

Bill 161 - Imposing Interim Restrictions on New Private Swimming Pools in the West Maui Community Plan Area

Disaster Recovery, International Affairs, and
Planning Committee Meeting

December 17, 2025



Background:

- ▶ May 16, 2025 – County Council adopted Resolution No. 25-115 referring the proposed bill to the Planning Commissions and Board of Water Supply

- ▶ Board of Water Supply Meetings – June 19 and July 17 (Letter)
 - ▶ Support for Bill
 - ▶ Recommended Council consider additional water conservation measures

- ▶ Director of Department of Water Supply - June 10 Letter
 - ▶ Evaporation rates from swimming pools
 - ▶ Recommended swimming pool covers – approx. 90% evaporation reduction



Proposed Code Amendment

- ▶ **Proposed Revisions (Council Resolution 25-115 – May 16, 2025):**
 - ▶ Add new Chapter 19.98 to the MCC.
 - ▶ Restrict construction of new swimming pools in West Maui Community Plan only
 - ▶ Limited duration
 - ▶ Until one or more of the 3 conditions in section 19.98.040 are satisfied or December 31, 2028, whichever is sooner
 - ▶ Exemptions: Application complete or permit issued; CC&Rs already permits; Repairs/Maintenance of existing pools; Public Pools
 - ▶ Penalties: Enforcement Mechanism



Department Recommendation to PCs

- ▶ **Department supports water conservation efforts**
 - ▶ Consistent with General Plan – Management of Water Resources
 - ▶ LRD list of Policies
 - ▶ Policy Matter – restrict private property right in favor of water conservation

Recommended minor modifications:

1. Bill Structure – combine duration into same section
2. Remove Enforcement Section – already addressed in MCC
3. Other Water Conservation Measures – swimming pool covers; others?
4. Location of Proposed Ordinance – Title 19-Zoning? Title 16-Buildings and Construction? Title 14-Public Services/Water Conservation?



Maui PC Recommendation:

Maui Planning Commission (September 9, 2025)

- ▶ Recommend approval of proposed bill with amendments:
 1. Support Department's recommendations to combined the duration sections. **Also, extend duration requirement to expire December 31, 2030, instead of December 31, 2028, or all conditions have been satisfied. (ASF Implements)**
 2. Support Department's recommendation to remove section 19.98.070 – Penalties. (ASF Implements)
 3. Urge the Council to consider additional water conservation measures (swimming pool covers, irrigation restrictions, using grey water for irrigation, use of native plants) and urged Council to advance the Water Conservation Bill being proposed by the Department of Water Supply (Bill 158 – WAI Committee Mtg. 12/17/25)
 4. Support the Department's recommendation that the Council consider placing the ordinance in another title – Title 16

DRIP Committee

From: Gregory J. Pfof <Gregory.J.Pfof@co.maui.hi.us>
Sent: Tuesday, December 16, 2025 9:01 AM
To: DRIP Committee
Subject: Bill 161 - Planning Dept. Presentation - December 17, 2025
Attachments: Planning PPT Swimming Pools Restriction - DRIP Committee.pptx

Aloha-

Attached is the Planning Department's PowerPoint presentation regarding Bill 161 on the December 17, 2025, meeting agenda.

Mahalo,

Greg.

Gregory Pfof, AICP

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