

Notes on DWS testimony 9/14/16

230430510000 Lot on Makani 4.69 acres. #539 (2014) #456 (2015) #614 (2008)

230130290000 Our lot is 3.47 acres #598 (2014) #515 (2015) #675 (2008) ↗

(27 additional parcels now on list before #1.)

*grade them*

Recent articles in the Maui News would have you believe that the list is getting shorter.

Since 2008, my parcel (#675) has moved up 133 positions. Between May 15, 2014 to November 30, 2015 (17 months), it moved up 55 slots. This is 39/yr – far slower than the 100/year touted by Director Taylor of the Water Dept in a recent MN article.

The last Meter award letter was written three months ago for parcel 17B application date 5/1999 – 27 parcels ahead of parcel #1 on the 2015 Meter List.: Hired another engineer.  $2X0 = 0$ .

*Reports grassroots*

14:13.065 Precisely what does “as determined by DWS mean”?

Why not two parcels? Chair did not say. What is reason? Fire Flow argument is ridiculous.

Unfunded liabilities: 50% for improvements?

Charge cost of water as delivered. Fund Farms separately. Require real Farms with income.

Makani project. How possible?

*→ He is advertising on Makani Rd*

Put a limit on required Fire Flow and Water Development fees and charge when building permit is issued so as to include in mortgage..

*Deny properly zoned <sup>land</sup> usage  
control development  
while avoid suits for taking*

*Refer to Grassroots  
meter List People  
get no respect*

RECEIVED AT WR MEETING ON 9/14/16  
(Richard Pohle)

**14.13.065 - Exemption from fire protection mainline infrastructure improvements.**

new

A. An applicant on the priority list whose application is being processed because additional source has become available and whose premises directly front the department's existing water system, determined adequate by the department to supply potable domestic and irrigation water demand to the said premises, shall not be required to make further infrastructure mainline improvements for fire protection, provided that:

1. In the case of a subdivision application, the subdivision is for only two lots, or is amended to a subdivision for two lots, and all structures on each lot shall be used for residential and associated purposes.
2. In the case of a family subdivision created pursuant to sections 14.05.180 and 18.20.280 of this code, the subdivision shall be a subdivision for only two lots, is amended to a subdivision for two lots, or is consolidated and resubdivided into a subdivision for two lots, and all structures on each lot shall be used for residential and associated purposes.
3. In the case of a single water service request, the request may not be revised to a two-lot subdivision or otherwise revised, and all structures on the lot shall be used for residential and associated purposes.
4. The exemption from review for fire protection for the first and second dwelling unit as provided in subsection 14.04.020(A) of this code shall not apply to premises that receive water service pursuant to this section. (You will need sprinkler systems.) The requirements for adequate fire protection for building permit applications for residential dwelling units and associated structures permitted in any zoning district listed in title 19 of this code, shall be reviewed, administered, and issued by the department of fire and public safety in accordance with section 16.04C.460 of this code; however, the exceptions contained in section 16.04C.460 shall not apply.
5. The requirements of section 16.04C.470 (subsection 18.4.6) of this code shall not apply to subdivisions that receive water service pursuant to this section.

**This section (which is the Fire Flow Requirement) does not apply**

16.04C.470 - Subsection 18.4.6 added.

Section 18.4 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 18.4.6 to read as follows:

18.4.6 Fire flow requirements for new subdivisions.

18.4.6.1 General. A water supply capable of delivering the required fire-flow shall be provided for all new subdivisions in accordance with Section 18.4.6. The design of the system shall be subject to approval by the AHJ.

18.4.6.1.1 Fire flow, hydrant spacing, and dedicated water supply for fire protection shall be in accordance with the requirements for designated land-use of the subdivision: Agriculture, 500 GPM, and 500 feet spacing between hydrants. Rural, 1,000 GPM, and 500 feet spacing between hydrants. Single family, 1,000 GPM, and 350 feet spacing between hydrants. Duplex, 1,250 GPM, and 350 feet between hydrants. Townhouse and low-rise apartments, 1,500 GPM, and 250 feet spacing between hydrants. Businesses, high-rise apartments, and light industry, 2,000 GPM and 250 feet spacing between hydrants. Heavy industry and hotels, 2,500 GPM and 250 feet spacing between hydrants.

By Joe Kent Grassroots of Hawaii Aug, 6 2016 Re: Water Meter List

Getting water on Maui isn't easy, especially upcountry. Almost 1,900 applicants have been waiting for years, often decades, to get hooked up to the county water system.

You read that correctly: 1,900 applicants on Maui are still waiting for running water, meaning that they must either gather water using a catchment system or are unable to expand their property due to lack of running water.

Resident Bobbie Patnode will need to wait at least 18 years before she will be approved for a water meter. She originally intended to bring her 90 year old mother to Maui, but the long waiting list has prevented Bobbie from creating space on her property. "She will not be alive in 18 years," Patnode commented at a recent Maui County Council meeting.

The Maui Water Department says the reason it's been so slow is not because of a lack of available water, but because of a lack of public sector engineers to do the paperwork. So lacking, in fact, that there is only *one* engineer working on this project.

Jase Miyabuchi is the sole engineer in the water department working on the list. He alone must go through mountains of paperwork, building plans and research for each applicant. The process takes approximately 1-2 weeks per application, according to Miyabuchi, who explained that he usually finishes five applications every month.

After hearing this, councilmember Gladys Baisa said, "I'm gonna be dead before I get a meter!"

The county has attempted to hire more engineers, but there are simply no engineers applying for the position, according to Dave Taylor, Director of Water Supply. Competition for engineers is high on Maui, and this has been a problem in many of the county's departments.

The logical inclination would be to recruit engineers outside of the public sector, but outsourcing the work to private engineers would require a change in the law regarding public employee union contracts. Taylor said, "We're not allowed to outsource work that has been historically done by union employees."

In addition, projects approved by the Water Department must also have proper infrastructure in place, which can take a long time to organize. To make matters worse, it's sometimes unclear who will finance the cost for the infrastructure, the users or the county.

The "water list" itself is subject to law which prevents jumping around the list, or grouping similar projects. A project that could be finished in one day must wait for the application in front of it which may take three months.

"The list, saying one, two, three, is not necessarily geographically linked to where the greatest need is. And that creates the dilemma," Taylor said.

During testimony, Patnode said, "The whole problem we have *is* the list. The list is the problem. I know it's a law, but that's what this council is here for — to fix the laws if they're not working. So could we please entertain the idea that we change the law so that the infrastructure gets built in a planful way, instead of going according to the list?"

The County is planning on having an executive session to discuss if the list is necessary at all, and if changing, or getting rid of, the list would result in legal challenges. Before any decisions are made, the County Council must meet with its legal team first.

In the meantime, outsourcing the problem may help, but this would require a change in the law, similar to the Maui Hospital public private partnership. This kind of change may take years to initiate, but it would benefit many locals on Maui who have been waiting for decades to get a drop of water.

## 'Show Me The Water' needs repealing

Water on Maui can be difficult to come by — not because we are running out of water, but because of bureaucracy. An ordinance called "Show Me the Water" has slowed down many homebuilders who desire to build communities that include affordable housing, who try to get their applications through a water department with a history of dragging its feet.

At the County Council hearing to repeal the "Show Me the Water" ordinance, the discussion was tabled because the council wanted to wait until the Water Use and Development Plan was completed. Many testified that it only makes sense to wait until the water department finishes the WUDP before we embark on sweeping policy changes.

However, the Water Use and Development Plan has been in flux for 23 years, and the deadline for its completion has long since expired. According to the Maui



**VIEWPOINT**  
**JOE KENT**

County website, the draft of the WUDP "will be available for review prior to the end of 2015," yet no draft is available as we march on into 2016. There are no public meetings scheduled or documents available for public review.

At the hearing, council members showed little confidence in the Department of Water Supply's ability to finish the WUDP in a timely manner. Council Member Don Guzman said that it was "disturbing" to hear the water director talk about the progress made in drafting the WUDP. "The first it's ever been touched was 23 years ago, and for him to say that we've been drafting it on the floor for the last four years — I was not aware of that. I hate song and dance. I will not tolerate it this year. I want to see a Water Use and Development Plan."

The whole point of repealing the "Show Me the Water" ordinance in the first place was because the process was mired in government bureaucracy that took too long and had too many hurdles. The solution? To add more government bureaucracy and more hurdles to the process, with no light at the end of the tunnel for folks who want to provide housing projects.

Let's remember that Maui County gen-

erates more than 427 million gallons of water per day, and Maui uses less than 30 million to 40 million of gallons per day, which is less than 10 percent of the total water available. There is more than enough water for everyone on Maui, however our current system creates a scenario where folks who want to develop affordable housing must beg for every last drop.

Another plan, the Maui Island Plan, states that we need 30,000 new homes on Maui by 2030, which equals about 1,400 new homes every year. This is to keep up with a net increase in population of 1,200 people per year, and a severe housing deficit. Already, homelessness on Maui has risen by 30 percent since 2012, and the problem has become a visible symptom in our community.

As folks in Upcountry know, getting hooked up to the water can be a lifelong challenge, and now, the rest of Maui may join the long list of folks waiting in line for a water meter. How long can we wait for the county to get serious about creating solutions to our housing crisis?

■ *Joe Kent is vice president of research and development at the Grassroot Institute of Hawaii, an independent nonprofit research organization.*



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Maui's affordable housing crisis is partly caused by a little known policy.

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