

COUNCIL OF THE COUNTY OF MAUI
WATER AND INFRASTRUCTURE
COMMITTEE

December 23, 2024

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Water and Infrastructure Committee, having met on December 5, 2024, makes reference to Bill 146 (2024), entitled “A BILL FOR AN ORDINANCE AMENDING THE WATER CODE ON THE METHODOLOGY FOR CALCULATING DOMESTIC WATER DEMAND.”

Bill 146’s purpose is 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.

Your Committee notes that water fixtures include faucets, toilets, showers, tubs, dishwashers, and washing machines.

Your Committee further notes that the Uniform Plumbing Code and water agencies have used Hunter’s Curve, a method to estimate peak water demand for all water fixtures in buildings, since the 1940s. However, because of changes in fixture performance and consumer water use habits, the Hunter’s Curve method is a conservative approach which overestimates peak water demand.

Your Committee further notes the County’s limit on water fixtures impedes the building of additional accessory dwelling units or farm labor dwellings and requires property owners to upgrade or purchase an additional water meter.

A representative from the Department of Water Supply expressed support for Bill 146, which will help to modernize the County Water Code.

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The representative said the enactment of Bill 146 would not affect the Department’s budget, but the rate structure for development impact fees may need to be changed.

Your Committee discussed the timeframe for enacting the new calculation to be concurrent with the adoption of next fiscal year’s budget.

By correspondence dated November 8, 2024, the Director transmitted comments and proposed amendments to Bill 146, which your Committee supported.

Your Committee agreed to amend Bill 146, by:

- Replacing the word “cap” with the phrase “maximum capacity of” and requiring the Department to establish the maximum capacity of domestic water usage;
- Requiring the Director to provide written quarterly progress reports to the Council until December 30, 2025; and
- Changing the bill’s effective date to January 1, 2026.

Your Committee expressed support for the bill that would promote the building of additional housing for residents in the County.

Your Committee voted 8-0 to recommend passage of Bill 146, CD1 (2024) on first reading. Committee Chair Cook, Vice-Chair Sugimura, and members Johnson, Kama, Lee, Paltin, Sinenci, and U‘u-Hodgins voted “aye.” Committee member Rawlins-Fernandez was excused.

Your Committee is in receipt of Bill 146, CD1 (2024), approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

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Your Water and Infrastructure Committee RECOMMENDS that Bill 146, CD1 (2024), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE WATER CODE ON THE METHODOLOGY FOR CALCULATING DOMESTIC WATER DEMAND," be PASSED ON FIRST READING and be ORDERED TO PRINT.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



TOM COOK, Chair

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.

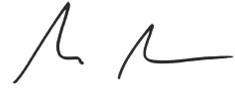
APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

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INTRODUCED BY:

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

GABE JOHNSON