

# WATER RESOURCES COMMITTEE

Council of the County of Maui

## MINUTES

July 22, 2015

### Council Chamber, 8<sup>th</sup> Floor

**CONVENE:** 9:08 a.m.

**PRESENT:** VOTING MEMBERS:  
Councilmember Gladys C. Baisa, Chair  
Councilmember Robert Carroll  
Councilmember Elle Cochran  
Councilmember Don Couch  
Councilmember Stacy Crivello  
Councilmember Mike White

**EXCUSED:** VOTING MEMBER:  
Councilmember Michael P. Victorino, Vice-Chair

**STAFF:** Kimberley Willenbrink, Legislative Analyst  
Clarita Balala, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:** David Taylor, Director, Department of Water Supply  
Paul Haake, Captain, Fire Prevention Bureau, Department of Fire and Public Safety  
Scott English, Lieutenant, Fire Prevention Bureau, Department of Fire and Public Safety  
Edward S. Kushi, Jr., Deputy Corporation Counsel, Department of the Corporation Counsel

*Seated in the gallery:*

Paul Meyer, Deputy Director, Department of Water Supply  
Herbert Chang, Engineering Program Manager, Department of Water Supply

Jase Miyabuchi, Civil Engineer, Department of Water Supply

Dustin Timm, Civil Engineer, Department of Water Supply

Frederick Tobias, Civil Engineer, Department of Water Supply

**OTHERS:** Richard Pohle, Founder, Upcountry Meter List Association  
Bobbie Patnode, Vice-President, Kula Community Association  
William Jacintho, President, Maui Cattlemen's Association  
Charles Jencks, Pacific Rim Land, Inc.

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Sherman Dudley DePonte  
Thomas Croly, Go Maui  
(6) additional attendees

**PRESS:** *Akaku: Maui Community Television, Inc.*

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**ITEM 28: UPCOUNTRY WATER METER INSTALLATION (CC 15-174)**

CHAIR BAISA: ...*(gavel)*... Will the regular meeting of the Water Resources Committee please come to order. Today is Wednesday, July 22, 2015. And it's approximately about eight minutes after nine o'clock in the morning. I am the Chairperson of the Water Resources Committee, Gladys Baisa. And I'd like to ask everyone in the room if you've got a cell phone or something that'll ring, if you'll please put it on the silent mode we'd appreciate that very much. I'd like to introduce the Members that are with us this morning. I'd like to introduce Mr. Bob Carroll from East Maui.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR BAISA: Good morning. Our Chair Mike White from Makawao, Haiku, Paia.

COUNCILMEMBER WHITE: Good morning.

CHAIR BAISA: Good morning. And we have Elle Cochran from West Maui.

COUNCILMEMBER COCHRAN: Aloha. Good morning, Chair.

CHAIR BAISA: Aloha. Mr. Couch from --

COUNCILMEMBER COUCH: Good morning, Chair.

CHAIR BAISA: --from down in the south there, South Maui. And we have our Member Stacy Crivello from Molokai.

COUNCILMEMBER CRIVELLO: Aloha. And good morning, Chair.

CHAIR BAISA: Good morning. And excused this morning is my Vice-Chair Mr. Victorino who is not...feeling under the weather. And I guess that's it, all the rest of us are here. Thank you very much, Members, for being prompt. We also have with us this morning the Director of Water Supply, David Taylor.

MR. TAYLOR: Good morning.

CHAIR BAISA: Good morning. And we have Mr. Ed Kushi our Deputy Corporation Counsel.

MR. KUSHI: Good morning.

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CHAIR BAISA: Good morning. And sitting in the audience and we'll drag him up here pretty quick is Lieutenant Scott English from the Department of Fire and Public Safety. Also have my Committee Staff, Kimberley Willenbrink, our Legislative Analyst.

MS. WILLENBRINK: Good morning, Chair.

CHAIR BAISA: Good morning. And we have Clarita Balala, our Committee Secretary. Thank you very much, ladies, for all the hard work that you do. And in our District Offices, we have our District Office Staff. We have Dawn Lono in our Hana Office. Denise Fernandez in our Lanai Office. And Ella Alcon on Molokai. We're going to be taking public testimony, Members, in just a minute here. Testimony of course will be limited to the one item on our agenda today. If you wish to testify, please sign up at the desk located in the eighth floor lobby or if you're one of the...in one of the District Offices, please sign up there. Testimony will be limited to three minutes and upon request up to a minute to conclude. At three minutes the light will turn yellow and at four minutes it will blink red. If you're still talking at the four minute remark I'll kindly ask you to stop. When testifying, please state your name and if you're representing any group please tell us that too. We have established a connection to the District Offices and to be fair we will rotate through each of the sites. In the Hana, we'll start this morning with our Hana Office. Ms. Lono, do you have anyone wishing to testify?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

CHAIR BAISA: Thank you so much. And to our Lanai Office, Denise Fernandez, do you have anyone wishing to testify?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR BAISA: Thank you, Denise. In the Molokai Office, Ella Alcon, do you have anyone wishing to testify?

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR BAISA: Thank you so much, Ella, appreciate it. Okay. Well here in the gallery we have I think a bunch of folks who want to testify. And I'm very grateful to have them here this morning. Ms. Willenbrink, if you can just call up the testifiers please.

MS. WILLENBRINK: Thank you, Chair. The first person to testify is Doctor Richard Pohle. Following Mr. Pohle is Bobbie Patnode.

CHAIR BAISA: Good morning, Doctor Pohle, proceed.

**. . .BEGIN PUBLIC TESTIMONY. . .**

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MR. POHLE: Good morning, thank you. I am Richard Pohle, protea farmer on Crater Road, No. 536 on the Meter List and founder of the Upcountry Meter List Association. WR-28 provides an exemption from the rural subdivision requirements to upgrade the County water tank from 50,000 gallons to 120,000 gallons and replace all six-inch lines with eight-inch lines to your property. The original bill exempted subdivision of three lots or less. This version limits the exemption to only two lots, provides a wonderful preamble about affordable housing for families, and has lots of conditions. What the Council gives it can take away. Soon you're at the point of why bother. The major change here is the reduction of fire flow exemption scope from three lots or less to only two lots. The scope of the fire flow exemption will probably not be altered once you adopt it. Do you mean to reduce it from three lots or less to only two lots, especially in view of your high-sounding preamble? I remind you subdivisions are expensive and many families have more than one child. Expansion to three lots would make subdivision much more feasible for many small families. Is there a difference between a lot with a meter being divided into two lots and a lot without a meter being divided in two lots? Since the former requires only one new meter and the later requires two new meters there ought to be a difference if the issue is water consumption and not development control. Also, can a meter request in the original application be revised to a meter upgrade? Your policies here should be clearly stated. Section 2, preventing change of a water request to a subdivision is mean spirited considering the original application is 20 years old and duplicate meter list applications were not allowed. We support the reasonable requirements for sprinkler systems in Sections 3 and 4. Section 5 prevents re-subdivision, it is unnecessary since the list will not be satisfied until 2080 and no new subdivisions are allowed for lots that are not already on the list and you can't get on the list anymore. Section 7 is a hold harmless letter if your house burns down. If you allowed hold harmless to replace the 1,000 gallon per minute requirement for all Upcountry you could eliminate the need for this exemption and provide lots of new housing. Section B allows applicants that have been dropped from the list 60 days to reconsider if said applicant is still the owner of the parcel. Since all these applications are 20 years old, the applicant may indeed be dead or has given the land to his children. Will you include children in the exemption? This limitation is mean spirited, complicated, and violates the sense that the meter list application runs with the parcel, not with the owner. Since the original response requirement was 30 days, why not 30 days to reconsider? A 60-day response will slow the meter issuance and even further as DWS awaits for replies. The new applicability section shows that the Council is worried about legal action relating to the passage of this bill by those who were forced to make improvements prior to its enactment. If this is the case, perhaps Council should also worry about suits from those who have been denied fair use of their property according to their zoning for 20 to 30 years by the meter list itself on provably false issue of lack of water. I have long wondered why someone has not brought a class action suit against the Council and County on behalf of all the meter list properties. Thank you.

CHAIR BAISA: Thank you very much, Doctor Pohle. Members, any need for clarification of the testimony? Seeing none, thank you.

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MS. WILLENBRINK: Our next testifier is Bobbie Patnode, followed by William Jacintho.

CHAIR BAISA: Good morning, Ms. Patnode.

MS. PATNODE: Good morning. Aloha, Chair Baisa and Councilmembers. My name is Bobbie Patnode and I am Vice President of the Kula Community Association and I am testifying for the Kula Community Association Board today in favor of the bill entitled BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13, MAUI COUNTY CODE, ENTITLED "WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM," RELATING TO FIRE PROTECTION. The KCA board supports this bill as it will allow more people on the Upcountry meter list access to meters and allow faster progress in issuing meters. This bill will enable more affordable housing to be built as families will now be able to build where they couldn't before. We also appreciate the due diligence regarding the risk to homeowners and the County reflected in the language of the bill. We support the provision to go back and allow those who would have qualified with this bill another chance to accept a meter. We are not that far down the list that a few months will make a material difference to those of us lower down the list. In addition, the KCA board would like to see a review of the fixture count requirements which would allow even more people to obtain a meter sooner as those who are only applying for a meter in order to satisfy the fixture count may be able to drop off the list. The KCA board greatly appreciates the efforts the Water Resources Committee is making to help people on the list. Thank you very much.

CHAIR BAISA: Thank you very much, Ms. Patnode. Members, any questions for the testifier? Seeing none, thank you very much. Ms. Willenbrink?

MS. WILLENBRINK: William Jacintho, followed by Charles Jencks.

CHAIR BAISA: Good morning, Mr. Jacintho.

MR. JACINTHO: Good morning. Good morning, Chair Baisa, Chair Victorino...Vice-Chair Victorino, and Members of the Water Resource Committee. My name is William Jacintho, President of the Maui Cattlemen's Association. The Maui Cattlemen's Association supports the intent of the proposed draft bill on helping Maui County families acquire water meters. There is a concern with the language on the bill, of the bill on the top of Page 2, Nos. 1 and 2, referring to subdivisions for only two lots. While the language serves as a good clause for real estate abuse, the bill probably unintentionally limits the number of family members' ability to subdivide family property. In addition, not sure how this language would affect allowable farm employee houses as well. So please take a moment to discuss these concerns in today's meeting. Thank you.

CHAIR BAISA: Thank you very much, Mr. Jacintho. And we definitely will be explaining to everyone how we got from three to two. Believe me it was not an easy decision. But we have all the Staff here and all the people who participated who will help you understand. Thank you.

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MR. JACINTHO: Thank you.

CHAIR BAISA: Ms. Willenbrink? Members, any questions for Mr. Jacintho? Oh, Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair, and thank you, Mr. Jacintho, for being here. You say you would like to have a discussion on the only two. But did you have a number instead or?

MR. JACINTHO: Well I think in parallel with planning there's a three-lot subdivision that kind of is in the books. So, you know, but again it's for discussion for you guys to talk about.

COUNCILMEMBER COUCH: So you don't have another number, just two is too low?

MR. JACINTHO: I would say three would be a number that I can think of just in, I mean and it depends a family of eight may need an eight, you know, what I mean? So that, you going be facing a lot of these dilemmas.

COUNCILMEMBER COUCH: Okay. Thank you. Thank you, Chair.

CHAIR BAISA: You're very welcome. Thank you. We'll have a lively discussion when we get to that. Thank you. Ms. Willenbrink?

MS. WILLENBRINK: Charles Jencks, followed by Sherman Dudley DePonte.

CHAIR BAISA: The Chair also wants to reassure everyone that I am in no hurry to ram something through. We had one meeting and we're having a second meeting today to discuss a revised addition of what we presented earlier. And if we have to have a third addition then we'll do that too. Go ahead.

MR. JENCKS: Good morning. Charley Jencks. Good morning, Madam Chair and Members of the Committee. I testified on the first hearing on this bill and made a suggestion that the idea of subdivisions be taken out of this bill and it's still in the bill. It went from three to two. My position remains the same. Number one, I think the bill's a great idea, it will help people Upcountry. You have a limited amount of water, you have a list of people who want a meter, you have limited infrastructure and the roadway system to deliver water to the lots. So I'm a little confused as to why you want to allow subdivisions whether the two or three when you're trying to help people. It just, to me it doesn't make any sense. People have been on this list for decades. They need the water for their property. They wanna build a house, they wanna build a cottage. They can do so with a fixture count, if they meet the fixture count requirements I believe. I would just say to you, look if you wanna maximize the benefit, eliminate the idea of subdivisions and just stick with a meter. And I would assume that when you sign up for a meter, you have to assign it to a TMK. Okay. You get a meter for that TMK and then you can build your house. Then you can extend the opportunity to that many more people if you don't allow subdivisions, and I...and

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there has been talk about family subdivisions which I think is a great idea. But as a practical matter and having been involved with family subdivisions from an outside point of view, there's opportunity for subterfuge which I don't think works for what you're trying to do here so. I would suggest to you leave out the subdivision provision, one meter per lot, you're on the list, call it even, and let those people take advantage of that. Then when you get off, when you exhaust the list, you have more source, come back and reevaluate this. But I think the idea is getting water out to people so they can build on their lots and add value. It helps the County, it helps everybody so I would stick with that. Thank you.

CHAIR BAISA: Thank you. And thank you for your input. Members, any need to clarify Mr. Jencks testimony? Seeing none, thank you very much.

MR. JENCKS: Thank you.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Sherman Dudley DePonte, followed by Tom Croly.

CHAIR BAISA: Good morning, Mr. DePonte.

MR. DEPONTE: Good morning, Chair. In any case, I'm Sherman Dudley DePonte. I live on 17529 Haleakala Highway. I'm also a professional land surveyor licensed in Hawaii, California, and Arizona. I've looked at subdivisions and done subdivisions for over 40 years now. And I've watched so many of the dreams of subdivision go up in smoke. To mention that there is no subdivision then we should change the wording in our zoning and whatever it is that you cannot subdivide, you cannot, you're buying Rural land, half-acre Rural, and you have two acres you cannot subdivide it into half acre. There should be some changes there too, if we're gonna do that to stop subdivisions. We as the people pay taxes for half-acre zone. So we should be able to divide down to half-acre zone. We all also should be able to divide because we're purchasing land to keep our family here, to make affordable housing for our family. And we try our best every single day paying high taxes, paying also high mortgages to keep that land. Now we need you the Council to step forward and give us a break here. And I'm saying us because now I am involved in trying to do my subdivision. I've did, I've, like I said, I've watched a lot of dreams go up in smoke because of that Water Department. We need to fix it. It needs to be fixed now. We suggest, on the bill it suggests that a fire hydrant be installed per the DWS standards on existing six-inch lines even if the size do not meet the requirements. To supplement the fire hydrant, put in fire, make, require fire protection sprinkler systems in the house. Based on this scenario it would allow the subdivision into three lots. Three lots or less which falls within the County Codes, three lots or less subdivision you have a break in what you have to pay, what you have to do for the subdivision. Proposing some of the fire protection plus fire protection sprinklers for the three-lot subdivision makes sense. We're asking for...we are not asking for a Change in Zoning as you have seen in Kahului, Wailuku, Wailea, Kapalua, where ever it is. What we're asking is to fall in line with what we are paying taxes for half-acre zone, subdivision of Agriculture land. If we have two acres, I mean

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if we have four acres and we wanna sub...I mean say eight acres and we wanna subdivide it to three two-acres just to have...four two-acres but you can't it would be like three, little over two acres. That should be in line with the codes. Three lots or less, get in there. They paid the taxes for it, why not? You know we pay taxes, everybody pays taxes and we need to get that. The families consist of on an average is more than two children so why, I mean I don't get it, let's make a house and a cottage, give them the land, give them the right that okay, we're gonna have a water meter and they're gonna have one house and one cottage. Now I don't know about you but I come from a Portuguese family and sometimes we no get along too well so living in one house and one cottage and you gave me one cottage and you gave my bruddah one house, come on, you know, the thing just not going flow too well. The water will flow better if it's with three lots or less and everybody will be a lot happier if we can do that. But require the fire protection. And I think sprinkler systems and I kept promoting this, private fire protection sprinkler systems work, they save lives. A fire hydrant ten fire hydrants in my property will not save that house from going down and possibly a life could be lost on that property. That's my stuff.

CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Seeing none, thank you very much, Dudley, and we're listening. Mr...Ms. Willenbrink?

MS. WILLENBRINK: Yes, Chair. The last person to sign up to testify in the Chamber is Thomas Croly.

CHAIR BAISA: Good morning, Mr. Croly.

MR. CROLY: Aloha, Chair. Aloha, Committee. I'm Thomas Croly today testifying on behalf of Go Maui. A 501(c)(4) organization dedicated to the advocacy of affordable housing for Maui residents. Go Maui supports the efforts of this Committee to provide an exemption from fire flow related infrastructure upgrades for some applicants on the upgrade [*sic*] water meter list. Providing affordable housing to Maui residents is not a simple problem to solve. It requires multiple diversified efforts and this measure before the Committee today is just one of those efforts that will help. We hope in discussion today that representatives of the Water Department and Fire Department will clearly explain how this measure will directly apply to the individuals on the Upcountry water list. Both secure a water meter and subsequently build a house for themselves or a member of their ohana. Specifically, it appears this measure would remove the two-dwelling exemption from fire protection review provided in Maui County Code 14.04.020, instead it would require the residential dwellings to be sprinklered or have an onsite water supply available for firefighting. We hope that these requirements remain practical and do not prove too onerous for the people on the Upcountry water meter list to meet. Go Maui wishes to thank this Committee for this measure to help Maui move forward in providing affordable housing opportunities to its residents. Just on a side note, the fixture count thing that got brought up, it really, really does make a lot of sense to try to remove some of the folks from the list who are on the list simply because of a fixture count issue. I didn't understand the fixture count when it applied to me personally. And then once I did understand it from this Committee that it was really just about if you have this many fixtures your



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part of infrastructure costs this much. So when I came to understand that I came down, I paid the money, I got my larger meter. I, nothing changed in my house but I recognized if I had 40 points on the fixture count thing then my part of infrastructure was this amount of dollars. And I owed that to the County so I paid them. These people who are on the list trying to make a small improvement to their house, they wanna add a bathroom, they wanna add something, they're being told you can't do that because you're going to exceed the fixture count. They're not gonna use a lot more water once they do that. But they do owe the County money because you're saying okay, this is your portion of the infrastructure needs. So I get that. But to have the list keep these other folks who just need a meter from getting their meter because this other guy wants to make an improvement on his house, it does make sense for this Committee in another item to consider changing this fixture count thing and how that, how that gets applied. I think that would just be another one of the small things that would help in this effort to provide housing for our residents. Thank you.

CHAIR BAISA: Thank you, Mr. Croly. And you must have been looking in my computer 'cause that is what we're discussing next. Members, any questions for Mr. Croly? Seeing none, thank you very much. Ms. Willenbrink?

MS. WILLENBRINK: There's no one else in the Chamber waiting to testify.

CHAIR BAISA: Okay. Well shall we make another round of the neighbor island...the neighbor island, yeah, sometimes they seem, poor things, like they are in the neighbor islands even when they're in Hana. Dawn in the Hana Office, do you have anyone wishing to testify?

MS. LONO: There's no one waiting to testify at the Hana Office, Chair.

CHAIR BAISA: Thank you very much, Dawn. Lanai Office, Denise, do you have anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR BAISA: Thank you. Molokai Office, Ella, do you have anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR BAISA: Thank you very much. Is there anyone in the Gallery who has not testified, who would like to testify, who is moved by what you've heard? Chair will give you an opportunity to come down and testify and we can do paperwork later. Seeing none, Members, we have no one in the District Offices or in the Gallery that hasn't testified that would like to testify, so without objections, I'd like to close public testimony.

COUNCILMEMBERS: No objections.

CHAIR BAISA: Thank you very much.

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**. . .END OF PUBLIC TESTIMONY. . .**

CHAIR BAISA: Okay. Well, let's dig in here. Our Committee, folks, is in receipt of correspondence dated July 15<sup>th</sup> from the Department of Corporation Counsel transmitting a proposed bill entitled A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13, MAUI COUNTY CODE, ENTITLED "WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM," RELATING TO FIRE PROTECTION. The purpose of the proposed bill is to provide the applicants on the Upcountry priority list, and I wanna make it clear this is only the people that are being offered this exemption, who have been offered water meters from the Department of Water Supply and are able to connect to the Department's existing water system shall not be required to make further infrastructure improvements for fire protection under certain conditions. When we last met on this matter we considered an earlier vision of this bill, and we were all in agreement. However, after the meeting the Fire Department became concerned about some of the requested revisions. After further study, the Department felt that it would not be safe to pass that particular bill. The newer version of the bill before you incorporates your suggested revisions and includes other conditions for consideration. I know some of our constituents have concerns about provisions in the bill related to fire protection. Lieutenant English and Captain Haake, and by the way, Captain Haake is here with us this morning. I wanna thank him for participating in all the meetings we've had, too, along with Lieutenant English. They are here today to address the provisions in the bill. But first let me explain that the updated Fire Code was recently passed and took effect on July 1<sup>st</sup>. It is not available in the actual County Code yet. However, it is in Ordinance 4232 and can be found on the County website under Council Ordinances. If you are unable to find it please feel free to contact Committee Staff and they will help you. For today's purposes, copies of the bill and the Fire Code sections are available at the testimony table if you don't already have them. We are going to be displaying the bill on the television screen as well as we discuss it. I wanna say first before we start that yes, there are concerns and we've heard them. We know that this is not a perfect bill but it is a start. I hope that by the end of our discussion today you will have answers to the concerns that you've raised and you'll feel more comfortable about what we've put before you. And I want you to understand that it was not easy to get to where we are. We argued and I wish you could have been a party to all of that, you know, when we have staff meetings it's different than when we have formal meetings here on the floor. 'Cause we're with Staff and we can call each other names and do whatever we need to do in order to get here. And I want you to know there is a lot of horse trading that goes on. Remember, the Fire Department is concerned about our safety. They are concerned about and I am concerned and we're all concerned about the County's liability when we make exceptions to Fire Code. The water people are concerned about what they need to be concerned about, making sure that we have enough water and that we have budgets to take care of what we need to do. And as a Councilmember I'm very concerned about the people that are affected by the legislation. And I wanna make sure that we give people an opportunity. And it was said by one of the testifiers and I totally agree with him, this is a small start and we can't take care of everybody

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and satisfy all the needs of the people on the water meter list. It is Chair's recommendation that we try to help those who have been on this list forever and who simply want one meter so that they can do something with their land, that we try to take care of them first. And we give them that opportunity to get that meter. And yes, there are others that wanna build subdivisions, there are people who wanna subdivide into dozens of lots and hundreds of lots. But our idea was we wanted to help with the small person first. And so that's how this legislation is written. And we're gonna go through the bill. And I'm gonna ask the Fire Department if they could join us up here because they are really big players today. And I will also, before we start going through the bill and discussing it with them...and, Members, please feel free to as we go through the bill just raise your hand and let's get into it. We'll go as, we we'll try to discuss it as we go. I'd like to ask our Water Director if he has any comments he'd like to make before we begin. Mr. Taylor?

MR. TAYLOR: Thank you, Madam Chair. And I would just say that I agree with the Chair's summary. That this is primarily a fire protection bill. Most of what you see in here that relates to the Water Department is just procedural, when we go through the list, how do we process these things. The real guts of the bill, why it's two lots not three lots in these exemptions were really driven by the Fire Department's concern about how do they guarantee public safety. So what I would recommend is the real focus is really their concerns. Most of the issues with the Water Department are just so that we know how to process things. So I think this is again, primarily a fire protection bill although it's in our section of the Code. And so I think they're really the major players into the guts of this bill. Thank you.

CHAIR BAISA: Okay. So Ms. Willenbrink has the bill up on the screen there. And I think that it is fairly simple. I'm going to ask the Members is there any need to discuss the purpose or I, if you're okay with the purpose we'll just move on. Everybody okay?

COUNCILMEMBER CRIVELLO: Yes.

CHAIR BAISA: Everybody okay? Okay, well let's move on to the next thing. And this is where we get into it. The Maui County Code is amended by adding a new section to be appropriately designed and read as follows: 14.13.065, we added a new section. Exemptions from fire protection mainline infrastructure improvements. 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 which has been determined adequate by the Department to supply potable domestic and irrigation water demand to said premises shall not be required to make further infrastructure mainline improvements for fire protection, provided that. Okay, let's go a little bit more, we'll do the first one. No. 1, in the case of a subdivision application, the subdivision is a subdivision for only two lots, or is amended to a subdivision for two lots. I'm gonna ask the Fire Department if they would comment on how we got to two lots. Because originally the committee, my staff committee, we wanted to do three but then we listened to the firemen and compromise is that we have two is better than none. So, Fire Department, if you could please comment.

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MR. ENGLISH: Thank you, Chair. On the original draft bill it started off with the up to three lots or less with no fire protection improvements for our subdivision and we were really concerned about the adding on density in one area as far as a number of homes. And on an earlier testifier as far as one of the testifiers mentioned about the three lots or less no improvements, that code has changed. DSA requires you subdivide a lot into two, you improve roadways to a County or State road. So there is the three lot or less exemption is not part of the Subdivision Code any more. We decided to, we're against the subdivision requirements totally. But like I said, we're trying to help people out, so we look into the family subdivision and it's similar to a regular subdivision. A family subdivision you divide up and you give your family member a piece of paper. Once they decide to build you, you're required to do all the infrastructure up to code. So there is no really a break to doing a family subdivision, it's only a paper subdivision. Our Fire Code does allow for if you have only two buildings our access to those lots can be less than 20 feet. So we kind of decided, okay, we're okay with just subdividing two lots. And that's how we came to that two lots or less.

CHAIR BAISA: Thank you very much, Lieutenant. Members, questions about that? And I want you to know that I fought hard for three. But they didn't feel comfortable, and so, you know, if you go into two lots there's potential for having four structures. A house and a cottage, a house and a cottage. So we are, you know, they were reluctant to say well okay, we can, you know, not require this fire protection. But when we got to six they thought it was kind of too much. And of course I was trying to horse trade to get something and so we got two with their feeling okay about it. Of course they would rather we didn't exempt anybody. Because again their motivation is public safety. My motivation is to help people build something. Okay, Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. First question I have, it was brought up by a testifier, does this, when you say applicant, is it, does that application go with the land or does that go with a person? Because as one of the testifiers said that applicant may have passed on.

CHAIR BAISA: Mr. Taylor, can answer your question. By the way, everybody, just jump in okay. I don't wanna be looking at me, can I talk, just talk, okay. Go ahead.

MR. TAYLOR: Mr. Couch, the Upcountry meter list is by TMK, not by name.

COUNCILMEMBER COUCH: So it does go with the...

MR. TAYLOR: So if you sell it, if you pass it on, et cetera, et cetera, the list runs with the TMK. So the TMK stays on the list regardless of the name.

COUNCILMEMBER COUCH: Okay. And --

CHAIR BAISA: Go ahead.

COUNCILMEMBER COUCH: --this is kind of a general --

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CHAIR BAISA: No, please, go ahead.

COUNCILMEMBER COUCH: --but it fits in here. How many people on the list are for subdivisions versus for just hey, this is my lot and I would like to build my first house on this lot?

MR. TAYLOR: I don't know the breakdown of subdivision requests versus water service requests. I'm not prepared with that information.

COUNCILMEMBER COUCH: Any wild guess? Fifty percent?

MR. TAYLOR: You know, I know we...50 percent, something around 50 percent.

COUNCILMEMBER COUCH: Okay.

MR. TAYLOR: Yeah. We quantified it once before a couple of years ago and I think it was somewhere close to that.

COUNCILMEMBER COUCH: Okay. I have more but if --

CHAIR BAISA: No.

COUNCILMEMBER COUCH: --Members...

CHAIR BAISA: Go ahead.

COUNCILMEMBER COUCH: Oh, okay. So I'm trying to figure out why, I mean I know they, the Department doesn't want any and we're kind of settling on two, three use to be the number. But if folks put in a certain size sprinkler system with a certain size tank, would that help alleviate some of your concerns and allow the number to be bigger if we made that kind of a requirement? Or if they wanted to go to a third or fourth lot they could if they had a huge tank and sprinkler system.

CHAIR BAISA: Lieutenant English, do you wanna mention that 1,000 square foot house? That might help.

MR. ENGLISH: Okay. Thank you, Chair. Right now out of the current adopted Fire Code which is NFPA 1 2012, allows for a single-family residence if you do sprinkler the buildings you can reduce the fire flow by 50 percent. And it states no less than 500 gallons a minute. So for Agricultural right now, zoning, it's always 500 gallons a minute. We cannot reduce that any lower. For Residential, Rural if you wanna do a subdivision more than two lots and you don't wanna bring a large line inside; you can sprinkler all the buildings and reduce the fire flow down to 500 gallons a minute. So that is allowed in the Code. Also in our Code if you subdivide you're not gonna have the two-lot exemption, two-dwelling exemption from fire protection from Water Department, it will go to our Fire Code Section 16.04C.460, and in that section you're

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allowed to build up to a 1,000 square foot building whether it be a utility or home and not require fire protection. So that is always, I mean I hear a lot of talk about affordable housing, a 1,000 square foot house should be affordable. And we don't require any kind of fire protection for that size of a building.

COUNCILMEMBER COUCH: Okay. I guess I wasn't clear on my question. If you have a sprinkler system that has a tank, a certain size tank, do you even need a fire flow or is there some magic number, a size of tank that you wouldn't need any kind of fire flow because you've got it right there?

MR. ENGLISH: If you decide to use a fire sprinkler for your house and you...we prefer you tie in to the County system, to the sprinkler system, it's a more reliable system. There are systems out there that we do a tank and a pump. The tank size for the sprinkler system is a ten-minute duration run, 300-400 gallon tank. It's not a large tank with a pump.

COUNCILMEMBER COUCH: Okay. So I guess the question is if they brought their own fire suppression system what is the minimum requirement if they weren't on County system because the County system's not have a big enough flow, what is the minimum requirement tank size? That you said 300 or so gallons is 10 minutes. If they put a 1,000 gallon tank in there would that satisfy you guys on your concerns for the structure from...

MR. ENGLISH: If the, if you're supplying the water for the sprinkler system it's like a 30 gallons a minute for 10 minutes, 300 gallons and a pump. And that will supply the sprinkler system for the house only.

COUNCILMEMBER COUCH: And that would then take away your requirement of them being on the County system, yes/no?

MR. ENGLISH: Well the way this bill is, if you have an existing lot you wanna build we are not gonna require any improvement. If you subdivide two lots or less those, when you come in for building permits those permits will be routed to Fire Department and then you have a choice under Section 16.04C.460, your onsite water tank which is gonna be driven by the size of the home or install fire sprinklers, or if you're within a 500 feet of a fire hydrant you don't have to do anything.

COUNCILMEMBER COUCH: Right. So long as the fire hydrant has the 500-gallon flow or a 1,000-gallon flow?

MR. ENGLISH: You know right now on our current Code we still dealing with standpipes at 250 and we allow the 250.

COUNCILMEMBER COUCH: Oh, okay.

MR. ENGLISH: Yeah.

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COUNCILMEMBER COUCH: So, Madam Chair, my line of questioning is to see if there's something that the homeowner can do. If they wanted, if they've got their family, their big family of six and wanna make it six lots and get six meters and still do...add the sprinkler system for the other lots, can they do that without having to upgrade the infrastructure coming in? And that's where I wanted to see what the concern was if they wanted to go that way.

MR. ENGLISH: Yeah, this bill is only for two lots or less.

COUNCILMEMBER COUCH: Well I understand that but...

MR. ENGLISH: Yeah. If you wanna go three or four lots, I mean you're gonna follow our regular water flow based on the zoning whether it'll be Rural, Ag or Residential. The big lines will have to come in, six-inch or eight-inch lines will have to come in.

COUNCILMEMBER COUCH: Even if they put enough of a tank to hold the, you need to have 10-minute flow or even 50-minute flow?

MR. ENGLISH: No, that is only for building permits. When the building permits come in we're gonna require certain requirements. When a subdivision, when they apply for a subdivision if it's two lots or less and they on the County meter list this bill will take, will be like the guideline. But if they come in for something like a three or four lot subdivision we're gonna write back to whatever their zoning, this is the fire flow requirement, this is the hydrant spacing on the frontage.

COUNCILMEMBER COUCH: Okay.

CHAIR BAISA: Okay.

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR BAISA: Yeah, it's a narrow exemption.

COUNCILMEMBER COUCH: Yeah.

CHAIR BAISA: It's a narrow exemption to try to give people at least the opportunity to get that building, that meter that they want.

COUNCILMEMBER COUCH: Okay.

CHAIR BAISA: Okay.

MR. HAAKE: Chair?

COUNCILMEMBER COUCH: And I'm sure you had that discussion for a long time and I just wanted to see if we, if there was a way we could even compromise further. But --

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CHAIR BAISA: Okay.

COUNCILMEMBER COUCH: --thank you.

MR. HAAKE: Chair, I think I can assist --

CHAIR BAISA: Go ahead, go ahead.

MR. HAAKE: --Councilmember Couch. I think what you're trying to get to is if it's good enough for two subdivisions, why not more. And the reasoning behind that is density. So if you're allowed to subdivide into more lots then we'll have the potential for more structures to be protected. And why doesn't sprinkler systems eliminate the need for fire hydrants? Well sprinkler system design for a home is a 13D system. And that's just designed to keep fires small and allow people to get out of the home. Ninety, high 90 percent of the time it will put the fire out. But it's just designed to keep fires small. And so if we have a lot of homes then if we have a fire in one home, then we'll need fire protection to protect the other homes. So we have a concern about the density, the amount of homes that need to be protected with minimal fire protection that or a lack of fire protection that will be put in. And then also you have to protect from brush fires and things like that. Some fire that won't be started within the home. So that's the reason why we...we didn't wanna allow any subdivision then we settled on two.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR BAISA: I got, we did a lot of horse trading in order to get something; otherwise, they were...you know, I didn't wanna bring a bill to you that they would oppose.

COUNCILMEMBER COUCH: Right.

CHAIR BAISA: Because it wasn't gonna go anywhere 'cause we have to be concerned about their concerns, I mean we don't wanna create liability. And while everybody says we make policy, yeah we can make policy but is it good policy? So I figured a small bite of that elephant was better than no bite at all. So that's where I'm coming from. Okay, Members, other questions? Ms. Cochran?

COUNCILMEMBER COCHRAN: Chair, and but this handout...thank you, Department, for being here. This handout is just for our reference that you gave us?

CHAIR BAISA: Yes.

COUNCILMEMBER COCHRAN: In regards to the --

CHAIR BAISA: The Fire Code.

COUNCILMEMBER COCHRAN: --current State Fire Codes?

CHAIR BAISA: Yes.



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COUNCILMEMBER COCHRAN: Okay.

CHAIR BAISA: The reason why I gave you that was there was some concern. I got a telephone call from somebody that looked in the County Code and was trying to find the sections referred to. And it isn't there yet because you remember, we just adopted the new Fire Code and it hasn't made it into the County Code yet. So this is for your reference.

COUNCILMEMBER COCHRAN: Okay. Okay, well very good. But I guess the, I hear the concerns but again I mean the bottom line is health and public safety of our community, and to get the job done for people. And it just and, you know, Mr. DePonte we hear a lot of and he has very unique concerns in regards to his location up Crater Road and all that. And, you know, we're just trying to take a chunk out of this meter list and this ongoing decade long, decades-long concern here. And I just appreciate this discussion today. So I don't have any hard-hitting questions at this point. I heard the Department's justification for two lots versus three and really not wanting any at all. And like you said this is something better than nothing. And hopefully it will appease a lot of the community's concerns in family-type subdivisions that they would like to pursue in the future. And I know we all support that. But again, it's going to be the job of Fire to protect these homes if, you know, God forbid something occurs where their service is needed to reach them in time. So I don't really have anything at this point, Chair. But looking forward to further discussion on the rest of the bill.

CHAIR BAISA: Thank you very much, Ms. Cochran. Mr. White?

COUNCILMEMBER WHITE: Actually my question can wait till later.

CHAIR BAISA: Okay, if we're going further on, okay.

COUNCILMEMBER WHITE: Yeah.

CHAIR BAISA: Mr. Carroll, anything? Okay. Ms. Crivello, nothing yet?

COUNCILMEMBER CRIVELLO: Well I really don't have a question.

CHAIR BAISA: Okay.

COUNCILMEMBER CRIVELLO: Although in my mind I'm thinking although the Department says no, no more than two lots...I guess my comment is I can appreciate your efforts to eliminate the obstacles that people are, have been and are facing for many years. So I think this is a good start. And if it provides the opportunity for affordable homes and, you know, you did mention one house, one cottage, yeah, and I know some people may be hoo paakiki not going want to stay in the cottage with brother in the house. But it's a start I think.

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CHAIR BAISA: It's a start.

COUNCILMEMBER CRIVELLO: Because this is a positive move going forward. And I think people on the list can truly appreciate that. So thank you. Thank you, Chair, for opening up the dialogue, yeah.

CHAIR BAISA: Thank you very much, Ms. Crivello. We're going to move on and look at the next thing here. No. 2 says in the case of a single water service request and this is you made a request and you're on the list, and you ask for a single water service, okay. Said request shall not be allowed to be revised to a two-lot subdivision or otherwise. So if you came in and said you wanted a single water service and now you heard about this and you wanna go to a two-lot subdivision, that will not be allowed in this bill. Any questions? Anybody wanna discuss that? Yes, Mr. White?

COUNCILMEMBER WHITE: Just to be clear, when we're talking about two lots --

CHAIR BAISA: Right.

COUNCILMEMBER WHITE: --we're talking about one lot that either has or doesn't have a meter. And so if it has a meter and a house on it then the end result would be one more structure and one more meter. Or at least one meter and one more lot.

CHAIR BAISA: Correct.

COUNCILMEMBER WHITE: Not, we're not adding two lots to an existing or we're not making three out of one.

CHAIR BAISA: Yes.

COUNCILMEMBER WHITE: We're making two out of one.

CHAIR BAISA: Yes, yes. Okay. We wanna be careful about that. You know, I am really empathetic to the recommendations of Fire. You know, we all chaff under it. And I've heard people complain, oh that Fire Department, you know, but they're, they have our safety and our protection in mind. And that's their job.

COUNCILMEMBER WHITE: Yeah. And, Chair, I can see situations in which the lot size may be large enough where the density isn't a concern. But at the same time I think we're, you know, we're getting into a, I think I would agree with you that one bite at this point is better than trying to figure out what size lot makes the density acceptable to them so.

CHAIR BAISA: Well, you know, when I took over this Committee I had this huge elephant, right. How do we solve the water problem? And if you look at that you just wanna run away. Because how are you gonna get enough water for everybody? How are you gonna take care of everything? You know, people before us have spent much time and energy and their heart trying to solve the problem. And I know that I can't do that in

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the time that I have. So I decided I try to bite at it in little bites and make little changes to try and help that list move. And at least we would be accomplishing something while someone else is working on the big problems of how do we get more water and how do we get more storage. Because really a lot of that is technical and money. You know, the first thing that firemen told me when I brought this up the last time was give me two pumpers and two crews of six men and you can build whatever. But, you know, we don't have the money to do that. When we look at a pumper we know what it costs. And we look at two, six-six firemen crews, hello. So this is a cheap alternative. Somebody asked me is this gonna cost the County money? I said no. Thank you.

COUNCILMEMBER WHITE: And one other question. You know, we're talking about the fire flow being 500 PSI. But for Mr. Taylor, do we have areas where there is currently significantly more fire flow? Say the 1,000 PSI for Residential where we have people requesting meters?

MR. TAYLOR: Chairman White, the 500 is gallons per minute, it's flow, not pressure.

COUNCILMEMBER WHITE: I'm sorry, you're right.

MR. TAYLOR: So just for, I mean I know that's what you meant but just for clarity for people watching. There certainly can be places where somebody comes up on the list and they're in front of an eight-inch line that has plenty of GPM available. So there are going to be both, places where it's adequate and places where there's not.

COUNCILMEMBER WHITE: Yeah. You know again, Chair, it's probably too difficult to play with that quirk as well so.

CHAIR BAISA: Yeah. You really have to take this in small, little pieces; otherwise, you just don't move anywhere. Thank you. Okay. Let's move on. No. 3, the exemption from review for fire protection for the first and second dwelling unit as provided in Section 14.04.020(A) of this Code shall not apply to premises that receive water service pursuant to this section. The requirements for adequate fire protection for building permit applications for Residential dwelling units and associated structures permitted in any zoning district listed in Chapter 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 exemptions contained in said Section 16.04C.460 shall not apply. Okay. Fire Department, can you comment on that? This is where I got some concern from people who were looking for these sections and couldn't find them in the Code. And we had to explain to them that it was the amended Fire Code which is not in the County Code yet. Mr. English?

MR. ENGLISH: Thank you, Chair. Section 16.04C.460 in the, it was always in our old code, the numbers just have changed. And we apply this to all the dwelling units and utility buildings that are not on the County system. So previously if you were not on the County system, you wanna build a house over, it was 700 square feet before, now it's over 1,000 square feet, you have to provide one of these requirements either your

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sprinkler home, onsite tank if you're more than 500 feet from a hydrant. That was always in our Code since 2006 I believe. The new code we did add exemption saying that all one and two-family dwelling units under the jurisdiction of Water Department are exempt from this Code because of the two-dwelling exemption that the Water Department Code has. So on these on this new bill if you apply for the subdivision when you come for a building permit we're gonna apply this section to the building permit and you do not have that exemption, you still, you'll have to provide some kind of water supply for Fire protection.

CHAIR BAISA: Questions? Yes, go right ahead.

COUNCILMEMBER COUCH: Just out of curiosity, why? And because of the subdivision, because it will make it four homes or why did you request the exemption be removed, be exempted?

MR. ENGLISH: If you kept the exemption in and they're served by County water, this section doesn't apply to them. So we had to take that exemption out.

COUNCILMEMBER COUCH: Okay.

CHAIR BAISA: Okay. I want you to know that I took hours --

COUNCILMEMBER COUCH: No, I understand.

CHAIR BAISA: --I took hours to have that compute in my head, too. In fact we had a meeting yesterday afternoon for another couple of ours because I keep looking at it again and wanting to make sure I'm clear. Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And so this if for say like plantation estates. That's not, that's private water service, gated community, but of course they need to build to standards and codes that you folks have oversight on?

MR. ENGLISH: Yes. This section of the Code was enforced on all areas not served by County water. Whether it be on Lanai, Lahaina side on a private system, we always enforce this 500 feet rule to a hydrant. And if they don't have that 500 feet rule they have the options of either sprinkling or onsite tank. In the newly Fire Code that just adopted we added that exemption because the old code didn't have that exemption. And we were not reviewing the first and second family dwelling that was on a County system because the County, now well the Water Department rules exempt them from fire protection for the first dwellings. So that's why we added that exemption in our new Code. But because of this new bill in front of us we wouldn't allow that exemption now because we're telling them you gonna subdivide, you're gonna have a water meter, by the, water service by the County, you need to follow this, and at the end of this bill it says you're exempt. So we had to take the exemption out.

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COUNCILMEMBER COCHRAN: Okay. And I'm looking at the new updated Code so exemptions, exceptions, when in two family dwellings which we just spoke about under Water Department...and greenhouses.

MR. ENGLISH: Yeah.

COUNCILMEMBER COCHRAN: So the other is that type of structure I guess.

MR. ENGLISH: So yeah, a greenhouse permit we won't require any kind fire protection.

COUNCILMEMBER COUCH: Even on this?

COUNCILMEMBER COCHRAN: And that's per, that's in what we're talking about also in our...

MR. ENGLISH: Correct.

COUNCILMEMBER COCHRAN: Okay.

CHAIR BAISA: Okay.

COUNCILMEMBER COCHRAN: Yeah.

CHAIR BAISA: Anybody, any need further clarification? Okay. Moving on. We're on No. 4. 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. Okay. So if you look at that section, that 16.04C.470 you will see the conditions that are in there. Questions? Any need for clarification from the Fire Department? Okay, alright, moving on. Oh, Mr. English, just jump in.

MR. ENGLISH: I just wanna comment on one thing. You know Captain Haake came up with a good idea, instead of trying to change our Fire Code with this new bill we just added language in this bill to this exemption, to exempt them from certain parts of the Fire Code so we don't have to modify our Fire Code.

CHAIR BAISA: Yeah, yeah. Originally we had thought about amending the Fire Code to include the exception and we said no, this works easier. Let's not mess around with the Fire Code. Okay. Alright, moving on. This exemption from making further infrastructure mainline improvements for fire protection shall not apply to any subsequent development of subdivision or subdivision of any resulting parcels, and any such subsequent development or subdivision shall be subject to the requirements of Section 14.05.090 of this Code. Is that clear? Yes, Mr. Couch?

COUNCILMEMBER COUCH: Just --

CHAIR BAISA: No, go right ahead.

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COUNCILMEMBER COUCH: --to put it in little bit plainer English, this basically says you can't subdivide the subdivision that you just had later.

CHAIR BAISA: Yes.

COUNCILMEMBER COUCH: Okay. I just wanted to make sure.

CHAIR BAISA: And get these exceptions.

COUNCILMEMBER COUCH: Correct.

CHAIR BAISA: Yeah.

COUNCILMEMBER COUCH: Okay. Thank you.

CHAIR BAISA: Everybody okay? Staff okay? Okay. Alright moving on, Ms. Willenbrink. No. 6, no remote meters shall be permitted. And I have had lot of questions about remote meters. So if someone from the Department could please explain what that means?

MR. TAYLOR: A meter is usually in the right-of-way, the County right-of-way fronting the property. A remote meter is a meter that's further away. So there's either private property or County property in between the meter and your property line. Where there's a line that the applicant would then own. And there has to be an easement. So just imagine that, you know, could be a couple 100 meters or something like that. So now there's a piece of pipe from our meter where our service ends, a privately owned piece of pipe through someone else's property to the applicant. So we're saying in this case...and those are approved only rarely if there's a special need for it, you know, they're land locked or something like that. So we're saying that they can't comply with this by running a mile of line to a point of adequacy, you know, that's not what this is for. This is meant for folks who have, who are going to have a standard hook up where the line is in front of their house and their putting a standard meter installation. Not running it, you know, down the road to some point of adequacy that's far away.

CHAIR BAISA: Okay. Questions about that? Okay. No. 7, the owner of such lot or lots shall enter into an agreement with the County, whereby the County lot owner agrees 1) to accept such water service as the Department is able to render from its existing facilities and shall execute a written release in favor of the County for all claims on account of any inadequacy in the County's system or inadequacy of water supply to the premises for fire protection; and 2) that further subdivision requests for building permits for further development may require the installation of water system improvements, such as water mains and fire hydrants for fire protection. Such agreement shall be recorded with the Bureau of Conveyances or the Land Court of the State, and shall run with the land, and unless released or cancelled by the County, shall bind owner of the lot or lots and bind and constitute notice to all subsequent grantees, successors, assignees, mortgagees, lienors, and other persons claiming any

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interests in the lot or lots. Okay, that's a lot of legalese and I want to tell you it's there to protect the County. We need that and that has been approved by our legal Department. Okay, any questions? Yes, Mr. Couch?

COUNCILMEMBER COUCH: Thank you. So I know that we had talked about prior to this, Mr. Taylor, that if there was not enough pressure this whole thing, I mean for the water system itself, you know, if you have too many fixtures or your line is too small and then the next person on. Is this going to bring everybody's pressure down in their home, inside the home? That that instance they would need to put in new infrastructure anyway, it doesn't matter because of fire flow. Does that make sense?

MR. TAYLOR: I think to get to your point, earlier on in this bill I think one of the first things it says is that this is just about fire flow and not about domestic and landscaping capacity.

COUNCILMEMBER COUCH: Right.

MR. TAYLOR: So if we get to the next person on the list and we see the line isn't even adequate for regular domestic flow, this doesn't even apply to them, they're, they still have to do those upgrades.

COUNCILMEMBER COUCH: Okay.

MR. TAYLOR: So you have to do upgrades for your domestic flow. It just says if you can meet domestic regular flow but not fire flow, this applies to those applicants.

COUNCILMEMBER COUCH: Gotcha.

MR. TAYLOR: It doesn't give you a waiver from normal pressure and not affecting your neighbors for normal pressure, it's just about fire flow.

COUNCILMEMBER COUCH: Okay. So it's the inadequacy of, in the County system for fire flow, not for domestic pressure?

MR. TAYLOR: That's correct.

COUNCILMEMBER COUCH: Okay.

CHAIR BAISA: Okay.

COUNCILMEMBER COUCH: Then this might be a question for Corporation Counsel. Do we need to specify that here? Or because at the beginning it says this just for fire flow we're okay?

CHAIR BAISA: Mr. Kushi, please help.

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MR. KUSHI: In that section, Subsection 7 it does reference fire protection, at the end of the 7.1. They're waiving any claims regarding the issuance of...

COUNCILMEMBER COUCH: For fire protections. Okay.

MR. KUSHI: For fire protection.

COUNCILMEMBER COUCH: Okay. Thanks.

CHAIR BAISA: Thank you, Mr. Couch. You know, I wanna tell you guys that the legal Department has been working really, really hard on this. Not only Mr. Kushi but Ms. Oana have been working very, very hard. And, you know, we've been just asking them please, please, we need it, we need it, and we're trying to meet deadlines. And they have really worked hard on it. So I wanna say thank you, a lot of work has been put in here. Okay, more questions in this section? We'll move on. The...to B. Where are we? Yeah, B. The provisions of this section shall apply to applicants on the priority list as of January 1, 2013. An applicant who was formerly on the priority list and was offered water service by the Department after January 1, 2013, but declined water service due to the inability to complete water service [sic] improvements may be eligible to be placed back on the priority list and at their prior number. No. 1, if said applicant is still the owner of the premises listed on their prior application; 2) their application complies with Section 14.13.065(a) [sic] or (b), above. Such applicant shall be notified in writing by certified mail, return receipt requested, at the address listed on the application. The applicant shall be given 60 days from the date the certified mail was received by the applicant to complete and deliver to the Department an application for water service or to reserve an allocation of water service in accordance with the Department's established rules, regulations, and procedures. Failure to respond within 60 days or the return of the unsigned return receipt will be treated as a refusal of water service. Now this of course was included in here because after our last meeting with the Committee we had discussed and we agreed we wanted to be retroactive to that date. And that is the date that was set. Questions? Mr. Couch?

COUNCILMEMBER COUCH: Thank you. That goes back to my first question I guess is here it says said applicant is still the owner of the premises. What if that applicant had passed on and their family is still the owner of the premises?

CHAIR BAISA: Mr. Couch...I mean I'm sorry, Mr. Kushi, can you help?

MR. KUSHI: Well from a logistical practical standpoint I'm not sure how the Department will handle it. I would imagine they will just look at the TMKs that were offered and no service was issued, and send a notice to the registered owner of the TMK. Whether that owner passed on or not, we don't know. We would hope that his heirs or successors would come in. At that point in time I guess the Director would have a decision to make. But again, the Department has no way of knowing if they're not the owners or not.

COUNCILMEMBER COUCH: Right.



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MR. KUSHI: And, Madam, Chair if I may?

CHAIR BAISA: Yes, please, go right ahead.

MR. KUSHI: From our Department's standpoint we don't like retroactive laws, you know, we frown on anything going back in time. But we understand the Committee's desires and wishes. So we had to structure it such that we would give them another narrow window, a narrow, another second bite at the apple. But make it very narrow.

CHAIR BAISA: I told you we did a lot of horse trading.

COUNCILMEMBER COUCH: Oh, sure.

CHAIR BAISA: And here's another big horse.

COUNCILMEMBER COUCH: Yeah.

CHAIR BAISA: Yes, Mr. Couch?

COUNCILMEMBER COUCH: I'm guessing that the Department can say look and see if there's a sale to somebody with a different name or whatever as opposed to the family just gets it in the will and whatnot, that that is, there's enough wiggle room in that language for that to happen, is that?

CHAIR BAISA: I...yeah, Mr. Taylor, any comment? You must be already dealing with this, any of your people?

MR. TAYLOR: We are not dealing with this right now because it's still by TMK. So --

CHAIR BAISA: It's TMK?

MR. TAYLOR: --this would be something new for us. So I'm interested in what Corp. Counsel thinks.

CHAIR BAISA: Please go right ahead, Mr. Kushi.

MR. KUSHI: Yeah, I think the, one of the reasons why it lists it as, that the owner, the applicant should be the same owner is example if it was like a family type situation ownership, they're offered meters and they couldn't comply because it's too expensive. They sold a property to somebody like Jencks. Okay. So should we give Jencks the opportunity? Or should we track the previous owner? You know, that may come up. But I don't feel comfortable saying that just send the notice to the current owner of the TMK.

CHAIR BAISA: Yeah.

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MR. KUSHI: Because we're only talking about one lot, one meter, or two meters at the most. And again, and the Department also had the concern that some of these people who were offered meters they just didn't reply, they didn't respond. So we don't know whether they could afford it or not.

COUNCILMEMBER COUCH: Right.

MR. KUSHI: Okay. So that's another concern the engineers had. But those are my comments.

CHAIR BAISA: Okay. We can come back to that.

COUNCILMEMBER COUCH: No, I'm fine with that.

CHAIR BAISA: You're okay? Okay. Any further questions about that? If not, we'll move on. Okay. Said...I'm sorry, Ms. Willenbrink, you added some red stuff in there?

MS. WILLENBRINK: Yes, Chair. Based on what Corp. Counsel said. I don't have a microphone, I'm sorry.

CHAIR BAISA: Can you get near one? Unfortunately we're gonna want this on, in the record. Just for a minute, guys, don't go too far.

COUNCILMEMBER COCHRAN: Oh, that one.

CHAIR BAISA: Okay. Now she has her microphone so we'll be all set here, just a minute.

COUNCILMEMBER COUCH: I...Madam Chair?

CHAIR BAISA: Yes.

COUNCILMEMBER COUCH: Certainly I didn't intend for any changes, I was just curious on how they...

CHAIR BAISA: Okay. Well --

COUNCILMEMBER COUCH: So.

CHAIR BAISA: --if we want to make any, we can do it. I mean I'm fine, you're not recommending that. Okay.

MS. WILLENBRINK: Okay.

CHAIR BAISA: Ms. Willenbrink?

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MS. WILLENBRINK: I was just basing that on what Mr. Kushi said that he would be comfortable saying instead of still the owner that it is just the current owner of the lot since they go by TMK.

CHAIR BAISA: Mr. Taylor, did you wanna say something?

MR. TAYLOR: I would just ask for clarity on this from the Council about what it is you're intending because that language is pretty clear. That I mean from a practical standpoint, this date, it goes back about a year, year and a half. I think there's probably about 50 people, 50 applicants who said no. So we're going to send 50 letters to the same names. If it's the intention of the Council if somebody says oh I'm not the owner anymore, so and so's the owner. We really need some clarity of are we supposed accept the new owner or say sorry, you sold it, you're out. I would just ask for absolute clarity on that question.

CHAIR BAISA: Well, Members, it's our, you know, it's our kuleana to decide what we want it to do. Any feedback? You wanna offer it to a subsequent owner or you wanna limit it to the guy who made the application? I think that might not work because of inheritance and passing down land. Mr. Couch?

COUNCILMEMBER COUCH: Yeah. That's, certainly Mr. Kushi is gonna have to chime in here. But I wouldn't think that if I sold it to Ms. Crivello, she jumps ahead in the line now as opposed to I sold it to, or I mean I didn't sell it or even if I did sell it to my son --

CHAIR BAISA: For a dollar.

COUNCILMEMBER COUCH: --for a dollar --

CHAIR BAISA: Yeah

COUNCILMEMBER COUCH: --that, that is okay 'cause it's part of the family and, you know, or I died and it, I willed it to my family. That situation should be okay, whereas an outside person jumps ahead in the line, I don't think that works.

CHAIR BAISA: Ms. Crivello? Thank you, Mr. Couch.

COUNCILMEMBER CRIVELLO: Yeah. I'm understanding it's according to the TMK.

CHAIR BAISA: Right.

COUNCILMEMBER CRIVELLO: As far as with the list so.

CHAIR BAISA: So it didn't matter who owns it --

COUNCILMEMBER CRIVELLO: Yeah.

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CHAIR BAISA: --it's TMK. Is, are, is that what we're agreeing to, Members? I wanna be clear so that we do this and everybody's clear. Mr. Couch?

COUNCILMEMBER COUCH: I don't think it's appropriate for --

CHAIR BAISA: For this exemption.

COUNCILMEMBER COUCH: --in this exemption. I think this where it says said applicant is still the owner of the premises listed on their prior application, I understand the intent and agree with that intent so long it includes, you know, passing on through the family as opposed to a second party.

CHAIR BAISA: Maybe Mr. Kushi can help us here.

MR. KUSHI: Oh again, you know, if I gather the intent of the Committee and the Members, if the property was sold from A to B and B was the one who got noticed previously and refused service for whatever reasons. And now you're giving a chance to, for B to take advantage of this. And if the intent is to give a second chance or a second bite at the apple, this is not a second chance, this is a first chance. So you see, if you following that kind of rationale. But again, you know, it's up to the Committee what do you want and how is the Department gonna administer this.

CHAIR BAISA: Mr. Couch, one last and then we'll try to get others. Go ahead.

COUNCILMEMBER COUCH: Okay, so alright. Okay, that makes sense. So in the normal...without this, if I sell my home and I'm number ten on the list to Ms. Crivello, she now becomes number ten on the list.

CHAIR BAISA: She's number ten.

COUNCILMEMBER COUCH: Alright. Well, then that makes sense then. Sorry, I...

CHAIR BAISA: Okay. That was my understanding. But if there's objection about that then we need to discuss it so it doesn't come up later and somebody says, oh you didn't think about that, let's think about it now. Anybody, anything else? Members, do we need some...yeah, Mr. Taylor?

MR. TAYLOR: I was listening and I think I'm still confused. But I have a suggestion. It sounds like what the Members really want is what Mr. Couch is explaining. The current owner or a family member that they sold it to or left it to. And if that's the case why not just change the language to still the owner or a direct family member? I think there's a definition of direct family, something having to do with water about, you know, brother, father, or sister, et cetera. I mean why not use that and say that's who it's for? But if you said no, you deny, you said you're not interested and then sold it to somebody randomly, it wouldn't apply to them. I mean so you could do that or you could just say get rid of this and say it doesn't matter, just goes to the same TMK, the current owner of the TMK. I mean those are your two choices.

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COUNCILMEMBER COUCH: Right.

MR. TAYLOR: But I think we should be clear which one it is.

CHAIR BAISA: Okay. Mr. Kushi, any advice?

MR. KUSHI: None.

CHAIR BAISA: None, okay, well I guess it's our bag, folks. Anybody trying to comment over here? Mr. White, any comment?

COUNCILMEMBER WHITE: Well I, it's only 50 owners that we're talking about. I'm, you know, I think it's gonna be cleanest if we just say it like with everything else it just goes to the TMK.

COUNCILMEMBER COUCH: Yeah.

CHAIR BAISA: Yeah.

COUNCILMEMBER COUCH: Yeah.

CHAIR BAISA: Yeah.

COUNCILMEMBER COUCH: Yeah.

CHAIR BAISA: Okay. Alright.

COUNCILMEMBER WHITE: Yeah, I know, you know, I don't particularly like the idea of somebody who's buying it hopscotching someone else. But at the same time, it's...

CHAIR BAISA: Yeah. Okay. Are we, any objections to leaving that with TMK, folks? I don't see any...Ms. Cochran?

MR. KUSHI: You might have a rush of sales --

COUNCILMEMBER COCHRAN: Mr. Kushi.

MR. KUSHI: --for...

CHAIR BAISA: Mr. Kushi?

MR. KUSHI: You might have a rush of purchase and sales before this thing passes.

CHAIR BAISA: No, we're going to...

MR. KUSHI: You deal with it.

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CHAIR BAISA: We're going to pass it quick then.

COUNCILMEMBER COUCH: So in essence, Madam Chair, we're getting rid of No. 1?

MS. WILLENBRINK: We don't even need it.

COUNCILMEMBER COUCH: Just completely getting rid of it.

CHAIR BAISA: We wanna remove it?

COUNCILMEMBER COUCH: If we wanna keep it with goes with the TMK. Since the water meter list already goes with the TMK.

CHAIR BAISA: Said applicant is still the owner of the premises listed on their prior application. Okay. Well I'm the one who applied, I died, I will the land to my son so now he owns it.

COUNCILMEMBER COUCH: Or the family sells it.

CHAIR BAISA: Or my family says we don't want it and they sell it. Now I don't mind my son having it. But should the guy that bought it have it? That's how we're operating because we're operating by TMK.

COUNCILMEMBER COUCH: Right. And --

CHAIR BAISA: Yeah.

COUNCILMEMBER COUCH: --currently the way the rule exists without this exemption, new exemption, that's okay. If you sell --

CHAIR BAISA: Yeah, it's okay.

COUNCILMEMBER COUCH: --it, that person still, they hopscotch in front of the line. That's --

CHAIR BAISA: That's the way...

COUNCILMEMBER COUCH: --the current rule exists. That's what...

MR. KUSHI: No. Madam Chair?

CHAIR BAISA: Yes.

MR. KUSHI: The current rule is...if you're talking about this...

COUNCILMEMBER COUCH: Not this one, no, the Upcountry meter list.

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CHAIR BAISA: Yeah.

COUNCILMEMBER COUCH: In general is if I sell my house to Ms. Crivello she gets number ten on the list --

CHAIR BAISA: My position --

COUNCILMEMBER COUCH: --'cause the --

CHAIR BAISA: --on the Upcountry meter list.

COUNCILMEMBER COUCH: --'cause it goes with the TMK.

MR. KUSHI: Right.

CHAIR BAISA: Right.

COUNCILMEMBER COUCH: And so if we're going with the TMK on that there's no reason not to go with the TMK on this.

CHAIR BAISA: Mr. Taylor?

MR. TAYLOR: I have to agree with Chairman White that it probably makes most sense to just use the current owner of the TMK. From a practical standpoint. This only started a year and a half ago.

COUNCILMEMBER COUCH: Right.

MR. TAYLOR: There's only 50.

COUNCILMEMBER COUCH: Right.

MR. TAYLOR: I would be shocked if there's even four of these properties that have changed ownership.

CHAIR BAISA: Right.

MR. TAYLOR: There probably aren't any, you know, so I think we're having a lot of discussion where probably this doesn't, situation doesn't even exist. And if it does it's gonna be one or two.

CHAIR BAISA: Okay. Okay.

COUNCILMEMBER COUCH: So remove No. 1.

CHAIR BAISA: So we remove No. 1.

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MS. WILLENBRINK: Completely.

CHAIR BAISA: Okay. Do we need any...a motion?

MR. KUSHI: Madam Chair, if that's the intent, I can work with, we'll work with Staff to reword Subsection B, as in boy.

CHAIR BAISA: Okay. Thank you very...

MR. KUSHI: 'Cause I think we need to start from the very beginning --

CHAIR BAISA: Okay.

MR. KUSHI: --which does refer to applicants --

CHAIR BAISA: Okay.

MR. KUSHI: --et cetera.

CHAIR BAISA: Alright, mister...

MR. KUSHI: The intent being that notice will be sent to the owner of the --

CHAIR BAISA: Okay.

MR. KUSHI: --TMK.

CHAIR BAISA: Okay. So Mr. Kushi and Staff will work on rewording so we have this thing in line with what we're trying to do. Okay. Moving on.

COUNCILMEMBER COCHRAN: Break?

CHAIR BAISA: Oh, I'm sorry, Ms. Cochran?

COUNCILMEMBER COCHRAN: No.

CHAIR BAISA: You need a break? Why?

MR. KUSHI: Too much water.

CHAIR BAISA: We're...

COUNCILMEMBER COUCH: Too much water. ...*(laughter)*...

CHAIR BAISA: I think it's time that we need a water break. So, Members, everybody, we're going to take a little break here. Try and get back on time please. We'll try to do a



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ten-minute break if we can and I'd appreciate your promptness. Thank you very much. This meeting is in recess. . . .(gavel). . .

**RECESS: 10:29 a.m.**

**RECONVENE: 10:46 a.m.**

CHAIR BAISA: . . .(gavel). . . Will the meeting please come back to order. Okay. Let's move on here. We're now at Section 3, Section 14.13.100, Maui County Code, is amended to read as follows: Applicability. Prior to the enactment of this chapter the board promulgated an administrative rule known as the "Water Meter Issuance Rule for the Upcountry Water System," which rule is codified as Chapter 106, Subtitle 1, Title MC-16 of the rules and regulations of the Department of Water Supply, County of Maui. No provisions contained in this chapter shall affect the rights, privileges, remedies, requirements, or duties of any applicant or the Department in accordance with said Chapter 106 that have accrued prior to the effective date of this chapter. Now we're adding, further, the Council is aware that for many years, this Code has required water meter applicants to complete water system improvements, including fire protection improvements, to their premises and/or to the Department's water system prior to the installation of a water meter. The Council understands that such requirement caused considerable expense to some applicants who accepted that responsibility in exchange for water service to their premises. However, it is the Council's desire to move forward and eliminate obstacles for Upcountry residents to receive water service. Therefore, it is the Council's express intent that nothing herein shall give rise to a cause of action against the County or the Department for full reimbursement for past installed improvements or for loss of value to real property caused by any action or Code requirements prior to the effective date of Section 14.13.065 of this Code relating to the acceptance or refusal of water service from the Department, and to the requirement of the installation of water system improvements. In Section 4 is new material is underscored. In printing this bill, the County Clerk need not include the underscoring. This ordinance shall take effect upon its approval. Any questions on that section? Mr. Couch?

COUNCILMEMBER COUCH: I don't know if it's something that we wanna say in open session, too. So I'm just curious on, as to Mr. Kushi's comments on this section.

CHAIR BAISA: I'm sure Mr. Kushi will be happy to comment. Mr. Kushi? And if it's no can, it's no can.

MR. KUSHI: Yes, this is about the applicability, the new language, yeah. It's frankly, it's basically to protect our okole statement and express and state your intent in terms of these new changes. You know, laws are not set in stone, they change. But then, you know, an applicant three years ago faced with different circumstances, requirements, now you're changing that.

COUNCILMEMBER COUCH: Which happens all the time.

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MR. KUSHI: Right.

COUNCILMEMBER COUCH: Which happens all the time right.

MR. KUSHI: Again and in light of the retroactivity, the second chance --

COUNCILMEMBER COUCH: Gotcha.

MR. KUSHI: --we need it to state that.

COUNCILMEMBER COUCH: Okay, thank you. Thank you, Chair.

CHAIR BAISA: Okay. Are there any other questions in this section? Seeing none, is there any question that you folks have in the entire bill? What the Chair's intent today is, is again, we have received wonderful input today and I wanna really thank my Committee and I wanna thank the testifiers who came today to share their manao. We are going to take this bill back one more time. And we're gonna ask Mr. Kushi to take another good look at it. And to clarify some of the language, there was a discussion about the TMKs and those kinds of things. And we will bring a final draft or a final proposal to you hopefully very soon. And hopefully be ready for our next meeting as I want to get this out of Committee so we can get it going through the process and get things moving for people as quickly as we can. So that is what the Chair would intend to do. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. I would like to see if there's any possibility we can put a sunset clause in this, just in case or should...I mean...

CHAIR BAISA: Mr. Kushi, any comments? I guess there is a sunset clause, when the list is gone, it's gone. But it could be sooner of course.

MR. KUSHI: Yeah, Madam Chair, the entire chapter, Chapter 14.13, the priority list, water meter issuance rule, the entire chapter is subject to review every two years. So, you know...

COUNCILMEMBER COUCH: Okay.

MR. KUSHI: And that started in January 2, 2014 and every two years thereafter so.

COUNCILMEMBER COUCH: Okay.

MR. KUSHI: There's an automatic, not sunset but a mandated review.

COUNCILMEMBER COUCH: That's --

CHAIR BAISA: Okay.

COUNCILMEMBER COUCH: --fine.

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CHAIR BAISA: Is there anything else that any of the Members would like to bring up? Yes, Mr. Couch?

COUNCILMEMBER COUCH: Lastly, I just would like to get kind of on the record, so we pass this bill and somebody wants to come in and they have a lot they want to subdivide to a second lot and they want a house and a cottage on each lot. What are they gonna be required to do from the Fire Department? Are they gonna be required to have sprinklers? Because that exemption got removed I think. Are they gonna be required to still have the fire hydrant and the fire flow? Because of all the exemptions and exceptions to exemptions and things like that, what is the actual result of this bill?

CHAIR BAISA: Lieutenant English, if you could please address that.

MR. ENGLISH: Member Couch, so basically if they're gonna do a subdivision of these two lots or less, when the subdivision application comes in for our review, we're gonna flag those lots.

COUNCILMEMBER COUCH: Okay.

MR. ENGLISH: And all permits on that lots will be routed to building, over to Fire for review. During that review we're gonna apply the Fire Code section to show first you need to be within 500 feet of a fire hydrant or standpipe. If you're beyond that, then your options are you sprinkler the buildings if it's over a 1,000 square feet or you provide an onsite water tank that we can use to provide fire protection. And the water tank would be based on the size of the buildings.

COUNCILMEMBER COUCH: Okay. So that's either or?

MR. ENGLISH: Yes.

COUNCILMEMBER COUCH: You got...and the fire hydrant, did you say fire hydrant or standpipe?

MR. ENGLISH: Right now our Code is within 500 feet of a fire hydrant or standpipe.

COUNCILMEMBER COUCH: Or standpipe.

MR. ENGLISH: If you're beyond that then you have to, you have these two options.

COUNCILMEMBER COUCH: Sure.

MR. ENGLISH: If you're within that 500 feet, nothing needed.

COUNCILMEMBER COUCH: So if you're within that 500 feet does there...a requirement of a minimum fire flow?

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MR. ENGLISH: No.

COUNCILMEMBER COUCH: Okay. So you've got a standpipe there, it goes 250, this new bill will allow the, basically four structures, maximum four structures?

MR. ENGLISH: Probably, I mean four dwellings, I mean --

COUNCILMEMBER COUCH: Dwellings.

MR. ENGLISH: --but they need to be build accessory dwellings.

COUNCILMEMBER COUCH: Right, right.

MR. ENGLISH: I mean accessory buildings.

COUNCILMEMBER COUCH: Okay. I just wanted to get that kind of on the record, and Mr. Kushi looks like...

CHAIR BAISA: Mr. Kushi, go ahead. Thank you, Mr. Couch.

MR. KUSHI: Yeah, following up with that, Mr. Couch and other Members. To be clear, this bill exempts the Water Department from imposing their fire protection requirements on subdivisions. Okay. So take one step at a time. Subdivisions, if it's two lots, if it's less than two lots, two lots or less, two-lot subdivision can't be less than that, the subdivision will go through because the meter will be issued. The problem, the situation comes in when they apply for building permits. That's the step two, but the subdivision will be routed through and probably approved. Okay. So take one step at a time. And then when they come for building permits then they would have to go to Fire for fire protection.

COUNCILMEMBER COUCH: Right, but I guess fire protection doesn't have a fire flow requirement then or do they? This is where I'm confused.

MR. KUSHI: In the references to, you know, that new chapter, they have their own requirements.

COUNCILMEMBER COUCH: So they still have to meet those requirements?

MR. KUSHI: Correct, 'cause but they don't have to meet Water's requirements. As long as potable and irrigation, domestic irrigation service is adequate. And for --

CHAIR BAISA: I think we getting muddied up again.

MR. KUSHI: --subdivision requirements, even Fire will waive their subdivision requirements if it's a two-lot subdivision.

COUNCILMEMBER COUCH: Okay.

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CHAIR BAISA: Okay.

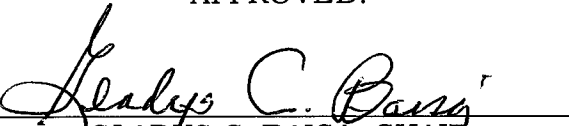
COUNCILMEMBER COUCH: I think I have it. Thank you.

CHAIR BAISA: Okay. Any further questions? Okay, Members, again like I said, thank you very much for all the questions and for your input. I think we're ready to work on a final bill that we will bring back to you. I'd like to thank especially the Water and the Fire Departments and the legal Department. They've worked really, really hard with me on this. And, you know, there is a real spirit of cooperation going as we're trying to find some at least little solutions to these problems that we've had for a very long time. So I'm extremely grateful for my Staff and everybody who's worked so hard. But I think we've discussed, you know, everything today and we're feeling comfortable. I'd like to thank my Staff. They work really hard. Ms. Willenbrink runs in and out of my office constantly trying to take care of everything. I really appreciate that, Kim. And without further business, Members, this meeting is adjourned...and this matter of course will be deferred, and the meeting is adjourned. I want to make sure I deal with the item. Thank you. Meeting adjourned. . . .(gavel). . .

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

**ADJOURN:** 10:57 a.m.

APPROVED:

  
GLADYS C. BAISA, CHAIR  
Water Resources Committee

wr:min:150722:jp

Transcribed by: Jean Pokipala

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CERTIFICATE

I, Jean Pokipala, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 12th day of August, 2015, in Wailuku, Hawaii.

  
\_\_\_\_\_  
Jean Pokipala