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

August 6, 2024

Mr. Shayne Agawa, Director
Department of Environmental Management
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Agawa:

**SUBJECT: BILL 110 (2024), AMENDING SECTION 16.25.201,
MAUI COUNTY CODE, RELATING TO
IMPROVEMENTS TO PUBLIC STREETS (WAI-27)**

At its meeting of August 22, 2024, the Water and Infrastructure Committee intends to discuss Bill 110 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 16.25.201, MAUI COUNTY CODE, RELATING TO IMPROVEMENTS TO PUBLIC STREETS." Bill 110's purpose is to exempt certain properties impacted by the August 8, 2023, Maui wildfires from the requirement of improving public streets under Section 16.25.201, Maui County Code.

May I please request you review the attached bill and provide your comments or suggested revisions. Please also indicate how your Department, or any related infrastructure, will be impacted by Bill 110, if passed.

May I further request you transmit your response to wai.committee@mauicounty.us by **August 15, 2024**. To ensure efficient processing, please include the Committee item number in the subject line.

Mr. Shayne Agawa
August 6, 2024
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Should you have any questions, please contact me or the Committee staff (Jarret Pascual at ext. 7141, or Pauline Martins at ext. 8039).

Sincerely,

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

TOM COOK, Chair
Water and Infrastructure Committee

wai:ltr:027aem01:jpp

Attachment

cc: Mayor Richard T. Bissen, Jr.
Deputy Director of Environmental Management

ORDINANCE NO. _____

BILL NO. 110 (2024)

A BILL FOR AN ORDINANCE AMENDING SECTION 16.25.201, MAUI COUNTY CODE, RELATING TO IMPROVEMENTS TO PUBLIC STREETS

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

SECTION 1. The Maui County Council recognizes that it is impractical to redevelop public streets in a piecemeal fashion following the devastation caused by the August 8, 2023, Maui wildfires. Further, the discretion afforded the building official in considering which development standards to apply creates uncertainty for property owners trying to rebuild in these disaster-stricken areas. This Ordinance's purpose is to except certain properties impacted by the August 8, 2023, Maui wildfires from the requirement of improving public streets under Section 16.25.201, Maui County Code.

SECTION 2. Section 16.25.201, Maui County Code, is amended to read as follows:

"16.25.201 - Applicability and [Scope.] scope. A. Where public streets are adjacent to the property on which any new [structures(s)] structures will be situated, or remodeling, reconstruction, repairs, additions, and similar work on existing [structure(s)] structures are proposed, where the cost of the work over a period of twelve consecutive months exceeds 50 percent of the replacement value of existing structures on the property before work is started, improvements as may be required by the building official shall be constructed on those portions of the streets adjacent to the property. Improvements may include[, but shall not be limited to,] pavement widening, construction of sidewalks, curbs, gutters, swales, drainage improvements, driveways, curb ramps, striping, signage, relocation of utilities, and placement of utilities

underground. Placement of utilities underground can be deferred [provided that] if the owner, heirs, executors, and assigns agree to pay their pro rata share of the cost of utility and utility-related road improvements upon the adjacent [public right-of-way(s)] public right-of-ways based on the actual cost of the capital improvements, divided by the total number of linear feet of the capital improvement, the quotient of which shall be multiplied by the number of lineal feet of the capital improvement adjacent to the property. An agreement shall be prepared by the owner for filing with the state bureau of conveyances. The deferral under this section shall include those developments which have previously entered into agreements deferring the placement of utilities underground. Road widening [lot(s)] lots shall be provided when necessary. In determining appropriate improvement and road widening requirements, the building official may take into consideration the Maui County General Plan, Community Plans, standards of title 18 of the Maui County Code, future roadway improvement plans, or any other development standard on file with the department. If road widening [lot(s)] lots are required, a subdivision plat shall be filed, and the director may approve the building permit should the preliminary subdivision plat generally conform to the requirements of the road widening [lot(s)] lots request. The final plat shall be approved by the director prior to the occupancy of the structure.

[Exception:] B. Exceptions. The requirements of [this section] subsection A [shall] do not apply to [single family]:

1. Single-family dwellings when the total number of dwellings on a lot does not exceed three [, projects involving].
2. A project involving the use of county funds or county land[, structures].
3. A structure in the state agricultural district[, structures which do].
4. A structure that does not exceed [the value of] \$250,000[, and other] in value.
5. Other structures that do not include occupiable or habitable spaces[.].
6. Any property where a structure was destroyed or damaged by the August 8, 2023, Maui wildfires, and the cost to rebuild or repair the structure will exceed 50 percent of the replacement value of the structure as of August 8, 2023."

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. The Ordinance takes effect retroactive to August 9, 2023.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

wai:misc:027abill01:jpp

INTRODUCED BY:

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

TOM COOK