

COUNCIL OF THE COUNTY OF MAUI
**INFRASTRUCTURE MANAGEMENT
COMMITTEE**

December 16, 2011

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Infrastructure Management Committee, having met on November 28, 2011, makes reference to County Communication 11-139, from the Director of Public Works, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.20, MAUI COUNTY CODE, RELATING TO SUBDIVISION IMPROVEMENTS".

The purpose of the proposed bill is to implement post-construction stormwater quality best management practices, as may be required by the Director of Public Works, for all subdivisions, and to authorize the Director to adopt administrative rules to implement such practices.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.26, MAUI COUNTY CODE, RELATING TO THE BUILDING CODE".

The purpose of the proposed bill is to implement post-construction stormwater quality best management practices, as may be required by the Director of Public Works, for new construction or for work such as remodeling and repairs, and to authorize the Director to adopt administrative rules to implement such practices.

3. Proposed administrative rules entitled "RULES FOR THE DESIGN OF STORMWATER TREATMENT BEST MANAGEMENT PRACTICES".
4. A copy of a letter dated July 1, 2010, from Tina Yin, Regional Nonpoint Source Coordinator, United States Environmental Protection Agency ("EPA") Region IX, encouraging the County to pass a comprehensive post-development stormwater management ordinance.

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Your Committee notes that the EPA has strongly encouraged the County to pass a comprehensive post-development stormwater management ordinance to address water quality runoff impacts from new development. The State has been working with the counties to develop a comprehensive Coastal Nonpoint Pollution Control Program in conformance with Section 6217 of the Federal Coastal Zone Act Reauthorization Amendments of 1990.

The Director of Public Works stated that the Department supports the proposed bills. He said the Department will adopt administrative rules to implement post-construction stormwater quality best management practices within 180 days.

The Director of the Office of Planning, State Department of Business, Economic Development & Tourism, presented a computer-generated overview of the Coastal Nonpoint Pollution Control Program and supported passage of the proposed bills. He stated that the failure to pass these bills could result in the formal disapproval of the State's program with financial consequences for water quality programs at the State and County levels.

Your Committee notes that similar ordinances have been passed by the City and County of Honolulu, the County of Hawaii, and the County of Kauai.

Your Committee voted 6-0 to recommend passage of the proposed bills on first reading and filing of the communication. Committee Chair Cochran, Vice-Chair Victorino, and members Carroll, Couch, Mateo and Pontanilla voted "aye". Committee member Hokama was excused.

Your Infrastructure Management Committee **RECOMMENDS** the following:

1. That Bill _____ (2011), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.20, MAUI COUNTY CODE, RELATING TO SUBDIVISION IMPROVEMENTS", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill _____ (2011), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.26, MAUI COUNTY CODE, RELATING TO THE BUILDING CODE", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

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3. That County Communication 11-139 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



ELLE COCHRAN, Chair

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ORDINANCE NO. _____

BILL NO. _____ (2011)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.20,
MAUI COUNTY CODE, RELATING TO SUBDIVISION IMPROVEMENTS

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

SECTION 1. Chapter 18.20, Maui County Code, is amended by
adding a new section to be designated and to read as follows:

"18.20.135 Post-construction stormwater quality
best management practices. Post-construction
stormwater quality best management practices, as may
be required by the director, shall be implemented for
all subdivisions. The director shall adopt rules to
implement this section."

SECTION 2. The requirements of this ordinance shall not
apply to any subdivision that receives preliminary subdivision
approval prior to the effective date of this ordinance.

SECTION 3. New material is underscored. In printing this
bill, the County Clerk need not include the underscoring.

SECTION 4. This ordinance shall take effect 180 days after
approval.

APPROVED AS TO FORM
AND LEGALITY:



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui

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ORDINANCE NO. _____

BILL NO. _____ (2011)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.26,
MAUI COUNTY CODE, RELATING TO THE BUILDING CODE

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

SECTION 1. Chapter 16.26, Maui County Code, is amended by
adding a new section to be designated and to read as follows:

"16.26.3306 Section 3306 added.

Chapter 33 of the Uniform Building Code is
amended by adding a new section 3306 to be designated
and to read as follows:

Sec. 3306 Post-construction stormwater quality
best management practices.

3306.1 Post-construction stormwater quality best
management practices, as may be required by the
director of public works, shall be implemented for
property on which any new structure(s) will be
situated, or for any work such as remodeling,
reconstruction, repairs, additions, and similar work,
where the cost of the work over a period of twelve
consecutive months exceeds fifty percent of the
replacement value of the existing structure(s) before
work is started.

EXCEPTION: The requirements of this
section shall not apply to a single-
family dwelling and its accessory
structures, as the same shall be
defined in title 19 of this code,
provided that the dwelling is not part
of a multiple-dwelling development plan
or subdivision plan, as determined by
the director of public works, and
provided further that the total
impervious surface area of the project
does not exceed five thousand square
feet.


3306.2 The director of public works shall adopt rules to implement this section."

SECTION 2. The requirements of this ordinance shall not apply to any complete application for a building permit submitted prior to the effective date of this ordinance.

SECTION 3. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 4. This ordinance shall take effect 180 days after approval.

APPROVED AS TO FORM
AND LEGALITY:



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui

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