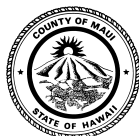


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Director of Council Services
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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 10, 2026

Dr. Kenneth S. Fink, Director
Department of Health
State of Hawai'i
1250 Punchbowl Street
Honolulu, Hawaii 96813

Dear Dr. Fink:

**SUBJECT: BILL 1 (2026), AMENDING THE WATER
AVAILABILITY POLICY ON SUBDIVISION
CONSTRUCTION PLANS (WAI-21)**

The Maui County Council's Water and Infrastructure Committee is in receipt of a proposed CD1 version of Bill 1 (2026), entitled "A BILL FOR AN ORDINANCE AMENDING THE WATER AVAILABILITY POLICY AND SUBDIVISION ORDINANCE ON SUBDIVISION CONSTRUCTION PLANS."

Bill 1, CD1's purpose is to allow the County's Department of Water Supply to conduct a concurrent review of subdivision construction plans prior to receiving the written verification of a long-term water source, at the subdivider's risk, to streamline and improve the efficiency of the review process. This bill does not authorize final subdivision approval without a long-term reliable supply of water, but would allow for an earlier technical review of the construction plans.

While we recognize Bill 1 primarily affects the internal timing of the County's Department of Water Supply's review, we are sending this to you for your information. If you would like to provide comments on the proposed CD1 version of Bill 1 (2026), you are welcome to do so.

May I further request you transmit your response to wai.committee@mauicounty.us by **February 26, 2026**. To ensure efficient processing, please include WAI-21 in the subject line.

Dr. Kenneth S. Fink, Director
February 10, 2026
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Should you have any questions, please contact me or the Committee staff (Keone Hurdle at (808) 270-7659, or Lori Ann Tengan at (808) 270-7147).

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Cook".

TOM COOK, Chair
Water and Infrastructure Committee

wai:ltr:021adoh01:kjh

Attachment

cc: Mayor Richard T. Bissen, Jr.

ORDINANCE NO. _____

BILL NO. 1, CD1 (2026)

A BILL FOR AN ORDINANCE AMENDING THE WATER AVAILABILITY POLICY
AND SUBDIVISION ORDINANCE ON SUBDIVISION CONSTRUCTION PLANS

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

SECTION 1. The County's Water Availability Policy requires verification of a long-term, reliable water supply before any subdivision is approved. This Ordinance's purpose is to allow the Department of Water Supply to review subdivision construction plans, at the subdivider's risk of water availability, before a private or public long-term supply of water is verified.

SECTION 2. Section 14.12.040, Maui County Code, is amended to read as follows:

"14.12.040 Written verification of long-term, reliable supply of water. A. No applicable subdivision [shall be approved,] may receive final subdivision approval under section 18.20.180 unless [prior to approval of subdivision construction plans pursuant to section 18.20.180 of this code,] the director has provided written verification of either: (1) a County water meter or water meter reservation[;] sufficient to serve the subdivision; or (2) the receipt of an approved engineering report for a long-term, reliable supply of water for the subdivision.

B. A subdivider, at its own risk of water availability, may submit subdivision construction plans for review by the department prior to written verification of water availability. Upon receipt of subdivision construction plans, the department must review the plans. If all requested revisions, deficiencies, and additional requirements are satisfied, the department must approve the subdivision construction plans under section 18.20.160, regardless of whether the director has provided written verification of water. This approval of subdivision construction plans by the department will not constitute a guarantee of water availability for the subdivision.

[B.] C. Written verification of a long-term, reliable supply of water [shall] may not constitute an assurance, covenant, or warranty by the County of water source from a private, non-County system."

SECTION 3. Section 18.20.160, Maui County Code, is amended to read as follows:

"18.20.160 Construction plans—approval. A. The subdivider [shall] must submit copies of the construction plans in the amount requested to the director. The director [shall] will furnish one copy of the construction plans to the reviewing agencies for their consideration and approval. [Such] The construction plans [shall] will be considered approved for construction purposes when the construction plans bear the approval of the director, and, if applicable, the director of water supply, the sanitary engineer, and the district engineer[, and the director]. Construction plans must also be approved by the directors of [said] the reviewing agencies.

B. The subdivider [shall] must be notified of any changes or deficiencies or additional requirements in the construction plans within [forty-five] 45 calendar days of submission to the director. If no action is taken by the director within this period, or [such] within a longer period [as may have been] if agreed upon in writing, then the plans [shall] will be deemed approved as submitted and [it shall be the duty of] the director [to] must affix the director's approval [thereon.] on the plans.

C. [The approval] Approval of the construction plans by the director [shall] does not relieve the subdivider [nor] or the engineer of the responsibility for any and all defects that may become evident subsequent to the plan's approval. [Should] If there [be] are any errors or omissions, [then] the construction plans and construction work [shall] must be revised as requested by the director.

D. Under subsection 14.12.040(B), approval of construction plans under this section may occur before the director of water supply provides written verification of a long-term reliable source of water."

SECTION 4. Section 18.20.180, Maui County Code, is amended to read as follows:

"18.20.180 Completion of construction—final approval. When the construction drawings bear the approval of the director and, if applicable, the director of water supply, the sanitary engineer, and the

district engineer, and should be approved by any director of a reviewing agency, as required under sections [14.12.040,] 18.20.150, 18.20.160, and 18.20.170 [of this code], the subdivider may proceed with the construction of the improvements and utilities. Before final subdivision approval is granted, the director of water supply must provide the written verification required by subsection 14.12.040(A). After completion of [same] construction in accordance with the requirements of this title, the director [shall] must grant approval for recordation of the subdivider's final plat. [Where] If construction extends into the state highway right-of-way, the contractor [shall] must obtain a permit from the district engineer [prior to] before commencement of work within the state highway right-of-way."

SECTION 5. 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 6. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

wai:misc:021abill01:kjh

INTRODUCED BY:

A handwritten signature in blue ink, appearing to read "Tom Cook", is written over a horizontal line.

TOM COOK