

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

BILL NO. 146, CD1 (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and consistent land use designations should not be stymied in their ability to build otherwise allowable housing by an outdated water fixture count methodology that is onerous to administer, assumes water pressure demands based on multiple fixtures running concurrently, and ignores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 a 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:

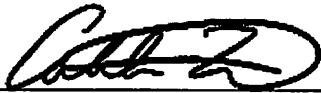
**"14.04.035 Domestic water demand. To estimate water demand and assess development impact fees, the department must use methods based on projected gallons per day usage. The department must establish the maximum capacity of domestic water usage, except for agricultural use, to ensure continuous water service capacity."**

SECTION 3. The Director of Water Supply must provide written quarterly reports to the Council until December 31, 2025, on the Department of Water Supply's progress in implementing Section 14.04.035, Maui County Code.

SECTION 4. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 5. This Ordinance takes effect on January 1, 2026, except that the quarterly reports requirement in Section 3 takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

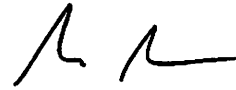


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Department of the Corporation Counsel  
County of Maui

wai:misc:033abill02:jpp

INTRODUCED BY:

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

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GABE JOHNSON

DIGEST

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BILL NO. 146, CD1 (2024)

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

This bill proposes to require the Department of Water Supply to estimate domestic water demand and assess development impact fees based on projected gallons per day usage rather than water fixture counts.

I, RICHELLE M. THOMSON, Deputy County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 146, CD1 (2024) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 23rd day of December, 2024, by the following vote:

AYES: Councilmembers Tom Cook, Natalie A. Kama, Keani N. W. Rawlins-Fernandez, Shane M. Sinenci, Nohelani U'u-Hodgins, Vice-Chair Yuki Lei K. Sugimura, and Chair Alice L. Lee.

NOES: None.

EXCUSED: Councilmembers Gabriel Johnson and Tamara A. M. Paltin.

DATED at Wailuku, Maui, Hawaii, this 24th of December, 2024.



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RICHELLE M. THOMSON, DEPUTY COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.