

REQUEST FOR LEGAL SERVICES

Date: July 29, 2019
From: Alice L. Lee, Chair
Water and Infrastructure Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Jennifer M.P.E Oana, Esq.

Subject: Existing Streets (WAI-38)

Background Data: Please review the attached proposed bill. A hard copy of the approved bill is requested with your response.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature  _____ Alice L. Lee	Contact Person <u>Christy Chung</u> (Telephone Extension: <u>7137</u>)
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☒ RUSH (WITHIN 5 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): August 1, 2019, 12:00 p.m.
REASON: Plan to discuss revised bill at the August 5, 2019 WAI Committee meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____
(Rev. 7/03)

wai:ltr:038acc01:ckc

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.040, MAUI COUNTY
CODE, RELATING TO IMPROVEMENTS UPON EXISTING STREETS

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

SECTION 1. This ordinance's purpose is to amend a current exemption, and thus require improvements to existing streets for a subdivision creating two developable lots, except for an applicant on the priority list for the upcountry water system who qualifies for the exemption from fire protection mainline infrastructure improvements under Section 14.13.065, Maui County Code.

SECTION 2. Section 18.20.040, Maui County Code, is amended by amending subsection A to read as follows:

"A. No improvements shall be required upon existing streets for the following:

1. [a] A consolidation of lots[;].
2. [for a] A subdivision creating only road widening lots[;].
3. [for a] A consolidation of three developable lots or less [which] that is resubdivided without creating additional developable lots[;].
4. [for a] A subdivision [into] creating only two developable lots for an applicant on the priority list for the upcountry water system, as defined in section 14.13.030, if the subdivision meets the requirements to qualify for the exemption from fire protection mainline infrastructure improvements under section 14.13.065, subject to the following:
 - a. If warranted by public safety, the director may require the improvements as specified in this chapter.

- b. If a lot is further subdivided after receiving an exemption under this subsection as part of a two-lot subdivision, any new lot is not eligible for an exemption.
5. [or for a] A subdivided parcel used for a church[.], provided, however, that [Churches] churches shall dedicate land necessary for road widening purposes to comply with the requirements of this chapter. [Parcels that have undergone a subdivision into two developable lots under this subsection shall not qualify for this exemption with respect to any subsequent resubdivision of any of the parcel which creates additional developable lots.]”

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, except that the version of Section 18.20.040, Maui County Code, in effect prior to this ordinance’s enactment shall apply to a valid subdivision with construction plans approved by the Department of Public Works that is valid on the effective date of this ordinance.

APPROVED AS TO FORM AND
LEGALITY:

JENNIFER M.P.E. OANA
Department of the Corporation Counsel
County of Maui
wai:misc:038abill01:ckc