

**RECEIVED**

By Corporation Counsel at 9:35 am, Nov 05, 2021

## REQUEST FOR LEGAL SERVICES

**D a t e:** November 5, 2021

**F r o m:** Shane M. Sinenci, Chair

**Agriculture and Public Trust Committee**

TRANSMITTAL

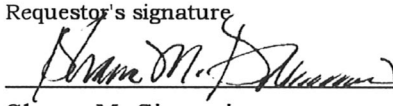
**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Stephanie Chen, Esq.

**Subject:** 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 (APT-29)

**Background Data:** Please see the attached bill.

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature  Shane M. Sinenci	Contact Person <u>Kasie Apo Takayama</u> (Telephone Extension: <u>7665</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): November 10, 2021 at 4:30 p.m.

REASON: For posting on November 19, 2021 Council meeting agenda.

### FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>JMO</u>	ASSIGNMENT NO. <u>2021-0010</u>	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): \_\_\_\_\_

Approved as revised (track-changes are also attached).

DEPARTMENT OF THE CORPORATION COUNSEL

Date 11/10/2021

By /s/ Jennifer Oana

(Rev. 7/03)

apt:ltr:029acc01:kmatt  
Attachment

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

BILL NO. \_\_\_\_\_ (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]

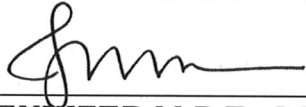
G. Public or quasi-public development projects as defined in section 19.04.040 [of this code] and related subdivisions that are within the service area of the department's central or west Maui water system[.]; or

H. Development by the department of Hawaiian home lands under the Hawaiian Homes Commission Act."

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:



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JENNIFER M.P.E. OANA

Department of the Corporation Counsel

County of Maui

apt:misc:029abill01:kmatt

LF#2021-0010/2021-1120

APT-29 2021-11-08 Ord Amd 14.12.030

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

BILL NO. \_\_\_\_\_ (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.12.030, MAUI  
COUNTY CODE, EXEMPTING HOMESTEAD PROJECTS  
~~DEVELOPED~~ 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 ~~from the Water  
Availability Policy~~ 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<sub>1</sub> [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] exempt except that this  
exemption [shall] does not apply to any [subsequent] later  
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."

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 24. This Ordinance takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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JENNIFER M.P.E. OANA

Department of the Corporation Counsel

County of Maui

apt:misc:029abill01:kmatt

LF#2021-0010-/2021-1120

APT-289 2021-11-08 Ord Amd 14.12.030

## APT Committee

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**From:** Melody Andrion <Melody.Andrion@co.maui.hi.us>  
**Sent:** Wednesday, November 10, 2021 4:07 PM  
**To:** APT Committee  
**Cc:** Jennifer Oana; Kasie M. Takayama  
**Subject:** APT-29 Water Availability Policy  
**Attachments:** APT-29 2021-11-10 RFLS Closing Ord Amd 14.12.30.pdf; APT-29 2021-11-08 Ord Amd 14.12.030 (red-line).docx

Attached closing of RFLS received on 11/05/2021 e-signed/approved revised Ordinance by Jennifer Oana regarding the subject matter, along with the red-line word version. Thanks!

**\*For posting on November 19, 2021 Council meeting agenda.\***

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