

REQUEST FOR LEGAL SERVICES

Date: December 18, 2025
From: Tamara Paltin, Chair
Disaster Recovery, International Affairs, and Planning Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael J. Hopper, Esq.

Subject: BILL 161 (2025), IMPOSING INTERIM RESTRICTIONS ON NEW PRIVATE SWIMMING POOLS IN THE WEST MAUI COMMUNITY PLAN AREA (DRIP-20)

Background Data: Please see revised bill. Please submit your response to drip.committee@mauicounty.us with a reference to DRIP-20.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Tamara Paltin, Chair	Contact Person <u>Jarret Pascual or Carla Nakata</u> (Telephone Extension: <u>7141 or 5519, respectively</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): December 30, 2025
REASON: For posting on the January 9, 2026, Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

drip:ltr:020acc02:jpp

Attachment

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:

Department of the Corporation Counsel
County of Maui

drip:misc:020abill02:jpp

INTRODUCED BY:

Tamara A. M. Paltin

TAMARA PALTIN

DRIP Committee

From: DRIP Committee
Sent: Friday, December 19, 2025 9:07 AM
To: corpcounselrfls@co.maui.hi.us
Cc: DRIP Committee
Subject: (OCS) (DRIP-20); reply by 12/30/25
Attachments: 020acc02.pdf

Mahalo,
DRIP Committee