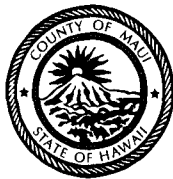


CHARMAINE TAVARES
Mayor
RECEIVED

2009 SEP 24 AM 8:30

OFFICE OF THE MAYOR



DEPARTMENT OF WATER SUPPLY

COUNTY OF MAUI

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauiwater.org

JEFFREY K. ENG
Director

ERIC H. YAMASHIGE, P.E., L.S.
Deputy Director

RECEIVED
2009 SEP 24 AM 9:14
OFFICE OF THE
COUNTY CLERK

September 24, 2009

Honorable Charmaine Tavares
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Charmaine Tavares

Mayor
9/24/09
Date

For Transmittal to:

Honorable Danny A. Mateo, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Mateo and Members:

SUBJECT: PROPOSED BILL AMENDING CHAPTER 14.12, MAUI COUNTY CODE, RELATING TO WATER AVAILABILITY

I am transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.12, MAUI COUNTY CODE, RELATING TO WATER AVAILABILITY."

The purpose of the proposed bill is to exempt large lots, as defined in Section 18.16.270, Maui County Code, from the requirements of Chapter 14.12, Maui County Code, if no permits or approvals which require water service or request water service are sought. The proposed bill also deletes references to "building permits" or "other ministerial construction permits" to clarify that the policy requirements of Chapter 14.12, Maui County Code, only apply to subdivision applications. Additionally, the proposed bill clarifies that appeals of decisions of the Director of Water Supply pursuant to Chapter 14.12, Maui County Code, shall be exclusively heard by the Board of Variances and Appeals. Finally, the proposed bill makes non-substantive housekeeping revisions.

"By Water All Things Find Life"

The Department of Water Supply is an Equal Opportunity provider and employer. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington DC 20250-9410. Or call (202) 720-5964 (voice and TDD)

COUNTY COMMUNICATION NO. 09-282

Printed on recycled paper

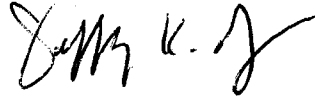


Honorable Danny A. Mateo
and Members of the Maui County Council
September 24, 2009
Page 2

May I respectfully request that this matter be referred to the appropriate Council committee for review and discussion?

Thank you for your attention to this matter. If you have any questions, please contact me at Ext. 7816.

Sincerely,

A handwritten signature in black ink, appearing to read "J.K. Eng", written in a cursive style.

JEFFREY K. ENG
Director of Water Supply

Attachment

xc: Mayor Charmaine Tavares
Jeffrey S. Hunt, Planning Director
Milton M. Arakawa, Director of Public Works

ORDINANCE NO. _____

BILL NO. _____ (2009)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.12, MAUI COUNTY CODE,
RELATING TO WATER AVAILABILITY

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

SECTION 1. Section 14.12.030, Maui County Code is hereby 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.]A. Subdivisions that do not require water service, such as 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; or

B. Large lots as defined in section 18.16.270 of this code, provided that no permits or approvals which require water service or request water service are sought; or

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

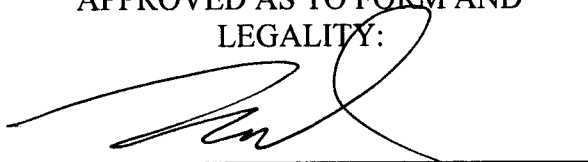
SECTION 2. Chapter 14.12, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

"14.12.070 Appeals. Notwithstanding any provision of this code to the contrary, the board of variances and appeals shall be the exclusive county agency to hear and determine appeals from any person aggrieved by any decision or order of the director pursuant to this chapter."

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; provided, that any pending appeal of a decision or order of the director that was filed with the board of water supply pursuant to chapter 14.11 of this code and has not had a hearing before the board of water supply shall be transferred to the board of variances and appeals.

APPROVED AS TO FORM AND
LEGALITY:



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

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