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COUNTY COUNCIL

February 24, 2016

MEMO TO: Gladys C Baisa, Chair  
Water Resources Committee

F R O M: Michael P. Victorino   
Presiding Officer Pro Tempore

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO  
WATER AVAILABILITY POLICY** (WR-19)

The attached legislative proposal pertains to Item 19 on your committee's agenda.

wr:019amc01:kew

Attachment

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ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2016)

A BILL FOR AN ORDINANCE RELATING TO THE WATER AVAILABILITY POLICY

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

SECTION 1. Section 14.12.030, Maui County Code, is amended to read  
as follows:

**“14.12.030 Exemptions.** This chapter shall 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 department of health rules, provided that this exemption shall not apply to any subsequent subdivision of any of the resulting parcels;

D. Infill development, provided that this exemption shall 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 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 percent affordable housing units and are] subdivisions that are within the service area of the department’s central or west Maui water system, provided that the subdivider has entered into a residential workforce housing agreement with the County pursuant to chapter 2.96 of this code; 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.”

SECTION 2. Section 14.01.040, 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, 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 conditional water meter reservation; or (2) the receipt of an approved engineering report for a long-term, reliable supply of water for the subdivision.

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

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 shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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EDWARD S. KUSHI, JR.  
First Deputy Corporation Counsel  
County of Maui

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