

COUNCIL OF THE COUNTY OF MAUI

DISASTER RECOVERY, INTERNATIONAL AFFAIRS, AND PLANNING COMMITTEE

January 7, 2026

**Committee
Report No. _____**

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

Chair and Members:

Your Disaster Recovery, International Affairs, and Planning Committee, having met on December 17, 2025, makes reference to Bill 161 (2025), entitled “A BILL FOR AN ORDINANCE IMPOSING INTERIM RESTRICTIONS ON NEW PRIVATE SWIMMING POOLS IN THE WEST MAUI COMMUNITY PLAN AREA.”

Bill 161’s purpose is to establish restrictions on the permitting and construction of new private swimming pools in the West Maui Community Plan Area until December 31, 2030, or until specified conditions relating to water availability have been satisfied, whichever is earlier.

The conditions specified in the bill are:

- All three phases of the West Maui groundwater availability study are complete.
- The State Commission on Water Resource Management determines that the West Maui system’s reliable capacity, including pre-fire system requirements, exceeds demand.
- The Department of Water Supply develops or acquires additional water source in West Maui sufficient to address the rebuilding of structures lost in the August 2023 Maui wildfires and the domestic water needs of new residential development for which permits are sought.

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Your Committee further notes that the Council requested the Maui Planning Commission's and Board of Water Supply's review of the proposed bill attached to Resolution 25-115, adopted on May 16, 2025.

At its meeting of June 19, 2025, the Board of Water Supply supported the proposed bill. On July 17, 2025, the Board adopted a letter of support but emphasized the importance of implementing water-conservation measures beyond the proposed pool restrictions.

At its meeting of September 9, 2025, the Maui Planning Commission recommended approval of the proposed bill, with amendments to:

- Consolidate the proposed sections on restrictions and duration;
- Extend the duration of the restrictions by two years, from December 31, 2028, to December 31, 2030, or until all conditions in proposed Section 19.98.040, Maui County Code, have been satisfied; and
- Delete the penalties section, noting that penalties are already covered under Code Chapter 19.530.

The Maui Planning Commission also requested that the Council consider moving the provisions into the Building Code.

At your Committee's meeting, the Director of Public Works explained that the Building Code's intent is to set minimum requirements to protect the public health and safety of occupants in new and existing buildings. He said Bill 161's provisions are not related to that purpose. Thus, he believed the provisions are more appropriately placed in the Comprehensive Zoning Code.

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Your Committee notes that the Department of Water Supply declared a Stage 2 water shortage for West Maui, effective September 4, 2025. While recent rainfall has brought some relief, the shortage remains unabated.

Your Committee further notes that even before the August 2023 Maui wildfires, West Maui's water demand exceeded the West Maui system's reliable capacity by 29.1 percent. Wells were pumped in excess of their reliable capacity to meet this demand.

Your Committee noted that ensuring water availability in Lahaina is a priority to support growing housing needs. Further, the bill supports the following Maui Island Plan goal and policies:

- “Maui will have an environmentally sustainable, reliable, safe, and efficient water system.” (Page 6-23)
- “Work with appropriate State and County agencies to achieve a balance in resolving the needs of water users in keeping with the water allocation priorities of the MIP.” (Page 6-24)
- “Ensure water conservation through education, incentives, and regulations.” (Page 6-24)

Your Committee further noted that the bill is intended to allow for the reconstruction of swimming pools in the West Maui Community Plan Area that were destroyed by the August 2023 Maui wildfires. Your Committee amended the bill to specify that reconstruction of a private swimming pool is also exempt and to incorporate nonsubstantive revisions.

Your Committee expressed support for the bill, as amended, to promote water conservation and responsible water use.

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Your Committee notes that Bill 161 incorporates the Maui Planning Commission's recommended modifications. So, the requirement of an affirmative vote of two thirds of the Council's entire membership is not triggered under Charter Section 8-8.6(2).

Your Committee voted 7-0 to recommend passage of Bill 161, CD1 (2025), on first reading. Committee Chair Paltin, Vice-Chair U'u-Hodgins, and members Cook, Johnson, Lee, Rawlins-Fernandez, and Sinenci voted "aye." Committee member Sugimura was excused.

Your Committee is in receipt of Bill 161, CD1 (2025), approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revision and nonsubstantive revisions.

Your Disaster Recovery, International Affairs, and Planning Committee RECOMMENDS that Bill 161, CD1 (2025), attached, entitled "A BILL FOR AN ORDINANCE IMPOSING INTERIM RESTRICTIONS ON NEW PRIVATE SWIMMING POOLS IN THE WEST MAUI COMMUNITY PLAN AREA," be PASSED ON FIRST READING and be ORDERED TO PRINT.

This report is submitted in accordance with Rule 3 of the Rules of the Council.



TAMARA PALTIN, Chair

ORDINANCE NO. _____

BILL NO. 161, CD1 (2025)

A BILL FOR AN ORDINANCE IMPOSING INTERIM RESTRICTIONS ON NEW PRIVATE SWIMMING POOLS IN THE WEST MAUI COMMUNITY PLAN AREA

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

SECTION 1. By Resolution 25-115, adopted on May 16, 2025, the Council referred to the Maui Planning Commission and Board of Water Supply a proposed bill to impose interim restrictions on new private swimming pools in the West Maui Community Plan Area. By County Communication 185-25, dated September 19, 2025, the Planning Director transmitted and summarized comments on the proposed bill by the Department of Planning, Board of Water Supply, and Maui Planning Commission.

This Ordinance's purpose is to exercise the Council's zoning authority under Section 46-4, Hawai'i Revised Statutes, and Section 8-8.6, Revised Charter of the County of Maui (1983), as amended, to impose interim restrictions on new private swimming pools in the West Maui Community Plan Area.

SECTION 2. Title 19, Maui County Code, is amended by adding a new chapter to read as follows:

"Chapter 19.98

**INTERIM RESTRICTIONS ON NEW PRIVATE SWIMMING POOLS
IN THE WEST MAUI COMMUNITY PLAN AREA**

Sections:

19.98.010 Findings and purpose.

19.98.020 Authority.

19.98.030 Applicability.

19.98.040 Restrictions.

19.98.050 Exemptions.

19.98.010 Findings and purpose. The council finds that the State commission on water resource management designated the Lahaina aquifer sector area as a Surface and Ground Water Management Area, effective August 6, 2022. The Lahaina aquifer sector area consists of the Honokōhau, Honolulu, Honokahua, Kahana, Honokōwai, Wahikuli, Kahoma, Kaua‘ula, Launiupoko, Olowalu, and Ukumehame surface water hydrologic units and the Honokōhau, Honolulu, Honokōwai, Launiupoko, Olowalu, and Ukumehame groundwater hydrologic units.

In its decision, the commission determined that:

- The surface and ground water resources in the Lahaina aquifer sector area may be threatened by existing or proposed withdrawals or diversions of water;
- Saltwater intrusion harms groundwater quantity and quality;
- Serious historic and ongoing disputes over current and planned uses of water exist;
- Climate uncertainty and potential drought and decline in rainfall and recharge exist; and
- Surface and groundwater interaction and connection should be managed in an integrated manner.

A year later, wildfires destroyed more than 2,200 structures in Lahaina. In the wake of the wildfires, property owners are seeking to rebuild, and the County is seeking to grow its residential workforce-housing inventory.

According to the commission on water resource management, the Lahaina aquifer sector area provides water for everyone in West Maui. The council finds that supplying water to support stable housing for West Maui residents is an urgent priority. The council further finds that a private swimming pool is an amenity that requires a large quantity of potable water but does not serve essential housing needs. In addition, the West Maui community has access to public swimming pools and beaches for recreation and exercise.

This chapter’s purpose is to impose an interim restriction on the permitting and construction of new private swimming pools in the West Maui community plan area.

19.98.020 Authority. This chapter is adopted under the authority of the revised charter of the County of Maui (1983), as amended, and chapter 46, Hawai'i Revised Statutes.

19.98.030 Applicability. This chapter applies to all properties within the West Maui community plan area.

19.98.040 Restrictions. No County employee or agency may issue a permit for the construction of a new private swimming pool in the West Maui community plan area until December 31, 2030, or until all of the following conditions have been satisfied, whichever is earlier:

A. All three phases of the West Maui groundwater availability study are complete, consisting of:

1. Phase 1: Field reconnaissance, securing permits, study design, and developing monitoring well specifications.
2. Phase 2: Well monitoring and needs assessment for additional wells.
3. Phase 3: Drilling additional wells warranted by Phases 1 and 2 and collecting at least one year of production data for those wells.

B. The State commission on water resource management determines that reliable capacity for the West Maui system, including pre-fire system requirements, exceeds demand.

C. The department of water supply develops or acquires an additional West Maui water source sufficient to address the rebuilding of structures lost in the August 2023 Maui wildfires and the domestic water needs of new residential development for which permits are sought.

19.98.050 Exemptions. This chapter does not prevent:

A. The processing, approval, or granting of a permit for the construction of a private swimming pool in the West Maui community plan area that was complete and properly filed with the applicable agency before the effective date of the ordinance establishing this chapter.

B. The construction of a private swimming pool in the West Maui community plan area for which required permits were obtained before the effective date of the ordinance establishing this chapter.

C. The permitting and construction of a private swimming pool when a property's covenants, conditions, and restrictions, if any, explicitly allowed the swimming pool before the effective date of the ordinance establishing this chapter.

D. Repairs to, reconstruction, and maintenance of a private swimming pool constructed before the effective date of the ordinance establishing this chapter.

E. The permitting and construction of a public swimming pool.”

SECTION 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

Department of the Corporation Counsel
County of Maui

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INTRODUCED BY:

Tamara A. M. Paltin

TAMARA PALTIN