

ORDINANCE NO. _____

BILL NO. 141 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.12.030, MAUI COUNTY CODE, EXEMPTING DEVELOPMENT BY THE DEPARTMENT OF HAWAIIAN HOME LANDS UNDER THE HAWAIIAN HOMES COMMISSION ACT FROM THE WATER AVAILABILITY POLICY

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

SECTION 1. The purpose of this Ordinance is to exempt development by the Department of Hawaiian Home Lands under the Hawaiian Homes Commission Act from the Water Availability Policy.

SECTION 2. Section 14.12.030, Maui County Code, is amended to read as follows:

“14.12.030 Exemptions. This chapter [shall] does not apply to:

A. Building permits as described in chapter 18.28 [of this code,] or other ministerial construction permits that do not require new or additional water services;

B. Subdivisions that do not require water service, such as[, but not limited to,] family subdivisions as defined in section 18.20.280 [of this code], consolidations and concurrent re-subdivisions that do not create additional developable lots, road widening lots, utility lots, or easements for access or utility purposes;

C. Subdivisions that will not be regulated as a public water system [pursuant to] under department of health rules, [provided] except that this exemption [shall] does not apply to any subsequent subdivision of any of the resulting parcels;

D. Infill development, [provided] except that this exemption [shall] does not apply to any subsequent development or subdivision of any resulting parcels;

E. Residential workforce housing units developed by a qualified housing provider [pursuant to] under chapter 2.96 [of this

code,] and are within the service area of the department's central or west Maui water system;

F. Residential development projects with [one hundred] 100 percent affordable housing units and are within the service area of the department's central or west Maui water system; [or]

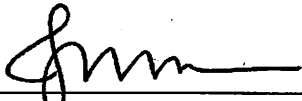
G. Public or quasi-public development projects as defined in section 19.04.040 [of this code] and related subdivisions that are within the service area of the department's central or west Maui water system[.]; or

H. Development by the department of Hawaiian home lands under the Hawaiian Homes Commission Act, provided that exemptions for industrial, business, hotel and resort, or other commercial use projects designed and intended to generate revenues as authorized by the Hawaiian Homes Commission Act be approved by the council."

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 upon its approval.

APPROVED AS TO FORM AND LEGALITY:



JENNIFER M.P.E. OANA
Department of the Corporation Counsel
County of Maui

paf:kmatt:21-349b

DIGEST

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FROM THE WATER AVAILABILITY POLICY

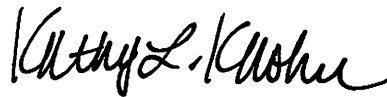
This bill proposes to amend Section 14.12.030, Maui County Code, exempting development by Department of Hawaiian Home Lands from the Water Availability Policy.

I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 141 (2021) was passed on First Reading
by the Council of the County of Maui, State of Hawaii, on the 19th day of November, 2021,
by the following vote:

AYES: Councilmembers Gabriel Johnson, Natalie A. Kama, Kelly T. King,
Michael J. Molina, Tamara A.M. Paltin, Shane M. Sinenci, Yuki Lei K.
Sugimura, Vice-Chair Keani N.W. Rawlins-Fernandez, and Chair
Alice L. Lee.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 23rd of November, 2021.



KATHY L. KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,
County of Maui, for use and examination by the public.