

ORDINANCE NO. _____

BILL NO. 146 (2024)

A BILL FOR AN ORDINANCE AMENDING THE WATER CODE ON THE
METHODOLOGY FOR CALCULATING DOMESTIC WATER DEMAND

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

SECTION 1. The Council finds that the County is facing a dire housing shortage and that the status quo is failing the County's residents. A property owner with residential or agricultural zoning and consistent land use designations should not be stymied in their ability to build otherwise allowable housing by an outdated water fixture count methodology that is onerous to administer, assumes water pressure demands based on multiple fixtures running concurrently, and ignores water-intensive features such as swimming pools.

The Council acknowledges that the County's water is a finite public-trust resource and that domestic water demand standards are necessary. However, the water fixture count construct may pose a barrier to increasing density on property without bearing a direct relationship to the domestic water use it seeks to project. Indeed, a property owner with a 5/8-inch water meter may purchase the right to install up to 11 additional fixtures over the 31-unit threshold, suggesting the meter can safely support up to 42 fixtures if the owner is able to pay for them. The methodology places a premium on water fixtures, not water

use, and indirectly limits the potential for dwelling units that are legislatively permissible.

Therefore, this Ordinance’s purpose is to require the Department of Water Supply to use methods based on projected gallons per day usage, rather than water fixture counts, in calculating domestic water demand and development impact fees.

SECTION 2. Chapter 14.04, Maui County Code, is amended by adding a new section to read as follows:

“14.04.035 Domestic water demand. To estimate water demand and assess development impact fees, the department must use methods based on projected gallons per day usage. The department must establish a cap on domestic water usage, excluding agricultural use, to ensure continuous water service capacity.”

SECTION 3. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

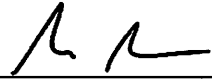
SECTION 4. This Ordinance takes effect on April 1, 2025.

APPROVED AS TO FORM AND LEGALITY:

/s/ CALEB ROWE

CALEB ROWE
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
LF# 2024-1599
paf:cmn:24-188c

INTRODUCED BY:

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a 'J'.

GABE JOHNSON