECT: REPEAL THE EXCLUSION FOR GRADING AND
GRUBBING PERMITS FOR TRENCHING FOR
UNDERGROUND UTILITIES (PAF 21-055)**

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE TO REPEAL THE EXCLUSION FOR GRADING AND GRUBBING PERMITS FOR TRENCHING FOR UNDERGROUND UTILITIES," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Shane M. Sinenci", is written over a horizontal line.

SHANE M. SINENCI
Councilmember

paf:kmatt:21-055b

Enclosure

COUNTY COMMUNICATION NO. 21-137

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE TO REPEAL 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 [shall] 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, [shall] remain applicable to all work performed, and the following [shall] 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. This [exception shall] 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 [which] that does not alter the general drainage pattern with respect to abutting properties and [which] that does not exceed one hundred cubic yards of material on any one site and does not exceed four feet in vertical height at its highest point; [provided] 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[;].

C. Grubbing [which] that does not alter the general drainage pattern with respect to abutting properties and does not exceed one acre[;].

[D. Trenching for underground utilities when the trenches are backfilled, and the surface restored to its pre-existing grade and ground cover.]

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 upon its approval.

paf:kmatt:21-055a