

October 21, 2025, Committee meeting

WATER AND INFRASTRUCTURE COMMITTEE
Amendment Summary Form

RECEIVED OCS
25 OCT 10 PM 1:47

Legislation: Bill 110 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 16.25.201, MAUI COUNTY CODE, RELATING TO IMPROVEMENTS TO PUBLIC STREETS."

Proposer: Tom Cook, Chair *Tom M. Cook*
Water and Infrastructure Committee.

Description: The proposed CD1 version:

1. Replaces the exception for "any property where a structure was destroyed or damaged by the August 8, 2023, Maui wildfires" with a more limited exemption applying only to structures on Front Street properties located between Shaw Street and Baker Street within Maui County Historic Districts Nos. 1 or 2, that were destroyed or damaged by a declared emergency or disaster.
2. Incorporates nonsubstantive and technical revisions for clarity, consistency, and style.
3. Is approved as to form and legality by the Department of the Corporation Counsel.

Motion: Move to substitute Bill 110 (2024) with the attached proposed CD1 version.

Attachment: Proposed CD1 version of Bill 110 (2024).

wai:ltr:027aasf01:kjh

ORDINANCE NO. _____

BILL NO. 110, CD1 (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. 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] 12 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] must 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 rights-of-way 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] must be multiplied by the number of lineal feet of the capital improvement adjacent to the property. An agreement [shall] must be prepared by the owner for filing with the state bureau of conveyances. The deferral under this section [shall] must include those developments which have previously entered into agreements deferring the placement of utilities underground. Road widening [lot(s)] lots [shall] must 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,] general plan, community plans, standards of title 18 of the Maui County [Code,] 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] must 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] must be approved by the director prior to the occupancy of the structure.

[Exception:] B. Exceptions. The requirements of [this section shall] subsection A 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] County funds or County land[, structures].

3. A structure in the [state] 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 structure on Front Street between its intersections with Shaw Street and Baker Street that:

a. Is within Maui County Historic District No. 1 or 2; and

b. Is destroyed or damaged by an emergency or disaster proclaimed by the governor or mayor to constitute a state of emergency or local state of emergency, respectively, under section 127A-14, Hawai'i Revised Statutes."

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 retroactive to August 9, 2023.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "MICHAEL J. HOPPER", is written over a horizontal line.

MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui
wai:misc:027abill02:kjh

WAI-27 2025-09-23 Bill 110 CD1 Amd 16 25 201 Public Streets

INTRODUCED BY:

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

TOM COOK