

ORDINANCE NO. _____

BILL NO. 79 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 20.08.031, MAUI COUNTY CODE, REGARDING LIMITED EXCLUSIONS FOR GRADING AND GRUBBING PERMITS AND AMENDING THE CATEGORICAL EXCLUSION FOR TRENCHING FOR UNDERGROUND UTILITIES

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

SECTION 1. Ordinance 5229, which would otherwise take effect on November 1, 2021, is repealed.

SECTION 2. 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, involving trenches less than two feet deep and less than fifty cubic yards, provided [when] 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 Hawaii Revised Statutes chapter 6E."

SECTION 3. Material to be repealed is bracketed.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 4. This Ordinance takes effect upon approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Stephanie M. Chen
STEPHANIE M. CHEN
Department of the Corporation Counsel
County of Maui
2021-1299/2021-0010
2021-08-26 Ord Amd 20.08.031
paf:kmatt:21-253b

DIGEST

ORDINANCE NO. _____
BILL NO. 79 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 20.08.031, MAUI COUNTY
CODE, REGARDING LIMITED EXCLUSIONS FOR GRADING AND GRUBBING
PERMITS AND AMENDING THE CATEGORICAL EXCLUSION FOR TRENCHING
FOR UNDERGROUND UTILITIES

This bill proposes to amend Section 20.08.031, Maui County Code, relating to the exclusion for grading and grubbing permits for trenching for underground utilities.

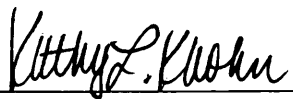
I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 79 (2021) was passed on First Reading
by the Council of the County of Maui, State of Hawaii, on the 24th day of August, 2021,
by the following vote:

AYES: Councilmembers Gabriel Johnson, Kelly T. King, Michael J. Molina,
Tamara A.M. Paltin, Shane M. Sinenci, Yuki Lei K. Sugimura,
Vice-Chair Keani N.W. Rawlins-Fernandez, and Chair Alice L. Lee.

NOES: None.

EXCUSED: Councilmember Natalie A. Kama.

DATED at Wailuku, Maui, Hawaii, this 27th of August, 2021.



KATHY L. KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,
County of Maui, for use and examination by the public.