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

December 5, 2025

Mr. John Stufflebean, Director
Department of Water Supply
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Stufflebean:

SUBJECT: BILL 132 (2025), AMENDING ORDINANCE 3889 (2011), RELATING TO CHANGE IN ZONING (CONDITIONAL ZONING) FOR WEST MAUI PROJECT 5 (PULELEHUA) FOR PROPERTY SITUATED AT LAHAINA, HAWAI'I (DRIP-17)

Thank you for participating in the Council's Disaster Recovery, International Affairs, and Planning Committee's discussion of Bill 132 at its meeting of November 5, 2025.

The Council recently considered several housing projects — Kaiahale 'o Kahiluhilu, Ho'onani Village, and Pulelehua — where water availability has been a particular point of discussion.

In discussing these projects, there is a need to clarify the Department's application of Chapter 14.12, Maui County Code, on the County's Water Availability Policy.

To provide context:

- By correspondence dated December 3, 2024, to the Maui Nui Resiliency Hui, you noted that Subsection 14.12.030(F), Maui County Code, is not applicable to Pulelehua. Although Phase I is comprised of 100-percent affordable housing units, it is not exempt from Chapter 14.12 because the rest of the planned subdivision is not 100-percent affordable.

Mr. John Stufflebean
December 5, 2025
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- By correspondence dated April 30, 2025, to PBR Hawaii & Associates, Inc., you noted that there is not sufficient remaining capacity in the Central Maui water system for Kaiahale 'o Kahiluhilu. The Department also noted that according to Section 16-201-03(g)(1), County of Maui Administrative Rules, projects comprised of 100-percent residential workforce housing units are not considered to be projects using large quantities of water.
- By correspondence dated November 4, 2025, to the Committee, you said that for a project developed in phases, such as Ho'onani Village, each phase may be reviewed for compliance with Chapter 14.12.

May I please request your response to the following:

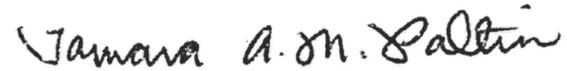
1. Each development — Kaiahale 'o Kahiluhilu, Ho'onani Village, and Pulelehua — is a mixed-used project planned in phases, containing a residential component that provides rental units. Please provide your Department's analysis in applying the County's Water Availability Policy to all three projects.
2. Per your response dated November 4 relating to Ho'onani Village, a project that is developed in phases can be reviewed for compliance under Chapter 14.12. This seems to be the case for Kaiahale 'o Kahiluhilu, as the Department was able to identify water source to serve the 100-percent affordable residential component of the project. Please explain how Chapter 14.12 is applied differently for Phase I of Pulelehua, which is also a 100-percent affordable residential component of the project.

May I further request you transmit your response to drip.committee@mauicounty.us by **December 19, 2025**. To ensure efficient processing, please include the Committee item number in the subject line.

Mr. John Stufflebean
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Should you have any questions, please contact me or the Committee staff (Jarret Pascual at ext. 7141, or Yvette Bouthillier at ext. 7758).

Sincerely,

A handwritten signature in black ink that reads "Tamara A. M. Paltin". The signature is written in a cursive, slightly slanted style.

TAMARA PALTIN, Chair
Disaster Recovery, International Affairs,
and Planning Committee

drip:ltr:017aws01:jpp

Attachments

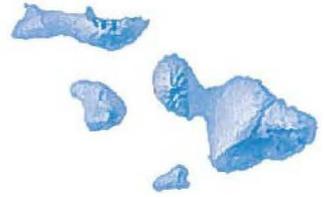
cc: Mayor Richard T. Bissen, Jr.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director

JOHN STUFFLEBEAN, P.E.
Director

JAMES A. LANDGRAF
Deputy Director



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
<http://www.mauicounty.gov/water>

December 3, 2024

VIA EMAIL ONLY
mauinuirh@gmail.com

Kai Nishiki & Sarah Freistat Pajimola
Executive Directors
Maui Nui Resiliency Hui

Re: Pulelehua Project; Ordinance No. 3889, Bill No. 64 (2011)

Dear Misses Nishiki and Pajimola:

The Department of Water Supply does not believe that the removal of Condition 2 of Ordinance 3889 will have an effect on either (1) the ability of the Pulelehua Project to receive an exemption from the requirements of Chapter 14.12 of the Maui County Code ("MCC") or (2) the Department's ability to provide water to the Pulelehua project, on either a temporary or permanent basis.

As to the first issue, we do not believe that the Pulelehua project would qualify for the exemptions set forth in MCC § 14.12.030 regardless of whether or not Condition 2 of Ordinance 3889 is removed. There are two potential exemptions that would be applicable to the Pulelehua Project: MCC § 14.12.030(E) and MCC § 14.12.030(F).

MCC 14.12.030(E) provides that a project is exempt for "residential workforce housing units developed by a qualified housing provider under Chapter 2.96 and are within the service area of the department's central or west Maui water system." Pursuant to MCC § 2.96.020, a "qualified housing provider" is a "community land trust, nonprofit agency, or other private or public organization, agency, or entity authorized and designated by the department in accordance with section 2.96.150 to own, develop, construct, administer, operate or otherwise provide residential workforce housing." MCC § 2.96.150 provides that, in order to become a "qualified housing provider," the Department of Housing needs to enter into an agreement with an entity to act as a qualified housing provider pursuant to MCC § 2.96.150. To the knowledge of the Department of Water Supply, Pulelehua has not entered into an agreement to be designated as a qualified housing provider pursuant to MCC § 2.96.150, and accordingly, MCC § 14.12.030(E) would not apply.

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Kai Nishiki & Sarah Freistat Pajimola
Executive Directors
Maui Nui Resiliency Hui
December 3, 2024
Page 2

The exemption set forth in MCC § 14.12.030(F) provides an exemption from the requirements of MCC Chapter 14.12 for “residential development projects with 100 percent affordable housing units” that are “within the service area of the department’s central or west Maui water systems.” While phase 1 of the Pulelehua project is one hundred percent affordable housing units, the remainder of the planned subdivision is not. Accordingly, the exemption set for in MCC § 14.12.030 would not apply to the Pulelehua project.

Because the Department does not believe that the Pulelehua project qualifies for an exemption pursuant to MCC § 14.12.030, the Pulelehua Project would still be subject to the requirements of MCC § 14.12 prior to subdivision approval, including the requirement of “an approved engineering report for a long-term, reliable supply of water for the subdivision.” This would be in addition to any requirements set in Place by the Department of Health and the Commission on Water Resources Management. As to the second issue on the ability of the Department of Water Supply to provide water service to the Pulelehua Project, the County takes the position that Condition 2 of Ordinance 3889 provides only one basis for denying service to the project.

In addition, Maui County Code § 14.04.010 provides that “any new prospective customer whose premises are with service limits established by the department and adjacent to a distributing main, where pressure conditions permit, may obtain water service; **provided, that the department has a sufficient water supply developed for domestic, irrigation and fire protection purposes to take on new or additional service without detriment to those already served**” (emphasis added). Taking into account the reservations of water service source capacity held by those affected by the August 2023 wildfires, there is insufficient water to provide the Pulelehua project with water from the Department’s system.

Sincerely,



JOHN STUFFLEBEAN, P.E.
Director

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director

JOHN STUFFLEBEAN, P.E.
Director

JAMES A. LANDGRAF
Deputy Director



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
<http://www.mauicounty.gov/water>

April 30, 2025

PBR Hawaii & Associates, Inc.
Attn: Tom Schnell, VP
1001 Bishop Street
Suite 650
Honolulu, HI 96813

Re: Kaiahale ‘O Kahiluhilu Affordable Housing Application for Chapter 201H, HRS Exemptions Pursuant to §201H-38, HRS and Approval Pursuant to the Office of the Governor, State of Hawaii, Eleventh Proclamation Relating to Affordable Housing (Dated February 4, 2025, or as Amended Under Future Proclamations) (201H/EP Application) – 153 West Ka’ahumanu Avenue, Maui. TMK: (2)3-7-004:003 (Por)

Dear Mr. Schnell,

Thank you for the opportunity to comment on the proposed Kaiahale ‘O Kahiluhilu Affordable Housing and Civic Center project application.

Source and Infrastructure

The project is served by our Central Maui water system. Based on the Water Systems Standards (2002, State of Hawai‘i), the projected water demand for the 303 multi-family units would be 169,680 gallons per day (gpd).

The three-year demand projection for the Central Maui system is currently between 98% and 100% of the system’s maximum reliable capacity. Given this condition, requests for water service that exceed 1,200 gpd are considered a “large quantity of water” and are subject to the limitations described in §16-201-04 of the County of Maui Administrative Rules. However, §16-201-03(g)(1) exempts projects comprised of 100 percent residential workforce housing units, as defined in section 2.96.020, Maui County Code, evidenced by an executed, recorded, and valid residential workforce housing agreement between the developer and the County. At this point, there is not sufficient remaining capacity on the Central Maui water system to serve this project.

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There are several Department of Water Supply (DWS) waterlines in proximity to the proposed project:

- A 12-inch cover level (CL) water line runs east to west along Ka'ahumanu Avenue, approximately 50 feet from the property line, which could serve as a primary source for water connections.
- An 8-inch CL water line runs north to south along Kane Street, located about 85 feet from the property line, which may also provide a viable connection point.
- At the intersection of Vevau Street and School Street, approximately 70 feet from the property, there are two additional water lines: a 6-inch ductile iron (DI) line along School Street and an 8-inch (DI) line along Vevau Street.
- Additionally, a 12-inch CL line runs along Lono Avenue.

Should the project be served by DWS in the future, approved backflow prevention devices will be required if not already installed on-site. At such time, the applicant should contact the DWS Engineering division for information regarding infrastructure and system improvements.

Requested Exemptions

The applicant has requested the following exemptions related to water supply and infrastructure:

B. Exemptions from Title 14, MCC, Public Services

1. An exemption from Chapter 14.07, MCC, Water System Development Fees is requested to exempt the Project from water availability and service restrictions.

While DWS supports affordable housing, we already exempt 100% affordable housing from source requirements, which leaves DWS to expedite development and often use progressively more expensive sources of water to accommodate these projects in timely fashion. Exempting projects from all fees would place the full burden of source, storage, and transmission on the Department, which is contrary to the principles of fiscal soundness and independence, as well as developer-funded infrastructure concurrency.

2. An exemption from Chapter 14.12, MCC, Water Availability, is requested to exempt the Project from the water availability policy.

DWS already exempts 100% affordable projects from Water Availability requirements.

C. Exemptions from Title 16, MCC, Buildings and Construction

1. An exemption from Chapter 16.04D, MCC, Fire Code, is requested to exempt the Project from plan review, permit, and inspection fees required by the Fire Code.

DWS cannot support any deviation from code that would render a housing project less safe than it would be with adherence to code. We defer to the fire department on this matter, but we will not accept liability for system inadequacies that are approved over and above our recommendation.

Conservation

The Department recommends the following Best Management Practices (BMPs) to conserve water for the future development of the project:

Indoor

- Utilize EPA WaterSense-labeled plumbing fixtures.
- Install dual flush toilets with high-efficiency models that use 1.28 gallons per flush or less.
- Install bathroom sink faucets with fixtures that do not exceed 1 gallon per minute at 60 psi.

Outdoor

- Dust Control: Consider using non-potable water for dust control as an alternative source during construction.
- Use Smart Approved WaterMark irrigation products, such as evapotranspiration irrigation controllers, drip irrigation, and water-saving spray heads.
- After plants are established, avoid excessive growth by refraining from fertilizing and pruning. Schedule watering in the early morning or evening to minimize evaporation and limit the use of turf.
- Incorporate native Hawaiian climate-adapted plants for landscaping, as they conserve water and protect the watershed from degradation due to invasive species.
- We recommend adopting landscape irrigation conservation BMPs endorsed by the Landscape Industry Council of Hawai'i.

Should you have any questions regarding the source capacity and infrastructure requirements, please contact the DWS Engineering Division at (808) 270-7835. For other inquiries related to this letter, please reach out to staff planner Geovanna Torres, Ed.D. at (808) 463-3104 or via email at Geovanna.Torres@co.maui.hi.us.

Sincerely,

John Stufflebean, P.E.
DWS Director
GT

S:\PLANNING\PERMIT_Review\Planning\Affordable-Workforce Hsng\2_3_7_004_003 Kaiahale O Kahiluhilu

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director

JOHN STUFFLEBEAN, P.E.
Director

JAMES A. LANDGRAF
Deputy Director



DEPARTMENT OF WATER SUPPLY
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<http://www.mauicounty.gov/water>

November 4, 2025

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Richard T. Bissen, Jr.
Mayor 11-5-25
Date

For Transmittal to:

Honorable Tamara Paltin, Chair
Disaster Recovery, International Affairs,
and Planning Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Paltin:

SUBJECT: BILL 163 (2025), BILL 164 (2025), AND BILL 165 (2025), TO AMEND THE MAUI ISLAND PLAN'S DIRECTED GROWTH MAP C5 (PULEHU ROAD), AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN DESIGNATION, AND CHANGE THE ZONING FOR 166.511 ACRES SITUATED AT KAHULUI, HAWAII (HOONANI VILLAGE) (DRIP-19)

Thank you for your letter dated November 3, 2025 regarding the above-agenda item. Please find Department of Water Supply's response:

1. If all units were rented at 140 percent of Maui County's area median income and below, would this exempt the project from the County's Water Availability Policy? Why or why not?

Response:

Maui County Code Chapter 14.12.020 applies to all subdivisions, unless exempted under section 14.12.030. Exemptions include residential workforce housing units developed by a qualified housing provider under chapter 2.96; and residential development projects with 100 percent

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Honorable Tamara Paltin, Chair
Disaster Recovery, International Affairs,
and Planning Committee
Maui County Council
November 4, 2025
Page 2

affordable housing units. The code does not address rental units, so it does not appear that an exemption applies.

2. The project also proposes commercial, office, retail, hospitality, and light industrial uses throughout various project phases. How would the County's Water Availability Policy apply if the project contains phases that contain non-residential components that may not address affordable housing needs?

Response:

If the project is subdivided, the entire parcel may be subject to the County's Availability Policy. However, if the project is developed in phases, each phase may be reviewed for compliance with Maui County Code Chapter 14.12. In such case, commercial and industrial development would not be subject to the County's Availability Policy, according to the definition of "Subdivision" in Maui County Code Chapter 14.01.20: "*Subdivision*" means improved or unimproved land or lands divided into two or more lots, parcels, sites, or other divisions of land for the purpose, whether immediate or in the future, of sale, lease, rental, transfer of title to or interest in, any or all of such parcels, and includes the process of consolidation and resubdivision, and, when appropriate to the context, shall relate to the process of subdividing land. The term also includes the construction of a building or group of buildings, other than a hotel, on a single lot, parcel, or site which will contain, result, or be divided into four or more dwelling units, including planned developments pursuant to [chapter 19.32](#) of this code, condominium projects established pursuant to Hawai'i Revised Statutes, or other forms of development, provided, that unless requested by the developer, condominium projects shall not be required to install separate water meters for each condominium unit."

If you require additional information, please free to contact me. Thank you in advance.

Sincerely,



JOHN STUFFLEBEAN, P.E.
Director

JS:EB:lk

DRIP Committee

From: DRIP Committee
Sent: Friday, December 5, 2025 1:29 PM
To: John Stufflebean
Cc: DRIP Committee; james.landgraf@co.maui.hi.us; 'Linda Kimura'; 'Michelle Santos'; 'Zeke Kalua'; Cynthia Lallo
Subject: PLEASE READ attached letter re: Bill 132 (2025) (DRIP-17); reply by 12/19/25. . .
Attachments: 017aws01signed.pdf

Mr. John Stufflebean: Please refer to the attached letter from the Disaster Recovery, International Affairs, and Planning (DRIP) Committee Chair, dated December 5, 2025, and respond by **12/19/25**.

Mayor's Office (attention: Michelle Santos and Zeke Kalua): Please forward the attached letter to Mayor Bissen for his information.

Thank you,
DRIP Committee