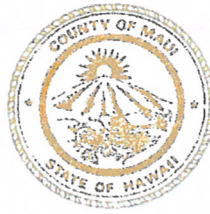


MICHAEL P. VICTORINO
Mayor

JEFFREY T. PEARSON, P.E.
Director

HELENE KAU
Deputy Director



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

November 1, 2021

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino
Mayor

11/2/21
Date

For Transmittal to:

Honorable Shane M. Sinenci, Chair
Agriculture and Public Trust Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Sinenci:

SUBJECT: **EXEMPTING DEPARTMENT OF HAWAIIAN HOME LANDS FROM
WATER AVAILABILITY POLICY (APT-29)**

We are recommending the attached revised proposed bill entitled "A BILL FOR AN ORDINANCE EXEMPTING THE DEPARTMENT OF HAWAIIAN HOMELANDS FROM THE WATER AVAILABILITY POLICY" be considered. Our recommendation is to revise the proposed exemption H to read as follows:

"H. Homestead projects developed by the Department of Hawaiian Home Lands. For purposes of this section, "homestead projects" means a project or that portion of a multipurpose project, including residential, agricultural, pastoral, or aquacultural uses designed and intended for disposition to native Hawaiians under the Hawaiian Homes Commission Act, including community facilities for homestead areas."

The definition of "homestead projects" provided is consistent with the definition stated in the Hawaiian Homes Commission Act.

Should you have any questions, please contact Wendy Taomoto, Engineering Program Manager at Ext. 7669.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey T. Pearson".

JEFFREY T. PEARSON, P.E.
Director

"By Water All Things Find Life"

OFFICE OF THE
COUNTY COUNCIL

2021 NOV -2 AM 9:57

RECEIVED

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.12.030,
MAUI COUNTY CODE, EXEMPTING HOMESTEAD PROJECTS
DEVELOPED BY THE DEPARTMENT OF HAWAIIAN HOME LANDS
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 homestead projects developed by the Department of Hawaiian Home Lands 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]

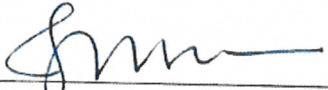
G. Public or quasi-public development projects as defined in section 19.04.040 [of this code] and related subdivisions that are within the service area of the department's central or west Maui water system[.]; or

H. Homestead projects developed by the department of Hawaiian home lands. For purposes of this section, "homestead projects" means a project or that portion of a multipurpose project, including residential, agricultural, pastoral, or aquacultural uses designed and intended for disposition to native Hawaiians under the Hawaiian Homes Commission Act, including community facilities for homestead areas."

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:



JENNIFER M.P.E. OANA
Deputy Corporation Counsel
County of Maui
2021-1120
2021-11-01 Ord Amd 14.12.030