

ORDINANCE NO. 4937

BILL NO. 138 (2018)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.08, MAUI COUNTY CODE, RELATING TO SOIL EROSION AND SEDIMENT CONTROL

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

SECTION 1. The purpose of this ordinance is to preserve and protect sensitive historic, cultural, and archaeological sites, and unmarked human burial sites by clarifying the grading and grubbing permit process.

SECTION 2. Section 20.08.020, Maui County Code, is amended by amending the definition of “director” to read as follows:

““Director” means the director of public works [and environmental management], County of Maui, or the director’s duly authorized representative.”

SECTION 3. Section 20.08.075, Maui County Code, is amended by amending subsection B to read as follows:

“B. The plot plan shall also state:

1. All construction related conditions of the special management area permit[;].

2. That the importation and placement of soil is prohibited within the shoreline area as defined by chapter [201A-41,] 205A-41, Hawaii Revised Statutes, except for sand as defined in this chapter[; and].

3. That grading of the coastal dune is prohibited pursuant to section 20.08.035.”

SECTION 4. Section 20.08.080, Maui County Code, is amended to read as follows:

“20.08.080 Grading and grubbing permit review. Drainage, engineering slope hazard report, and erosion control plans shall be submitted to the applicable soil and water conservation district(s) and to the department of land and natural resources’ state historic preservation division for review and comment. Applicants shall provide information sufficient to enable the reviewing agencies to determine that the proposed work will be in conformance with the most current standards on file at the department of public works of the soil and water conservation district(s) and will meet the requirements of chapter 6E, Hawaii Revised Statutes, and related administrative rules. Final approval or disapproval shall be made by the County [shall be made] within ten days after receiving [their] the reviewing agencies’ comments.”

SECTION 5. Section 20.08.120, Maui County Code, is amended to read as follows:

“20.08.120 Permit—suspension or revocation. A. The director may, in writing, suspend or revoke a permit issued under the provisions of sections 20.08.040 through 20.08.160 whenever [the permit has been issued on the basis of incorrect information supplied by the permittee or whenever] the grubbing, stockpiling, or grading is not being performed in accordance with the terms and provisions of the permit.

B. The director shall, in writing, immediately suspend or revoke a permit issued under the provisions of sections 20.08.040 through 20.08.160 whenever any of the following occurs:

1. The permit has been issued on the basis of incorrect information supplied by the permittee.

2. The director has received written notification from a federal, state, or county agency of any warnings or violations of the requirements related to the work.

3. The director has received written notification from the department of land and natural resources’ state historic preservation division of any warnings or violations issued, including warnings or violations relating to archaeological monitoring, preservation, or mitigation plans approved by the state historic preservation division, and applicable to the permitted area.”


SECTION 6. Section 20.08.160, Maui County Code, is amended to read as follows:

"20.08.160 [Permit—Requirements.] Permit—requirements. The permittee shall notify the director at least two days [before the permittee or his agent begins] prior to beginning any grading or grubbing. The director may require a pre-construction meeting prior to commencement of the work. Plans and specifications for grading or grubbing bearing the approval of the director shall be maintained at the site during the progress of any work. Where it is found by inspection that the soil or other conditions are not the same as stated or shown in the application for a grading or grubbing permit, the director may stop the grading or grubbing until revised grading or grubbing plans, based upon the existing conditions, are submitted by the permittee and approved by the director. Permittees shall comply with state and county laws and regulations; the recommendations of the soil and water conservation district(s) as approved by the County; and the requirements of the department of land and natural resources' state historic preservation division. The director or any state or county agency with authority relevant to the work, including soil and water conservation district(s), the department of planning, or the department of land and natural resources' state historic preservation division, shall be allowed onto the property for which a grading and grubbing permit has been issued to ensure compliance with this section."

SECTION 7. 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 8. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



DAVID GALAZIN
Department of the Corporation Counsel
County of Maui
2018-1805
PAF 18-308 2018-12-13 Ord re soil erosion

WE HEREBY CERTIFY that the foregoing BILL NO. 138 (2018)


1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 21st day of December, 2018, by the following vote:

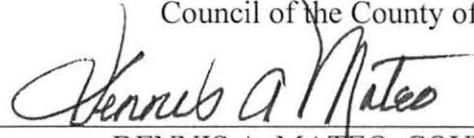
Michael B. WHITE Chair	Robert CARROLL Vice-Chair	Alika ATAY	Eleanora COCHRAN	S. Stacy CRIVELLO	Donald S. GUZMAN	G. Riki HOKAMA	Kelly T. KING	Yuki Lei K. SUGIMURA
Aye	Excused	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 24th day of December, 2018.


DATED AT WAILUKU, MAUI, HAWAII, this 24th day of December, 2018.

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OFFICE OF THE MAYOR

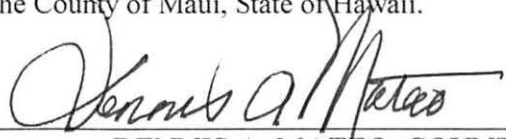

MICHAEL B. WHITE, CHAIR
Council of the County of Maui


DENNIS A. MATEO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 24 DAY OF December, 2018.


ALAN M. ARAKAWA, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. **4937** of the County of Maui, State of Hawaii.


DENNIS A. MATEO, COUNTY CLERK
County of Maui

Passed First Reading on December 13, 2018
Effective date of Ordinance December 24, 2018

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. **4937**, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

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COUNTY CLERK